

QUEBEC - 1999 - 2010

From "Civil Rights in Public Education, Inc." newsletter for April 1999

THE PROULX REPORT

Many of you will have read in the newspapers that the Quebec government has received the report of a committee it commissioned to look into the issue of religious indoctrination in the province's schools.

The committee, chaired by Jean-Pierre Proulx of the University of Montreal, was composed of a carefully selected group that represented a cross section of faiths and cultures. Their recommendations were unanimous

A complete report on this Quebec initiative will be made in the Spring newsletter, but in the meantime, we make the following observations from various sources:

The following is a quote from Michel C. Auger, columnist for *Le Journal de Montreal*, and appearing in *The Globe and Mail* of April 8th.

"The Proulx report clearly establishes one thing: The so-called right of parents to have their children taught, at taxpayers' expense, according to the teachings of one religion or another simply does not exist. Not in Canadian law, not in Quebec law, not in the Charter of Rights or in international charters. In fact, it's quite the contrary ... Lay schools are a fundamental right in a democratic society."

Criticized at a public meeting on the report on April 9th, Proulx kept returning to the primary dilemma which Quebec society and its Roman Catholic majority must confront.

Put simply, Proulx's message was that the current system of confessional schools is discriminatory since the rights to have public confessional schools exist for only Roman Catholics and "Protestants." Parents of other faiths have no such rights.

Moreover, it was noted that the current system violates articles in both the Canadian and Quebec Charters of Rights as well as certain international charters to which both Quebec and Canada are signatories.

This fact cannot be disputed. Since the constitutional change of December 1997, which removed the constitutional protection for denominational schools, the schools have only been allowed to retain their denominational character through the use of the notwithstanding clause of the Charter.

The report suggests that keeping the present status of confessional schools goes against the kind of Quebec that has been emerging in recent years. That is, one which has increasingly adopted the principle of state religious neutrality in a

pluralistic society — one which is increasingly seeking to promote social cohesiveness based on mutual individual respect and freedom of conscience.

Proulx stressed that the report is meant to be a basis for public discussion and not a definitive answer to the questions the government asked it to explore.

The Quebec government is to be commended for its understanding of today's society.

Ontario politicians, are you listening?

From "Civil Rights in Public Education, Inc." newsletter for Spring 1999

Quebec report recommends secular public schools

Background

The Quebec government commissioned a report which was released on March 31, 1999. The *"Task Force on the Place of Religion in Schools in Quebec"* proposes a school system that breaks all ties with religious groups and recommends that the current denominational status of schools be revoked.

In December of 1997, Quebec and Newfoundland received federal approval to eliminate their constitutional obligations to provide public funds for denominational schools, and for Quebec to organize its school system on language rather than religion.

The Roman Catholic bishops of Quebec did not oppose the change to linguistic schools because there was an agreement to maintain the religious education guarantees.

With the constitutional protection removed. Quebec invoked the notwithstanding clause to maintain the existing denominational school system. The notwithstanding clause must be renewed by the legislature every five years.

The Task Force, chaired by Jean-Pierre Proulx of the University of Montreal and a devout Roman Catholic, was composed of a carefully-selected group that represents a cross-section of faiths and cultures. Their recommendations were unanimous.

The complete report, commonly called the Proulx Report, is about 300 pages long. Its significance lies in me conclusions and recommendations which are reprinted below. (Bold highlighting by editor.)

Conclusions

The major events that have marked the recent history of our school system, namely, the 1997 amendments to the Constitution Act, 1867 and the creation, in 1998, of Quebec's linguistic school boards, led us naturally to continue the debate launched by the Estates General on Education in 1996 regarding the place of religion in schools. Additional incentive to take up this debate collectively and, we hope, bring it to a close was provided by **cultural and demographic changes, and by the organizational problems involved in denominational schooling.**

