

## BRITISH COLUMBIA HUMANIST ASSOCIATION

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## RECOGNIZING DISCRIMINATION AGAINST THE NONRELIGIOUS

*A brief for the Standing Committee on Canadian Heritage regarding Systemic Racism and Religious Discrimination*

By Ian Bushfield, Executive Director

The BC Humanist Association applauds the committee for undertaking this important study of systemic racism and religious discrimination in Canada. We recommend members take this opportunity to also look at the effects of religious privilege and discrimination against the nonreligious. In particular, we wish to highlight the challenges faced by atheists and the nonreligious within immigrant and indigenous communities, who are often overlooked in stereotypical portrayals. Finally, we offer our brief comments on the debates over terminology that have arisen in the context of these discussions.

Many of our comments could warrant entire submissions of their own but for brevity's sake, we've chosen to highlight some of the issues that we've worked on and wherever possible have referenced larger bodies of work. We welcome the opportunity to discuss these issues with any member of the committee further.

### About the BC Humanist Association

Since 1984, the British Columbia Humanist Association has campaigned for progressive and secular values. Humanism is a worldview that promotes human dignity without belief in a higher power. Humanists have a long commitment to democracy and human rights. We support the principles of social justice and fighting against discrimination. The Universal Declaration of Human Rights, the Charter of Rights and Freedoms and various Human Rights Acts across Canada exemplify Humanist values. Henry Morgentaler founded Humanist Canada during the fight for reproductive freedoms and our own Association has been involved in campaigning for secularism in schools, supporting LGBTQ rights and the right to die with dignity.

## Prevalence of and attitudes toward the nonreligious

Statistics Canada's 2011 National Household Survey<sup>1</sup>, which replaced the previous long-form census, found that the percentage of Canadians who are religiously unaffiliated has nearly doubled in 20 years, from 12.4% in 1991 to 23.8% in 2011. In BC 44.1% of the population in 2011 reported "no religion", the highest of any province.

We believe Statistics Canada's data inflates the religiosity of Canadians. The survey asks someone's religion "even if they are not currently a practising member of that group." To get a more accurate sense of the true religiosity of British Columbians, we commissioned Justason Market Intelligence in April 2013<sup>2</sup> and Insights West in June 2016<sup>3</sup> to poll British Columbians on a number of questions. When asked "Do you practice or participate in a particular religion or faith?" 69% said no in 2016, a rise from 64% who said no in 2013. Further, 70% said they believed in a higher power in 2013 while only 56% said so in 2016.

Canadians generally have a more positive view of atheists and the nonreligious than Americans. According to a 2017 survey by the Angus Reid Institute, 80% of Canadians would vote for an atheist for prime minister, compared to only 52% of Americans who'd vote for an atheist for president.<sup>4</sup> A 2015 Angus Reid Institute survey, however, did find that 22% of Canadians "feel a bit uncomfortable around people who have no use for religion" and also have a negative view toward atheists.<sup>5</sup> 41% of those who are "inclined to embrace religion" feel uncomfortable around atheists and 67% of Canadians do not think "the growth in atheism is a good thing for life in Canada."

## Religious privilege

Canada is a colonial state that results from the competition between the empires of Anglican England and Catholic France during the 15<sup>th</sup>-18<sup>th</sup> centuries. By confederation, the England had defeated the French colonists and reached a compromise where minority religious rights were protected in both regions. This biculturalism paved the path for Canada's later policy of multiculturalism. Nevertheless, those founding legacies permeate every legal, governmental and societal structure of the country.

The result of this, coupled with the forced Christianization of indigenous peoples, is that the Christian worldview is the default in Canada. It tends to be prioritized over indigenous and minority faiths, as well as those with no religious worldview. This privileged position ranges from the purely symbolic to laws and education.

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<sup>1</sup> Statistics Canada, 2011 National Household Survey, Statistics Canada Catalogue no. 99-010-X2011032.

