

# Civil Rights In Public Education, Inc.

All human beings are born free and equal in dignity and rights

UNIVERSAL DECLARATION OF HUMAN RIGHTS

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## Quebec's new secular school system

### A model for Ontario

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September of this year marked the introduction of Quebec's final move away from religious instruction in its schools. The schools are now 100% secular and based on language, but with a course on Ethics and Religious Culture to replace all religious indoctrination.

#### Background

Unlike Newfoundland, which first started down the road to the elimination of church control of education in 1990, (See Friends Newsletter Summer 1997, Volume 13, Number 3) Quebec has been trying to make its schools secular since the 1960s after the Quiet Revolution.

A provincial Ministry of Education was created in 1964, but repeated efforts to end the monopoly of religion-based school boards were all defeated. The Union Nationale tried, as did the Liberal party of Quebec under both

Jean Lesage and Robert Bourassa. Although the attempts had strong public support, they were fiercely opposed by the Roman Catholic clergy and church-affiliated parent committees.

The final report of the Royal Commission of Inquiry on Education in 1966 recommended the creation of non-denominational schools to exist side-by-side with Roman Catholic and Protestant schools.

1975 saw the adoption of the Quebec *Charter of Human Rights and Freedoms* which recognized that "Parents...have a right to require that, in the public education establishments, their children receive a religious or moral education in conformity with their convictions, within the framework of the curricula provided for by law." However, the Charter also guaranteed freedom

of conscience and religion, and equality before the law.

In 1977, the newly-elected Parti Quebecois (PQ) government delayed efforts to secularize the system, instead making it mandatory for virtually all children to attend French-language schools.

In 1984, the PQ adopted Bill 3, which sought to eliminate all confessional school boards. That law was deemed unconstitutional by the Quebec Superior Court, and the decision was never appealed.

Also in 1984, to allow religious schools, the PQ introduced a notwithstanding clause to override the freedom of religion and equality sections of the Quebec Charter. Subsequent Liberal governments introduced notwithstanding clauses into the main education legislation to override both Quebec and Canadian Charters beginning in 1986. These clauses were re-enacted in 1989 and 1994 because they must be renewed every five years to remain effective.

#### IN THIS ISSUE

Quebec's new secular school system .....	1
Task Force on the Place of Religion in Schools in Quebec (The Proulx Report) .....	4
Ethics and Religious Culture Program .....	5
Establishment of an Ethics and Religious Culture Program .....	6
End Notes .....	8

#### BIG QUESTION

In June of 1987 the Supreme Court of Canada declared that, because of the absolute power over education given to the provinces through the opening words of sec-

tion 93 of the Constitution Act, 1867, the Charter of Rights and Freedoms had no application to Ontario with regard to education. This allowed the expansion of public funding to the Roman Catholic separate school system in violation of the Charter. Section 93 was written for Ontario and Quebec – so why is it that Quebec felt it needed a notwithstanding clause to override the Charter, when Ontario didn't need it?

In 1987 the Quebec Liberal government introduced Bill 107 which became the Education Act. This Act allowed parents to choose that their children receive Roman Catholic or Protestant religious instruction, or non-denominational moral education.

A final form of Bill 107 was approved by the Supreme Court in 1993 which created English and French school systems but retained the right to dissent and form religious schools.

### Intervening years

During this time, Quebecers had varied opinions about secularization of their school system: on the one hand were those who wondered why public schools should remain religious while other major public institutions such as hospitals, social services, unions, credit unions and even colleges did away with religious ties in the early 1960s.

On the other side were those who said that a majority of parents still back both religious schools and religious instruction for their children, thus showing a

preference that must be respected. This gave rise to a public opinion battle in which surveys and polls became a major weapon.

### Quebec Human Rights Commission

All underlining has been added by this newsletter's editor.