The Task Force is submitting its conclusions in the form of a brief series of recommendations intended to serve as a basis for public discussion. **These recommendations clearly represent a break with the tradition that has prevailed in Quebec for more than a century.** They amount to a proposal that, in the future, **our education system be unequivocally based on respect for the right to equality and respect for freedom of conscience and religion.** In 1975, the National Assembly enthroned the right to equality and freedom of conscience and religion in the Charter of Human Rights and Freedoms. Like the National Assembly, **we believe that this right and this freedom, with the other fundamental rights guaranteed in the Quebec Charter, are the "foundation of justice and peace."** We have come to the conclusion that to provide for the full exercise of these rights, **Quebec must replace its current denominational school system by a secular school system and consequently redefine the place of religion in schools.**

This redefinition implies secularization in the broad sense of the term. Within the framework of schools based on common values shared by all citizens, it allows for the study of religions from a cultural perspective as well as secular world views. It acknowledges the spiritual dimension and therefore allows schools to offer common religious and spiritual support services, if they so desire. It also allows schools, as part of their role in the community and taking into account their priorities, to make their facilities available outside school hours to the various religious groups that wish to provide religious services at their own expense to members of their faith.

We have taken great care to ground our recommendations on the most rational arguments possible. Our purpose in holding the consultations, conducting the studies and discussions, and submitting the recommendations we have the honour of presenting in this report was to provide the Minister of Education, Government, the members of the National Assembly and all of those who choose to take part in the debate with ample background to fuel their participation in this debate.

Recommendations:

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.
5. We recommend that the basic school regulations for elementary and secondary education provide for the study of religions from a cultural perspective in place of Catholic or Protestant religious instruction, and that the study of religions be compulsory for all students.¹
6. We recommend that programs for the study of religions from a cultural perspective be developed and implemented in keeping with the guidelines and framework proposed by the Commission des programmes d'études of the Ministère de l'Éducation, and with the relevant provisions of the *Education Act*.
7. We recommend that the Ministère de l'Éducation encourage flexible measures for teacher in-service training for the study of religions from a cultural perspective and allocate the necessary financial resources for such measures.
8. We recommend that the *Education Act* authorize schools to provide common religious and spiritual support services for students of all faiths and that these services be publicly funded.
9. We recommend that the Government define the general objectives of religious and spiritual support services in the basic school regulations just as it defines those of other student services; that the local school governing boards draw up programs of activities in keeping with these general objectives; that the school boards set the criteria for hiring religious support specialists in keeping with these same objectives **and without discrimination**.
10. We recommend that the *Education Act* stipulate that the local school governing boards may, outside school hours, provide facilities to religious groups that wish to dispense religious instruction or offer services at their own expense to members of their faith attending the school; and that the Act stipulate that the governing boards **must exercise this power without discrimination**, taking into account priorities they may legitimately set with respect to the use of school premises.
11. We recommend that the provisions of the *Act respecting the Conseil supérieur de l'éducation* pertaining to the Catholic Committee and the Protestant Committee be repealed, that the provisions of the *Act respecting the ministère de l'Éducation* pertaining to the associate deputy ministers for the Catholic and Protestant faiths also be repealed and, consequently, that the appropriate changes be made to the organizational structure of the Ministère de l'Éducation.

12. We recommend that section 41 of the Quebec Charter of Human Rights and Freedoms be amended to recognize, as stated in article 18(4) of the International Covenant on Civil and Political Rights, "the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."
13. We recommend that any other applicable legislative and regulatory provisions be amended in keeping with these recommendations.
14. We recommend that, should these recommendations be adopted, they be implemented gradually, as follows:

General Provisions

- a) Repeal of the notwithstanding clauses in education legislation which override the application of the Charter of Rights²
- b) Amendment of section 41 of the Quebec Charter of Human Rights and Freedoms.
- c) Revocation, by law, of the current denominational status of public schools.**
- d) Abolition, by law, of the Catholic Committee, the Protestant Committee and the associate deputy minister positions for the Catholic and Protestant faiths.
- e) Adoption of any other applicable legislative, regulatory and administrative provisions, including terms and conditions of implementation and the timetable for change.