<sup>2</sup> [http://www.bchumanist.ca/2013\\_bc\\_religious\\_and\\_secular\\_attitudes\\_poll](http://www.bchumanist.ca/2013_bc_religious_and_secular_attitudes_poll)

<sup>3</sup> [http://www.bchumanist.ca/religious\\_and\\_secular\\_attitudes\\_2016](http://www.bchumanist.ca/religious_and_secular_attitudes_2016)

<sup>4</sup> <http://angusreid.org/who-could-be-prime-minister-president/>

<sup>5</sup> <http://angusreid.org/faith-in-canada/>

Even the framing of this committee’s work as studying, in part, “religious discrimination” could be seen as ignoring issues facing the nonreligious community. We do not dispute the urgency with which our society must tackle rising bigotry and hatred against minority faith communities, notably Muslim and Jewish communities. Nevertheless, issues of religious privilege and discrimination against the nonreligious often affect those communities as much as they affect atheists. This study therefore seems the appropriate forum with which to raise these issues.

These examples of institutionalized religious privilege can create a climate where religion is seen as the norm. In smaller communities this can create stigma around atheists, which can lead to ostracism and social isolation.

### Symbolic privilege

Canada’s national anthem and Charter of Rights and Freedoms both exemplify the symbolic privilege afforded to religion in Canada. The English version of O Canada includes the line “God keep our land” and the French version includes “Il sait porter la croix” and speaks of “de foi trempée”. It’s worth noting that some original versions of the anthem contained no religious references.<sup>6</sup>

The preamble of the Charter states, “Canada is founded upon principles that recognize the supremacy of God and the rule of law.” The Supreme Court of Canada has ruled that the preamble “articulates the political theory” for the Charter and that it “cannot lead to an interpretation of freedom of conscience and religion that authorizes the state to consciously profess a theistic faith.”<sup>7</sup> The preamble was not included in early drafts of the Charter and was only included after pressure from conservative religious groups.<sup>8</sup> In 1999, NDP MP Svend Robinson presented a petition from Humanist Canada signed by over 1000 Canadians calling for God to be removed from the Charter. Robinson was relegated to the backbenches by his party for this.<sup>9</sup>

The prayer said before Parliament and many legislatures also generally prioritizes theistic worldviews over nontheistic ones. Most legislatures, including British Columbia’s, now invite leaders of different faith communities to provide the prayer, rather than simply reciting the Lord’s Prayer. However, as the Supreme Court of Canada ruled, “Even if [governmental prayer] is said to be inclusive, it may nevertheless exclude non-believers.”<sup>7</sup>

Additionally, many private and ostensibly secular organizations, including Scouts Canada<sup>10</sup> and the Iron Ring<sup>11</sup>, include pledges to God.

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<sup>6</sup> <http://www.thecanadianencyclopedia.ca/en/article/o-canada/>

<sup>7</sup> *Mouvement laïque québécois v. Saguenay (City)*, 2015 SCC 16, [2015] 2 S.C.R. 3

<sup>8</sup> <http://centreforinquiry.ca/a-brief-history-of-secularism-in-canada/>

<sup>9</sup> <http://www.cbc.ca/news/canada/robinson-disciplined-for-no-god-petition-1.181768>

<sup>10</sup> <http://www.cbc.ca/parents/learning/view/why-does-my-beaver-scout-have-to-promise-to-love-god>

<sup>11</sup> <http://terahertzatheist.ca/2009/03/19/an-open-letter-re-the-iron-ring/>

## The census

As pointed out above, Statistics Canada's data on the religious makeup of Canadians conflates religious identity with active religious participation. This data is used by all levels of government, law enforcement, civil society and companies to decide policy and strategy. The tangible effect of this is that faith-based organizations justify creating additional services in areas where, despite the census data, the overwhelming majority do not practice a faith<sup>12</sup> and may prefer secular services. This can include daycares, independent schools, homeless shelters and healthcare facilities.

