



What are the key elements of Quebec's Bill 21:

- 1. Bill 21 asserts that Quebec is a secular state ("lay state"), and proposes obligations stemming from this secularism.** Bill 21 authorizes Quebec's legal apparatus to establish rules/laws interpreting the meaning of state secularism.
- 2. Bill 21 bars people who wear religious symbols from holding certain government jobs, in the name of government secularism.** The jobs in this category affecting the greatest number of people are: Teachers and principals in public schools; police officers, peace officers, and RCMP officers. Jobs in the Quebec legal system for prosecutors, lawyers, notaries, clerks, arbitrators and related positions are also affected.
- 3. Bill 21 amends and constrains Quebec's Charter of human rights and freedoms**
  - It adds the following sentence about "State laicity" into the preamble of the charter: "Whereas the Quebec nation considers state laicity to be of fundamental importance."
  - It adds "state laicity" into Charter section 9.1 as follows: "In exercising his fundamental freedoms and rights, a person shall maintain a proper regard for democratic values, **state laicity**, public order and the general well-being of the citizens of Québec."
- 4. Bill 21 requires that all Quebecers receiving services from government institutions have their faces uncovered, if necessary for identify verification or security purposes.** It also requires that government workers have their faces uncovered. It also allows the government to insist that any entity receiving a government contract or financial assistance also provide service with face uncovered.
- 5. Bill 21 shields itself from legal challenges.** Sections 29 and 30 of Bill 21 invoke the notwithstanding clause, preventing challenges on the basis of either the Quebec or Canadian charter for five years.

Why we oppose Bill 21:

- 1. Quebecers' human rights are being violated.** Bill 21 undermines core principles of religious freedom in both Quebec's human rights charter, and Canada's human rights charter
  - Section 3 of the Quebec Charter states, "Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association."
  - Section 2 of the Canadian Charter states, "Everyone has the following fundamental freedoms: (a) freedom of conscience and religion;"
- 2. Bill 21 contradicts the Charter concept of "equality of all citizens."** By blocking people wearing religious garb from certain jobs, Quebec violates the rights of religiously observant citizens under both the Quebec Charter and the Canadian Charter.
  - **Religious equality.** People whose faith requires them to wear religious garb would be barred from jobs open to people who do not wear religious garb.
  - **Gender equality.** By blocking people wearing religious garb from certain jobs, Quebec privileges one sex over another. A Sikh woman could be a school teacher, but a Sikh man wearing a turban could not. A Muslim man could be a school teacher, but a Muslim woman wearing a hijab could not.
  - **Equality among provinces.** Federal law provides that school teachers be able to teach in all Canadian provinces. Bill 21 could feasibly prevent an approved school teacher from Ontario from teaching in Quebec.

3. **Bill 21 asserts a false choice between a “secular state” and a “religious state.”** Bill 21 suggests that the goal is “separation of state and religions” but in fact, the real objective is “separation of state institutions from religious institutions” – something Quebec already enjoys.
  - It is not the role of the state to prevent citizens from practicing religion – a common human tendency – or to discriminate against people who wear specific clothing as part of their religious observances. An employee of the state should not be forced to limit his freedom of religion to the private domain.
  - Quebec should not restrict the freedom of religion of individuals in the name of secularism. The secularism of the state is an institutional duty and not a personal one. The commitment to secularism does not rest on the outward appearance of individuals.
4. **Bill 21 proposes a solution for a problem which doesn’t exist.**
  - Religious garb is not a proxy for inappropriate behavior of public servants. There are no known cases where people wearing religious symbols in Quebec public service have been accused of using their position inappropriately (e.g. for proselytizing.) By extension, there is no established correlation between inappropriate on-the-job behaviour and the wearing of religious symbols.
  - Religious Canadians currently adhere to Quebec rules about verification of identify and security. There are no cases where Muslim-Canadians wearing the burqa or niqab have refused to uncover their faces if required for the verification of identity for government services. In fact, Muslims in Muslim-majority countries reveal their faces when it is necessary for verification of identity for public services.
  - From 2009-2013, only 1% of reasonable accommodation requests in Quebec were on religious grounds.<sup>1</sup>
5. **Bill 21 chips away at minority rights in the interests of populism.** Quebec’s conservative government justifies Bill 21 as supporting the will of the majority of Quebecers. Even if this were true, whereas such a justification may be appropriate in terms of government spending priorities, such an argument does not justify undermining respect for the fundamental civil liberties of citizens. As La Presse editorialist François Cardinal wrote, Québec’s democratic institutions “did not come into being to suspend fundamental rights as soon as we feel the slightest threat to our identity, real or imagined!”<sup>2</sup>
6. **The enforcement of Bill 21 will be prone to inconsistencies and injustice.** There are several reasons it will be practically impossible to fairly enforce Bill 21:
  - Some religious symbols are equally fashion statements. For some people, crosses, various styles of head scarf, and other garb have become current fashion, and are not necessarily religious symbols. Historically, the white cross on Quebec’s flag is a Christian cross.<sup>3</sup> Does that mean that any two lines crossing on a piece of clothing could be a religious symbol.
  - It will often be unclear when garb is religious. If a Christian wears a turban, this would not be religious garb. As such, a Christian wearing a turban would not be sanctioned under Bill 21, but a Sikh wearing a turban would.
  - Some religious garb is more visible than other religious garb. A cross around a Christian’s neck is a much more subtle religious symbol than a kippa or turban. Enforcers will have difficulty determining, assessing and sanctioning the “visibility” or “obviousness” of the religious garb.
7. **Bill 21 appears to target Muslim-Quebeckers.** While Bill 21 is written in general terms, because naming Muslims would be too overtly religiously bigoted, there are indications that the law specifically targets Muslims.
  - There was never an issue until Muslims became a new and visible immigrant minority. Christian and Jewish Quebeckers wearing religious symbols have held positions in the Quebec jobs targeted by Bill 21 for decades. It is highly suspect that Bill 21 (and other recent Quebec legislation) is drafted now, rather than 20 or 40 years ago.