“The 1975 adoption of the Quebec *Charter of Human Rights and Freedoms* followed, in 1982, by that of the Canadian *Charter of Rights and Freedoms*, provided a new basis for the demands of the supporters of non-denominational schools: both Charters gave freedom of conscience and of religion the status of fundamental, universal social values, together with the equality of all before the law. Quebec's human rights commission took action on several occasions (1979, 1983, 1988, 1994, 1995, 1997), in particular during parliamentary debates on new education legislation, to make the government aware of the possible threats to freedom of conscience, freedom of religion, or

equality contained in certain legislative provisions dealing with denominational schools.”<sup>1</sup>

### In glaring contrast

**The Ontario Human Rights Commission is controlled by the Ontario government which favours – for whatever reason – exclusive public funding of the Roman Catholic separate schools system.**

**See our Winter 2008 newsletter, Number 95.**

### Estates General on Education

Religion and language issues were discussed during the 1995-96 Estates General on Education.

“Its majority decision was to ‘continue moving toward a non-confessional education system’ on the basis that it constituted a ‘social choice’ that could no longer be postponed. Two fundamental principles were its guide: equality before the law and non-discrimination. Doing otherwise would mean, ‘to an extent, subjecting the values of some citizens to the majority choice of others.’”<sup>1</sup>

The Commission that directed the work of the Estates General made the four following recommendations:

- \* Transform confessional school boards into linguistic school boards.
- \* Undertake action to have section 93 of the Canadian Constitution repealed with a view to abolishing existing confessional structures and mechanisms.
- \* Encourage groups currently holding confessional guarantees to introduce mechanisms that will enable all Christian education to be dispensed in places more appropriate than the schools.
- \* Reinforce values and civic education as well as knowledge of the religious phenomenon from a cultural viewpoint, and provide civic support services.

<sup>1</sup> <http://www.mels.gouv.qc.ca/REFORME/religion/html-ang/ang/index.htm>

“These recommendations, especially the last two, led to a heated controversy and debate about the presumed support they enjoyed among the general public. In fact, the Commission, observing the distinct lack of consensus and the basic opposition between the two main positions, had simply decided to take a stance. The supporters of denominational schooling stated that public opinion, on the contrary, leaned heavily toward the continuation of denominational schools.” (Only 22% were in favour of secularization. This statistic had a major impact and was widely used to illustrate the anti-democratic nature of the Estates General recommendations.)

**Note how this contrasts with Ontario. Quebec politicians were adamant that all citizens be treated equally, no matter public opinion to the contrary.**

**Ontario citizens overwhelmingly wish for equal treatment while the politicians enforce religious discrimination.**

“The Government decided to implement the first two recommendations...”

“On March 26, 1997, the then Education Minister Pauline Marois presented a ministerial statement in the National Assembly on how to deal with the range of religious expectations found in schools, at the same time as a motion to revoke section 93 of the *Constitution Act*, 1867 was being debated by the same Assembly.”

“The Minister's statement essentially set out the guidelines and measures that the Government would propose in order to meet the various demands of the population in connection with moral and religious instruction in the public school system. There were three main guidelines.

“First, all expectations and demands were to be addressed from the point of view of creating an open, pluralistic society. According to the Minister, this created an obligation to respect individual students' free choice or free refusal of the religious phenomenon and, consequently, an obligation to ensure freedom of conscience for each individual, even a single individual differing from the majority. This did not mean, however, that schools had to altogether dismiss the religious phenomenon. Schools were to remain open and able to recognize, regardless of specific convictions and from a critical point of view, the contribution made by the different religions in terms of culture, values and humanism.

“Second, all expectations and demands were to be addressed by implementing change progressively. The approach proposed by the then Minister was pragmatic. She emphasized that many problems that seem insurmountable in principle become surmountable as soon as we look at the facts with realism and good will.

“Third, all expectations and demands were to be addressed in keeping with Quebec's history and culture. All humanist and re-

ligious options were to receive equal consideration, but nevertheless, the Minister stated that Christian tradition, both Catholic and Protestant, has had and will continue to have a strong influence on Quebec's architecture, place names, culture and society. In the Minister's view, it was possible to recognize this historical and cultural fact without resorting to exclusion or discrimination, while remaining aware of the contribution made by new cultures and other religious groups. She stated that the objective would be to facilitate the adaptation of all students to the symbolic references for Quebec and North America.