Further, even without the qualifying phrase "even if no longer practicing", the question "What is your religion?" still presumes the respondent is religious. This is the question used in England and Wales and as Humanists UK has pointed out, it still measures, at best, "the loosest of cultural affiliation rather than any sense of belonging, belief of practice."<sup>13</sup>

Good public policy requires good evidence. The current data available from Statistics Canada fails to capture the true religious and nonreligious diversity of Canadians and this can also obscure the diversity of minority faith communities.

## Human Rights Act

The Canadian Human Rights Act, and most provincial codes, include "religion" as a protected class. While we believe jurisprudence has been clear that this protection extends to atheists and the nonreligious, it's not explicitly clear that it does. To underline this concern, the Quebec Human Rights Commission dismissed a complaint by a Humanist organization by saying that Humanism was not a religion and therefore Humanists are not protected from discrimination.<sup>14</sup>

We have therefore recommended the Government of British Columbia amend the BC Human Rights Code to include "nonreligion" explicitly as a protected ground. As of the time of this submission, over 900 people have signed our petition to that effect.<sup>15</sup> We recommend that the Canadian Human Rights Act, and relating provisions of the Criminal Code, similarly be amended to include "nonreligion" as a protected class. The Act was recently amended to provide protections for trans Canadians and to prevent discrimination based on genetic characteristics. The city of Madison, WI included "religion and nonreligion" as protected classes in 2015.<sup>16</sup>

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<sup>12</sup> Canadian General Social Survey, via Pew Forum.

<sup>12</sup> <http://www.pewforum.org/2013/06/27/canadas-changing-religious-landscape/>

<sup>13</sup> <https://humanism.org.uk/campaigns/successful-campaigns/census-2011/>

<sup>14</sup> <http://bit.ly/QCmarriage>

<sup>15</sup> [http://www.bchumanist.ca/nonreligious\\_human\\_rights?splash=1](http://www.bchumanist.ca/nonreligious_human_rights?splash=1)

<sup>16</sup> <https://ffrf.org/publications/freethought-today/item/22785-making-history-nonreligion-now-protected-class>

## Criminal Code

The Criminal Code provides protections to religious Canadians that are not available to the nonreligious. For example, section 296 criminalizes blasphemous libel and section 176 criminalizes obstructing a clergyman or disturbing religious worship. While no one has been charged with blasphemy in decades in Canada, several people have been threatened with and prosecuted for disturbing religious worship in recent history. We've argued that this section permits the state to intervene to protect religious orthodoxy from dissent.<sup>17</sup> In the current Bill C-51 before the Standing Committee on Justice and Human Rights, the government has proposed repealing both sections.<sup>18</sup>

Another of our concerns with the Criminal Code is section 319, which deals with hate speech. This section provides an exemption for "an opinion based on a belief in a religious text." Not only is this exemption not available to atheists who reject the authority of religious texts but it also excludes indigenous and other faith communities whose traditions are not based on religious texts. Rather than extending it, however, we support its repeal as this exemption can be used by extremists to denigrate the LGBTQ community, women, non-believers and others. A parliamentary petition calling for the repeal of this section has received over 1300 signatures.<sup>19</sup>

## Income Tax Act and charity law

Section 8(1)(c) of the Income Tax Act provides deductions for individuals who are "a member of the clergy" to deduct the costs of their residence. There is no equivalent benefit available to leaders of Humanist or other nonreligious organizations. A similar allowance was ruled unconstitutional by a United States District Court in October.<sup>20</sup>

A larger and more tangible issue for organizations like ours is how Canada's charitable regime privileges religious groups. In our response to Canada Revenue Agency's (CRA) consultation on charities' political activities<sup>21</sup>, we set out how Canada's common law definition of a charity permits "advancement of religion" but offers no secular equivalent (for example, the advancement of Humanism). Courts and the CRA have interpreted religion in this context to require "an element of theistic worship."<sup>22</sup> Simply put, a religious group is charitable by default, whereas a Humanist group must have as its purpose the promotion of education or human rights to qualify for charitable status. In our submission, we join a sector-wide call<sup>23</sup> for a legislated definition of charities. We

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<sup>17</sup> BC Humanist Association. "Repeal Canada's Blasphemy Laws". Standing Committee on Justice and Human Rights. Oct 25, 2017.