- Quebec politicians have frequently voiced complaints about the hijab. Quebec politicians and institutions have frequently been called out for comments and acts targeting Muslims. E.g. In March, 2019, Anjou borough councillor Lynne Shand said she would have refused to be treated by a doctor wearing a headscarf if her case hadn't been an emergency;<sup>4</sup> Quebec municipalities often use zoning restrictions to thwart the efforts of Muslim communities to establish places of worship;<sup>5</sup> there are several cases of Quebec civil servants refusing to serve visible Muslims.<sup>6</sup>

#### **8. Bill 21 will alienate immigrants, and especially immigrant youth.**

- Ostracizing upright citizens. Statistically speaking, immigrants to Canada have consistently been law-abiding, hardworking citizens.<sup>7</sup> The passage of Bill 21 will merely serve to alienate otherwise solid citizens, as has occurred in other countries where such laws have been passed.<sup>8</sup>
- Emboldening bigoted voices. Experts contend that Bill 21 “bolsters prejudices against religious minorities, and helps to target people on the basis of their religious beliefs.”<sup>9</sup>

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<sup>1</sup> “Reasonable accommodation requests,” Commission des droits de la personne et des droits de la jeunesse, Quebec Government Website, [http://www.cdpcj.qc.ca/en/droits-de-la-personne/droits-pour-tous/Pages/accommodement\\_demands.aspx](http://www.cdpcj.qc.ca/en/droits-de-la-personne/droits-pour-tous/Pages/accommodement_demands.aspx)

<sup>2</sup> Cardinal, François, “Projet de loi sur la laïcité: la majorité a-t-elle toujours raison?” 30 mars, 2019, La Presse.ca, <https://www.lapresse.ca/debats/editoriaux/francois-cardinal/201903/29/01-5220186-projet-de-loi-sur-la-laicite-la-majorite-a-t-elle-toujours-raison.php>

<sup>3</sup> Warren, Jean-Philippe, “Secularism: Québécois are religious about it,” <https://theconversation.com/secularism-quebecers-are-religious-about-it-114799>

<sup>4</sup> Enos, Elysha, “Anjou politician faces backlash after venting online about doctor wearing headscarf,” cbc.ca, March 24, 2019 <https://www.cbc.ca/news/canada/montreal/anjou-borough-councillor-fb-muslim-1.5069536>

<sup>5</sup> Hamilton, Graeme, “In Quebec, fear of religious discrimination as zoning rules used to clamp down on mosques,” National Post, Jan. 22, 2017, <https://nationalpost.com/news/canada/in-quebec-fear-of-religious-discrimination-as-zoning-rules-used-to-clamp-down-on-mosques>

<sup>6</sup> Rukavina, Steve, “Quebec judge wouldn't hear case of woman wearing hijab,” cbc.ca, Feb 26, 2015, <https://www.cbc.ca/news/canada/montreal/quebec-judge-wouldn-t-hear-case-of-woman-wearing-hijab-1.2974282>

<sup>7</sup> “Immigration and ethnocultural diversity,” Statistics Canada, [https://www150.statcan.gc.ca/n1/en/subjects/immigration\\_and\\_ethnocultural\\_diversity](https://www150.statcan.gc.ca/n1/en/subjects/immigration_and_ethnocultural_diversity)

<sup>8</sup> Kirby, Dean, “Paris attack: Immigrant children in France and Belgium 'most alienated in the world',” The Independent, Nov. 17, 2015, <https://www.independent.co.uk/news/world/europe/paris-attacks-immigrant-children-in-france-and-belgium-most-alienated-in-the-world-a6738506.html>

<sup>9</sup> “Laïcité: 250 universitaires contre le projet de loi 21,” Le devoir, April 5, 2019, <https://www.ledevoir.com/opinion/idees/551547/laicite-250-universitaires-contre-le-projet-de-loi-21>