“Finally, the Minister asked whether it would not be relevant for all students to receive instruction on religion as a phenomenon, courses on world religions integrating all the major traditions, and courses on the history of religions. To answer these questions, she announced her intention to set up a task force to study all issues relating to the place of religion in schools and to submit its report to the National Assembly's Standing Committee on Education, which could then extend the debate to include all groups with an interest in the issues.”<sup>2</sup>

### **A model for Ontario.**

**The procedure used by Quebec to change its school system took many years, but the way was smoothed by pragmatic committees that considered public opinion, but also the rights of the individual.**

<sup>2</sup> <http://www.mels.gouv.qc.ca/REFORME/religion/html-ang/ang/text/intro-1.htm>

Thus the “*Task Force on the Place of Religion in Schools in Quebec*” was formed, its report due in the fall of 1998. It was commonly called the “Proulx Report”, which reflects the name of its Chair, Jean-Pierre Proulx of the University of Montreal.

### Constitutional Amendment

In the meantime, the “*Report of the Special Joint Committee to amend Section 93 of the Constitution Act, 1867*”, concerning the Quebec School System, recommended that both Houses of Parliament adopt the resolution to amend section 93 of the Constitution Act, 1867, in the form tabled in the House of Commons on October 1, 1997, and in the Senate on October 9, 1997.

The House of Commons passed the amendment by a vote of 204 to 59 on November 18, 1997. Section 93 for Quebec now reads: **“In and for each Province the Legislature may exclusively make laws in relation to Education subject and according to the following Provisions:-”** The four “following provisions” were removed, including subsection 1) which guaranteed the existence of the legally-defined “Denominational Schools” in Montreal and Quebec city which existed “by Law” in 1867. Ontario has “Separate Schools” which existed “by Law” in 1867 so they have no constitutional guarantee.

**Since Ontario’s “Separate Schools” do not have the same constitutional guarantee as “Denominational Schools” Ontario does not need a constitutional amendment to abolish its “Separate Schools”.**

### Task Force on the Place of Religion in Schools in Quebec

(The Proulx Report) <http://www.mels.gouv.qc.ca/REFORME/religion/html-ang/ang/index.htm>

The first four of 14 recommendations are as follows:- (Underlining added for emphasis.)

1. We recommend that the Government of Quebec and the National Assembly confirm the primacy of the right to equality and freedom of conscience and religion guaranteed in the Quebec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms and, consequently, that they repeal or not renew the current notwithstanding clauses in education legislation which override the application of the Charters.
2. We recommend that legislation be enacted to establish a secular system of public schools dispensing preschool, elementary and secondary education.
3. We recommend that the current denominational statuses held by public schools be revoked.
4. We recommend that the Education Act be amended to stipulate that the values and beliefs of religious groups cannot be used as criteria to set up a public school for the purposes of a specific project.

### “Denominational religious instruction in public schools in Quebec”

It is interesting to note the contrast with Ontario in this document, a Briefing Document dated January 2005 by the *Quebec Federation of Parent Committees*.

The whole document hinges upon paragraphs on the first page, under the title “A few fundamental notions”, which read: (Underlining added for emphasis.)

Canada's and Quebec's Charters of Rights and Freedoms proclaim principles that must comply with all legislation. These charters therefore contain the foundations for a just, egalitarian and peace-loving society, including non-discrimination on the basis of religion as well as the obligation to treat people equally regardless of their religion.

Such principles provide protection for all individuals, whether they belong to minorities or not, and enshrine Canada's and Quebec's recognition that all human beings are equal in value and dignity and are entitled to equal protection under the law. The spirit of the charters is thus directed towards an ideal of justice and peace.

The charters enshrine freedom of conscience and of religion.

#### Freedom of religion

The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination. But the concept means more than that. Freedom in a broad sense embraces both the absence of coercion and constraint, and the right to manifest beliefs and practices. Freedom means that, subject to certain necessary limitations, no one is to be forced to act in a way contrary to his beliefs or his conscience. (Supreme Court of Canada – Big M Drug Mart.)