<http://www.ourcommons.ca/Content/Committee/421/JUST/Brief/BR9200265/br-external/BritishColumbiaHumanistAssociation-e.pdf>

<sup>18</sup> <http://www.parl.ca/LegisInfo/BillDetails.aspx?Language=E&billId=9002286>

<sup>19</sup> <https://petitions.ourcommons.ca/en/Petition/Details?Petition=e-763>

<sup>20</sup> [https://ffrf.org/images/DOCKET087\\_CORRECTEDORDERreOPINIONANDORDER.pdf](https://ffrf.org/images/DOCKET087_CORRECTEDORDERreOPINIONANDORDER.pdf)

<sup>21</sup>

[http://www.bchumanist.ca/silenced\\_how\\_non\\_religious\\_charities\\_are\\_being\\_censored\\_by\\_the\\_cra](http://www.bchumanist.ca/silenced_how_non_religious_charities_are_being_censored_by_the_cra)

<sup>22</sup> CRA Policy CSP-R06 <https://www.canada.ca/en/revenue-agency/services/charities-giving/charities/policies-guidance/summary-policy-r06-religion.html>

<sup>23</sup> <http://protectcanadiansfreespeech.ca/>

specifically recommend that definition either remove advancement of religion entirely or follow England’s decision to explicitly permit religions that “do not believe in a God.”<sup>24</sup> In its report on the consultation, the Expert Panel recommended extensive changes to the Income Tax Act<sup>25</sup> but these recommendations have not yet been acted upon by the government.

#### Education systems

While not a federal issue, religion is highly privileged in Canada’s education systems. Three provinces, Ontario, Saskatchewan and Alberta, maintain fully funded Catholic separate school boards. These systems were established when each province joined confederation but today represent a specific privilege afforded to one religious community that is unavailable to students of other faiths and none. This disparity has been condemned repeatedly by the United Nations Human Rights Committee.<sup>26</sup> While constitutionally protected, similar systems have been amalgamated into the secular school board in Newfoundland and Quebec with simple bilateral constitutional amendments between the legislature and Parliament.

Recently, the Saskatchewan Court of Queen’s Bench ruled that the province’s practice of allowing non-Catholic students to attend Catholic schools is unconstitutional.<sup>27</sup> The province has announced its intent to appeal this decision and has sought to invoke the notwithstanding clause to overrule the court.<sup>28</sup>

Other provinces, including British Columbia, Alberta, Saskatchewan and Quebec, provide some level of funding to private faith-based schools. While promoted as offering parents “choice” in education, these choices are only available to the religious. Further, these systems segregate students along sectarian lines and run contrary to the principles of inclusive multiculturalism. Similar state-funded faith schools in England have also been found to be “more ethnically segregated” and “more likely to cater to more advantaged students” than secular schools.<sup>29</sup> These schools also generally receive generous tax credits and in some cases claim childcare benefits.<sup>30</sup>

British Columbia’s School Act explicitly requires all public schools to be “strictly secular and non-sectarian”<sup>31</sup> but similar protections are not available in most provinces. Alberta’s School Act, for example, still permits religious instruction, including daily

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<sup>24</sup> Charities Act 2011 <http://www.legislation.gov.uk/ukpga/2011/25/contents/enacted>

<sup>25</sup> <http://bit.ly/CharityReport>

<sup>26</sup> <http://www.oneschoolsystem.org/>

<sup>27</sup> Good Spirit School Division No. 204 v Christ the Teacher Roman Catholic Separate School Division No. 212, 2017 SKQB 109 (CanLII), <<http://canlii.ca/t/h3h06>>, retrieved on 2017-11-09