## Ethics and religious culture program

[https://www7.mels.gouv.qc.ca/DC/ECR/index\\_en.php?page=history](https://www7.mels.gouv.qc.ca/DC/ECR/index_en.php?page=history)

A very complete outline of the process carried out by the Quebec Ministry of Education following the Proulx report, is available at the website above.

The following are excerpts from material on this website. Copy authorized by Les Publications du Québec. Underlining has been added.

### Background for the Program

The Ethics and Religious Culture program is the culmination of a long process in which the Québec school system shifted away from essentially confessional Catholic and Protestant structures to lay structures. Oriented toward the emergence of school institutions that respect the freedom of conscience and religion of all citizens, this transformation began with the school reform of the 1960s, when the Québec State decided to assume full responsibility for its public mission to educate.

In the spring of 2005, the publication of ministerial orientations under the title *Establishment of an Ethics and Religious Culture Program: Providing Future Direction for All Québec Youth* marked the final step in the process of deconfessionalizing the school system. To follow up the public hearings held as part of the consultations carried out by the Commission de l'éducation, Bill 95 was adopted by the National Assembly. This bill amended the *Education Act*, making it no longer possible to choose, as of July 1, 2008, be-

tween Catholic religious and moral instruction and Protestant moral and religious education. The Bill also amended section 41 of the *Québec Charter of Human Rights and Freedoms* concerning parents' right to provide for their children's religious and moral education.

Beginning in the fall of 2005, in keeping with the ministerial orientations, the Ministère de l'Éducation, du Loisir et du Sport (MELS) established the process of drafting the Ethics and Religious Culture program for elementary and secondary school. In order to carry out this project, two drafting teams were set up. A provincewide committee made up of teachers was entrusted with the task of commenting on and improving the draft. Experts from the universities were also called upon to validate the accuracy of the draft program components, and to give their opinion on the work.

This process led, in June 2006, to the tabling of a draft program that became the focus of two major consultations during the following autumn. The Ministère consulted all of the organizations that make up the school system, while the Minister entrusted the Comité sur les affaires religieuses with the mandate to consult various religious groups and organizations interested in the religious aspects of the program.

In conjunction with these consultations, five elementary schools and three secondary schools representing the Québec school system were selected to field-test the draft program. In January 2007, those involved in this field-testing were invited to share their comments. These confirmed the findings of the consultations, and gave hope of a positive reception of the program in the school system.

The entire set of proposals and comments received thereby supplemented the reflection being carried out, clarifying the process associated with the competencies and improving the content. These elements were used in reworking the entire draft program to make it consistent with the ministerial orientations and with the requests for corrections made during the consultations. In July 2007, the revised version of the program received a positive response from the Comité sur les affaires religieuses. At the end of the consultation and rewriting process, the Ethics and Religious Culture program was approved by the Minister on July 13, 2007.

All things considered, the Ethics and Religious Culture program is the result of the concerted efforts of a great many stakeholders from Québec society. Nearly 350 stakeholders from the school system and affiliated organizations, as well as 26 religious groups and movements, have taken part in one consultation or another.

# Establishment of an Ethics and religious culture program

## Providing future direction for all Quebec youth

The following are excerpts from the document with the title as at the top of this page. The complete document may be downloaded from the website on page 5. Underlining has been added.

### Introduction

The school's mission is to instruct, to socialize and to provide students with qualifications. While the vocabulary of education has changed over time, the fundamental mission of the school has remained the same: to help students grow, to open new horizons to them, to develop their talents and to give them the necessary tools to become accomplished, free, responsible adults.

#### 1) A common ethics and religious culture program

The implementation of a common ethics and religious culture program for all students in Quebec is rooted in the government's will to best serve the interests of everyone involved (students, parents, school staff and society as a whole) This decision attests to the government's intent to respect contemporary sensitivities with regard to equal treatment of people and groups and not to perpetuate a system of exceptions that contravene the fundamental rights recognized by the Charters, while contributing to transmitting Quebec culture, which has particularly been shaped by Catholic and Protestant traditions.

#### 2) The principles of the ethics and religious culture program

Various reasons are behind the decision to include ethics and religious culture education in the

same curriculum. The intent is to initiate elementary and secondary students to these subjects rather than to make them specialists.

**The learnings carried on in the proposed program are based on the following four principles: they are continuous learnings, rooted in the student's reality and in Quebec culture; they respect the freedom of conscience and religion, and foster living in harmony with others.**

#### 2.2) Learnings rooted in the student's reality and in Quebec culture

Learnings must be rooted in the immediate reality of students in order to broaden their horizons. Each school has its own social, cultural and religious characteristics. Opening the minds of students to ethical reflection and religious diversity is relevant when they are concerned with these issues. It would be unusual to talk about world-renowned temples, cathedrals or mosques before teaching students to recognize the religious buildings in their village or neighbourhood. Moreover, the current reform puts students at the centre of their learnings, in the role of active players in their development.

Learnings must also be rooted in Quebec culture, which can be perceived in architecture, language expressions, the names of streets or villages and artistic expressions. It can also be seen in the choice of values or ways of being privileged in our society: the importance given to the right

to equality, solidarity, respecting democratic institutions, and rejecting violence as a method of resolving conflict. The presence of religions in Quebec is also obvious. Catholic and Protestant Christian traditions, Judaism and Native spirituality long ago left their mark on Quebec culture. There are also new influences due to more recent immigration (e.g. Islam, Buddhism, Hinduism, etc.), the emergence of new religious groups, and constant growth in the number of people who claim no religious affiliation. All this makes Quebec a richly diverse society.

#### 2.3) Learnings that respect the freedom of conscience and religion

Respecting the fundamental right to the freedom of conscience and religion is the basis of all ethics and religious education. This results in two consequences for teachers and students. Teachers must attach particular importance to respecting the values, beliefs or convictions of families and students. Addressing these issues calls for objectivity and impartiality on the part of teachers, as is the case with other subjects, but is especially important here. Moreover, students studying ethical or religious issues should aim to understand them without negative prejudices or blind submission.

#### 2.4 Learnings that foster living in harmony with others

Every day, interaction between people or groups requires making choices that sometimes isolate

and divide, and other times bring people closer and foster solidarity. Religious convictions, like ethical choices, can be a source of tension and conflict. To promote social cohesion, the learnings in the proposed program expressly aim at sharing common values, acquiring a sense of civic responsibility when expressing one's convictions and values, and becoming aware that individual choices affect the community.

### 3) Curriculum contents

The ethics and religious culture program combines components of ethics and religion, but also explains the secular representations of the world and humanity.

#### 3.1) Ethics education

Ethics are part of Moral Education in the Quebec Education Program. The suggestions here are designed to carry on and develop the existing curriculum.

It is important here to define "moral" and "ethics" in Moral Education. Moral refers to the question "What must be done?" based on the rules of conduct, norms, prohibitions, obligations, rights, laws, values, principles and ideals proposed to the person from outside oneself. Ethics, on the other hand, mainly pertains to questioning and judging what would be preferable to do in a given situation, with regard to oneself, to others and to the effects of our actions on community life.

The ethics curriculum is based on different focuses, particularly the following:

#### **The ability to take a reflective position on moral or ethical issues**

When asked to identify the challenges of a given situation, students may analyze what the issue is, think of possible solutions

and their consequences, and be able to make an enlightened choice. By discussing the facts and context of a situation, students may be able to identify the intentions and motivations of the individuals in question, the possible causes, the values and norms at stake, and the different points of view, beliefs or conceptions of the individuals present. They progressively become more aware of the effect of their actions.

#### 4) Reasons to act

There are many reasons behind the implementation of the ethics and religious culture program.

##### **Primarily, for the students**

Instead of putting students into distinct groups based on their secular or religious beliefs, the ethics and religious culture program will provide all students with the necessary tools to understand Quebec society by sharing the cultural and religious heritage of Quebec. It will also help open the mind of the students to the world and develop their ability to work with others while showing respect for cultural, social and religious differences. Appreciation of Quebec culture and origins, openness toward others, tolerance and a sense of cooperation are essential for social peace. The school must see to it that all students acquire these learnings, whether they settle in their home region or elsewhere. These educational aims are consistent with and support the civic and intercultural education objectives already pursued by the school.