<sup>28</sup> <http://leaderpost.com/news/saskatchewan/law-that-invokes-notwithstanding-clause-law-introduced-by-sask-government>

<sup>29</sup> <https://humanism.org.uk/2017/03/22/new-report-faith-schools-more-ethnically-segregated-more-likely-to-cater-to-more-advantaged-students/>

<sup>30</sup> <https://www.nationalobserver.com/2016/06/22/opinion/shameless-hidden-private-school-tax-haven-rich>

<sup>31</sup> Section 76 School Act [http://www.bclaws.ca/Recon/document/ID/freeside/96412\\_06](http://www.bclaws.ca/Recon/document/ID/freeside/96412_06)

prayer. In fact, some rural public schools still recited the Lord's Prayer in Alberta until earlier this year.<sup>32</sup> This is despite courts in other provinces finding the practice to be unconstitutional.<sup>33, 34, 35</sup> Such practices may have been common in a more religiously homogenous Canada of decades past but in light of growing diversity across the country, and our duty to reconciliation, these practices must end. Even here in BC, we regularly hear from parents in rural communities where the default is for teachers to invoke Christian songs and winter holidays and to promote faith groups for students. Until 2016, some BC school boards still distributed Gideon Bibles to students until we raised a complaint.<sup>36</sup>

In these cases, the onus is often put on nonreligious or minority faith parents and children to challenge these practices. This can have an incredibly stigmatizing effect and we've heard many stories of families who've had to leave their community after questioning the place of religion in their school.

### Healthcare system

The first hospitals and healthcare facilities in Canada were established by faith communities. With the adoption of universal healthcare in the twentieth century, provincial governments took over the primary responsibility for the delivery of healthcare. Nevertheless, most provinces retain a number of religious hospitals and care homes. In British Columbia, we estimate that the province spent approximately \$1 billion on these institutions in 2015.<sup>37</sup> While these hospitals are required to uphold the law and must treat patients of all faiths and none, many, notably those run by the Catholic Church, have opted themselves out of providing some services, including abortion and medical assistance in dying.

In our 2016 poll<sup>3</sup>, 60% of British Columbians supported government funding going to religious hospitals; however, when those facilities are allowed to refuse to provide certain services on religious grounds opinions reverse and 71% oppose that funding.

In addition to the institutional objections sought by these religious healthcare facilities, individual physicians and pharmacists are also seeking their own right to conscientious objections. This objection threatens all Canadian's access to their legal healthcare choices. These barriers disproportionately affect people with lower incomes, people with

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<sup>32</sup> <http://edmontonjournal.com/news/local-news/three-schools-ditch-lords-prayer-to-avoid-human-rights-case>

<sup>33</sup> Zylberberg v. Sudbury Board of Education, 1988 CanLII 189 (ON CA), <<http://canlii.ca/t/1p77t>>, retrieved on 2017-11-09

<sup>34</sup> Russow v. B.C. (A.G.), 1989 CanLII 2688 (BC SC), <<http://canlii.ca/t/216n5>>, retrieved on 2017-11-09

<sup>35</sup> Fancy v. Saskatoon School Div. No. 13, 1999 CanLII 20579 (SK HRT), <<http://canlii.ca/t/gd9rt>>, retrieved on 2017-11-09

<sup>36</sup> [http://www.bchumanist.ca/humanists\\_call\\_on\\_sd27\\_to\\_end\\_bible\\_distribution](http://www.bchumanist.ca/humanists_call_on_sd27_to_end_bible_distribution)

<sup>37</sup> [http://www.bchumanist.ca/bc\\_taxpayers\\_gave\\_1\\_billion\\_to\\_religious\\_hospitals\\_in\\_2015](http://www.bchumanist.ca/bc_taxpayers_gave_1_billion_to_religious_hospitals_in_2015)

disabilities and those living in remote communities. As noted by Fiala and Arthur, several Scandinavian countries have prohibited conscientious objections.<sup>38</sup>

Finally, we are concerned by the prevalence of faith-based treatments in addictions recovery programs. Alcoholics Anonymous (AA) and other 12-Step based programs are based on the acceptance of god or a “higher power” and there’s little evidence for their effectiveness.<sup>39</sup> Despite this, we have heard repeatedly that AA is often required as part of court-ordered treatments or in agreements with employers. In one case that we’re following, a nurse filed a human rights complaint after losing his job for refusing to participate in AA.<sup>40</sup> There is ample jurisprudence in the USA ruling that AA is a religious program<sup>41</sup> and it’s therefore unconstitutional for the government to promote it, yet no similar rulings exist in Canadian law to our knowledge. Given the existence of secular, evidence-based alternatives, we recommended that the BC Legislature’s Standing Committee on Health sever ties with religious based addictions recovery programs.<sup>42</sup>

### Performing marriages

The solemnization of marriage is provincial jurisdiction and in most provinces is performed by either religious clergy or a government representative. In British Columbia, for example, some religious groups are recognized to perform marriages or individuals can apply to become civil marriage commissioners. Ontario is the only province to certify Humanist organizations as being able to perform marriages. As we detailed in our report, *The Case for Humanist Marriage in BC*<sup>43</sup>, jurisdictions around the world, including Scotland, Iceland, Australia and various states in the USA, have created mechanisms for recognize non-religious groups to perform marriages.

Humanists groups in both British Columbia and Quebec were denied their applications to perform marriages, despite the Ontario precedent. On an appeal to the Quebec Human Rights Commission, the local Humanist organization was told they couldn’t bring their complaint forward as humanism didn’t qualify as a religion for the purposes of the province’s human rights code.<sup>14</sup>

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<sup>38</sup> Fiala, Christian & Arthur, Joyce. (2017). There is no defense for ‘Conscientious objection’ in reproductive health care. *European Journal of Obstetrics & Gynecology and Reproductive Biology*. 10.1016/j.ejogrb.2017.07.023.

<sup>39</sup> Ferri M, Amato L, Davoli M. Alcoholics Anonymous and other 12-step programmes for alcohol dependence. *Cochrane Database of Systematic Reviews* 2006, Issue 3. Art. No.: CD005032. DOI: 10.1002/14651858.CD005032.pub2.

<sup>40</sup> [http://www.bchumanist.ca/human\\_rights\\_complaint\\_over\\_religion\\_in\\_aa\\_to\\_proceed](http://www.bchumanist.ca/human_rights_complaint_over_religion_in_aa_to_proceed)

<sup>41</sup> <http://www.smartrecovery.org/courts/court-mandated-attendance.htm>

<sup>42</sup>

[http://www.bchumanist.ca/bcha\\_asks\\_health\\_committee\\_to\\_end\\_religious\\_coercion\\_in\\_addictions\\_recovery](http://www.bchumanist.ca/bcha_asks_health_committee_to_end_religious_coercion_in_addictions_recovery)

<sup>43</sup> [http://www.bchumanist.ca/the\\_case\\_for\\_humanist\\_marriage\\_in\\_bc](http://www.bchumanist.ca/the_case_for_humanist_marriage_in_bc)

This double standard means that some religious groups, including non-traditional religions (some of which are nontheistic) like Scientologists, Zen Buddhists and Wiccans, are given a privilege by the government that is not afforded to atheist groups.

### Property Tax Exemptions

In most municipalities across Canada, varying levels permissive exemptions are provided to religious organizations to avoid paying property taxes. In British Columbia, all municipalities must exempt “houses of worship” and many cities extend that exemption to other property owned by a religious group, including parking lots and unused land.<sup>44</sup> These exemptions are not always afforded to secular charitable organizations and are typically provided without any test of whether the organization provides any public benefit for the community. In the City of Vancouver, the Church of Scientology, which is not a religious charity according to the CRA, is classified as a church and is exempt from paying property taxes for its prime downtown real estate.<sup>45</sup>

### The minority within a minority

One particular demographic we are increasingly aware of, and concerned for, are atheists and the nonreligious within otherwise devoutly religious immigrant communities. While we support this government’s efforts to welcome refugees to Canada, occasionally the identities of a diverse group of people are reduced to the majority faith in the country they come from. In our own Association, we have atheist refugees from Bangladesh, Mauritania and the Maldives.