##### **For society**

The fact that religious instruction is reserved only for the Catholic and Protestant traditions and that it requires breaching the Canadian and Quebec Charters

of Rights and Freedoms poses a problem.

The time has therefore come to rally parents, school staff and students around this common education project that better meets the current needs of young people and society.

#### 5) A shared orientation

The government understands that for various reasons, some groups wish to keep the option between moral instruction and Catholic or Protestant religious instruction. However, it believes that the time has come for a change, which has already drawn a good deal of support.

#### 6) The action plan

An action plan is being developed in order to respect the implementation schedule for this program, beginning in September 2008.

To develop a program for both elementary and secondary students and to ensure the training of teachers, several tasks must be managed simultaneously.

#### **Conclusion**

The government...is convinced that everyone with an interest in education, particularly parents, can understand the extent of these changes and see the benefits for young people's education and the future of Quebec society.

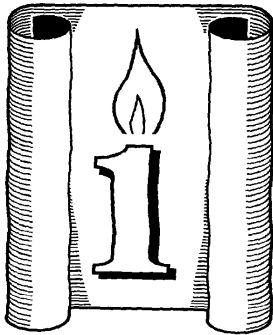
It is important to work together for students, Enriching the students' general culture, allowing them to open up to others with tolerance and respect, equipping them to act responsibly toward themselves and others, and teaching them to live together in a democratic Quebec that is open to the world is reason enough to support these changes with confidence and determination.

## WHO WE ARE

Civil Rights in Public Education, Inc. is an organization composed of citizens of differing backgrounds, living in more than 155 communities across Ontario, committed to one strong public education system, which offers neither privilege nor prejudice to anyone.

## OUR AIMS ARE

- To serve as advocates for civil rights in public education so that the public is informed about the issue of publicly-funded separate schools.
- To hasten the day when Ontario's education policy recognizes the dignity and worth of all children, their right to equality, and their right to freedom from religious discrimination.



## OUR LOGO

Our logo is composed of a background scroll representing the charters of rights which guarantee fundamental freedoms to all individuals; the numeral "1" signifies equality and social unity in one public education system for each official language; the flame above is the universal symbol for freedom.

## End Notes

In an effort to learn more about the program, your editor visited the John Paul II High School, formerly a Roman Catholic high school, in Campbell's Bay, Quebec. A report from the secretary indicated that the new Ethics and Religious Culture program was being well accepted.

Quebec government documents copied from the net and "...authorized by Les Publications du Quebec" are:

- 1) Task Force on the Place of Religion in Schools in Quebec  
<http://www.mels.gouv.qc.ca/REFORME/religion/html-ang/ang/index.htm>
- 2) "Background for the ECR program" on the website  
[https://www7.mels.gouv.qc.ca/DC/ECR/index\\_en.php?page=history](https://www7.mels.gouv.qc.ca/DC/ECR/index_en.php?page=history) from which the following 3 documents were obtained and portions used.
- 3) The briefing document "Denominational religious instruction in public schools in Quebec"
- 4) "Ethics and religious culture program"
- 5) "Establishment of an Ethics and religious culture program"

The Quebec government is light years ahead of Ontario as far as morals, ethics and democracy are concerned, especially when compared with Premier McGuinty's hypocritical call for "respect, responsibility, honesty and fairness" to be taught in Ontario schools.

The GREEN Party of Ontario, at this writing, is the only party in Ontario which recognizes the dignity and worth of all Ontario citizens, including children. What is holding the other parties back?

## Thought to Consider

Everyone has an excuse as to why  
nothing should be done.

Michael Beirenbaum, Holocaust historian

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**ABOVE ALL WE MUST MAKE SURE THAT NO CITIZEN OF ONTARIO, NOW, OR EVER IN THE FUTURE, IS PRIVILEGED OR DISADVANTAGED PUBLICLY BECAUSE OF HIS/HER FAITH, OR ABSENCE OF FAITH.**