Our 2016 poll found 71% of East Asians and 57% of South Asians in BC do not practice a religion or faith and 25% and 19% respectively do not believe in a higher power.<sup>3</sup> These individuals are often excluded by festivals and events that reduce their culture and heritage to a religious identity. For example, atheists from Iran and Egypt have told us about the pressure they have from family in Vancouver to attend conservative Mosques.

With social media, there are a growing number of firsthand accounts of these individuals. Metamorphosis (a pseudonym) wrote for CFI Okanagan (now Kelowna Atheists, Skeptics & Humanists Association), “it soon became obvious that everything I had escaped [when I moved to Canada] was only what I had thought I had escaped... When I started to break the tradition, I was told that I was becoming westernized.”<sup>46</sup>

Many other ex-Muslims in Canada have spoken of similar pressures in their communities and the criticism they’ve faced for pushing back against regressive ideologies. Many of these voices are highly critical of the term Islamophobia (which we’ll discuss below) and spoke out about their concerns with the motion that prompted this committee’s current study. Some of these individuals have felt unheard by progressive

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<sup>44</sup> [http://www.bchumanist.ca/questioning\\_religious\\_tax\\_exemptions](http://www.bchumanist.ca/questioning_religious_tax_exemptions)

<sup>45</sup> <http://bit.ly/CoStaxes>

<sup>46</sup> <http://cfiokanagan.ca/news/the-minority-within-the-minority/>

groups and their voices have at times been coopted by xenophobic extremists. Liberal ex-Muslims have in turn expressed their concern at this trend.<sup>47</sup>

Indian communities are often reduced to their Hindu or Sikh identities, obscuring the diversity of cultures and the rich traditions in the country. Of particular interest for our organization is the unique strain of Indian rationalism, which includes Canadian voices.<sup>48</sup>

Finally, there is void of research on irreligion in indigenous societies in North America. According to the 2011 National Household Survey, 31% of Aboriginals identify as having no religion.<sup>49</sup> The legacy of residential schools and forced Christianization has left the primary narrative of many indigenous peoples as an either Christian or traditional spirituality. Yet, as with the non-indigenous population, it's clear that a growing segment doesn't necessarily identify with either. James Cox undertook an exploration of these questions and individual stories among Australia's aboriginal population from 2014-16<sup>50</sup> but a similar study has yet to happen in Canada.

### Systemic racism

Humanists share the concern of social justice advocates about continued discrimination against indigenous peoples and people of colour. The American Humanist Association has issued statements about the deaths of black Americans at the hands of police.<sup>51, 52</sup> In Canada, there are disproportionate number of indigenous people and people of colour in our corrections systems<sup>53</sup>, there have been recent spates of white supremacist propaganda on Canadian campuses<sup>54</sup> and we still live with the legacy of Residential Schools. There are many groups better positioned than ours to comment on these continued injustices and their effects. We urge the committee to listen to these stories and base its recommendations on the best available evidence. Where there is an absence of evidence, the Committee should recommend best practices to agencies and organizations to collect data.

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<sup>47</sup> <http://nicemangos.blogspot.ca/2017/09/forbidden-intersectionality-liberal-ex.html>

<sup>48</sup> <http://www.tarksheel.ca/>

<sup>49</sup> Statistics Canada. 2013. *Canada (Code 01)* (table). *National Household Survey (NHS) Aboriginal Population Profile*. 2011 National Household Survey. Statistics Canada Catalogue no. 99-011-X2011007. Ottawa. Released November 13, 2013.

<http://www12.statcan.gc.ca/nhs-enm/2011/dp-pd/aprof/index.cfm> (accessed November 9, 2017).

<sup>50</sup> Cox, James L. *Religion and Non-Religion among Australian Aboriginal Peoples*. Routledge, Taylor & Francis Group, 2016.

<sup>51</sup> <https://americanhumanist.org/key-issues/statements-and-resolutions/ferguson/>

<sup>52</sup> <https://americanhumanist.org/key-issues/statements-and-resolutions/trayvon/>

<sup>53</sup> <http://www.oci-bec.gc.ca/cnt/comm/press/press20131126-eng.aspx>

<sup>54</sup> <https://torontoist.com/2017/11/revealed-white-supremacists-behind-alt-right-posters-around-city/>

## Secularism and religious discrimination

The British Columbia Humanist Association supports a secular society that affirms: the right of every individual to practice any religion or none, free from coercion by the government, private institutions or their community and that the state has a duty of religious neutrality, meaning it must neither endorse nor prohibit any belief or non-belief.<sup>55</sup> With this definition in mind, it's worth briefly adding our perspective on the ongoing debates over "secularism" in Quebec, which have been pointed to as contributing to religious discrimination.

We recognize and applaud the move by Quebec society to reduce the influence of the Catholic Church over the government and broader society during the Quiet Revolution. Whenever one religion assumes a dominant role in society, dissenting voices are often suppressed and marginalized and vulnerable populations can be targeted for abuse.

Building upon the Quiet Revolution and in similar fashion as France, Quebec has sought to move religion from the public to the private sphere. This process is called laïcité in French. While laïcité shares many aspects with English Canada's secular multiculturalism, it often takes a more anti-religious flavour. The difference is clear in the debate over Quebec's Bill 62, which bans wearing face coverings in the providing or receiving of government services. This law has been seen by many as an attempt to single out the face veils worn by a small number of fundamentalist Muslim women. Some in Quebec have argued this prohibition is consistent with secularism but we, and other secular organizations<sup>56</sup>, strongly reject this argument. Laïcité's call for the suppression of an individual's religious expression is an infringement of the freedoms of religion and expression that is not consistent with our view of secularism.

Secularism underpins a healthy liberal democracy. The conflation of secularism with laïcité threatens to undermine support for the principle.

## "Islamophobia"

Finally, we wish to add a brief comment to the ongoing controversy over the word "Islamophobia" which appeared in motion M-103 that precipitated this committee and its work. We note also that the committee has heard from numerous witnesses and has undoubtedly received countless submissions on this debate.

As with many of those critics, we share the concern that the term Islamophobia has been used by fundamentalist Islamic groups to silence their critics, particularly by ex-Muslims. The term "anti-Muslim bigotry" arguably describes the same phenomenon with

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<sup>55</sup> <http://bchumanist.ca/secularism>

<sup>56</sup> See for example the positions of the Canadian Secular Alliance: <http://secularalliance.ca/wp-content/uploads/2014/01/CSA-briefing-note-Quebec-Charter-of-Values-14May2014.pdf> and <http://secularalliance.ca/wp-content/uploads/2008/11/CSA-briefing-note-The-veil-14May2014.pdf>

greater clarity. Further, this alternative could defuse tensions over the perceived attempt to suppress criticism of Islamic fundamentalism.

Nevertheless, many including Iqra Khalid, the sponsor of the motion, and the Ontario Human Rights Commission have provided clear definitions of Islamophobia. Whether it is “an irrational fear or hatred of Muslims or Islam that leads to discrimination” or “stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general”, we do not believe it’s this government’s intent to stifle honest criticism of radical strains of Islam or religion more generally. We are concerned though that the extreme rhetoric around this ultimately pedantic point risks dwarfing other important issues surrounding systemic racism and religious (and nonreligious) discrimination before the committee.

Whatever choice the committee ultimately makes on this terminology, we urge you to prioritize the importance of balancing the many rights at play: freedoms of conscience, freedom of expression and freedom from discrimination.