Footnotes

- ¹ As explained in Chapter 9, we are assuming that moral education will continue to be part of the elementary and secondary school curriculum and that the attendant learning objectives will continue to be compulsory for all students. The model for organizing and dispensing moral education should be harmonized with that adopted for the study of religions from a cultural perspective.
- ² The Task Force felt that recommending the most appropriate time for repealing these provisions was not within its competence, especially if its recommendations are to be implemented gradually. However, in spite of the fact that legislation is presumed valid until definitively struck down, it may be juridically unwise not to renew the notwithstanding clauses adopted under the Canadian Charter of Rights and Freedoms as long as the debate to follow the publication of this report is still in progress and the current provisions on the place of religion in schools are still in force. The Task Force is aware that the rules established in the decisions of the Supreme Court of Canada require the legislator to indicate the nature of the provisions the legislator wishes to override.

Editor's Note: Quebec's movement in this direction proves Ontario could do the same. We deserve no less than Quebecers.

From "Civil Rights in Public Education, Inc." newsletter for Summer 1999

Protestants unite to keep religion in Quebec schools

From an article by Art Babych in *Christian Week* of June 22, 1999

MONTREAL - Protestant denominations in Quebec may differ along theological lines, but 27 of them are standing united against a task force recommendation to take religion out of the schools.

The Protestant Partnership on Education, which speaks for Quebec's more than 350,000 Protestants on education issues, wants government to convene a special commission to debate the April 7 report of a provincially appointed task force on religious education. The Partnership operates out of the offices of Christian Direction in Montreal headed by Glenn Smith.

The task force, headed by Jean-Pierre Proulx, an education professor at the University of Montreal, recommended that religion be removed from the 3,300 schools in Quebec by the fall of 2001. It said the current religious education system violates the Charter of Rights and Freedoms by excluding other faiths. (See last month's newsletter, page 6.)

But, claims a statement issued by the Partnership, religion is being defined by the task force "in the narrowest possible manner" and excludes beliefs from public debate. "This thinking is itself an ideology and has the effect of appearing intolerant of diversity."

Protestants hold "a profound respect for integrating one's faith into all dimensions of life, including education," says the statement, adding it takes exception to the premise of the report that religion is a private matter.

"For this reason alone, we are calling on the government to convene a parliamentary commission. Christians in Quebec have a right and a duty to articulate all of their points of view in the public domain," it states.

The more than 91,000 students in 331 schools in the Protestant sector form nine percent of the total school population in the predominantly Roman Catholic province, making Protestants the largest religious minority in the Quebec school system.

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Quebec

Children in Quebec schools must learn about world religions, according to a September 2009 ruling by the province's Superior Court.

Conservative Christian parents objected to the mandatory school course that began a year ago and is required in grades one through eleven. The courses on Ethics

and Religious Culture (See newsletter #97) replaced previous course offerings in Catholicism, Protestantism or nonsectarian moral instruction.

Drummondville

The new curriculum includes all world religions in comparative study. Some parents from Drummondville objected to the obligatory nature of the courses, saying the classes undermined their ability to teach their own religion to their children, and sought an exemption.

But Justice Jean-Guy Dubois rejected their claim, ruling: "In light of all the evidence presented, the court does not see how the course limits the plaintiffs freedom of conscience and of religion for the children when it provides an overall presentation of various religions without obliging the children to adhere to them."

In court again in January 2010 the parents sought to appeal the ruling. Quebec government lawyer Benoit Boucher argued that there is no need for an appeal since the same issue is before the courts with regard to Loyola High School, a private Catholic institution in Notre Dame de Grace.

Loyola high school

As a private Jesuit high school, Loyola argued that private schools should be exempt from the law, asking: "How can a Catholic high school teach its students that all religions are equal?" Loyola's principal, Paul Donovan, says it can't be done because his teachers can't deliver a religious course without a Catholic perspective - one which promotes Catholicism ahead of other beliefs.

Donovan asked for an exemption from the province's program before going to court but Quebec's Education Minister made it clear that a class slanted toward one religion is not acceptable.

Daniel Weinstock, a professor and consultant when the program was drafted said that: "Part of the mandate of the course is to present religion in an even-handed way. If a school has as its guiding intention to inculcate children into the Catholic faith, it clearly means a part of their mandate is not to present all religions in an even-handed way."

Weinstock said that Quebec courts have historically been averse to overturning provincial legislation, so chances are that after the court ruling comes down, Loyola will be teaching that all religions are equal, whether it likes it or not.

The new comparative religion law reflects widespread changes in Quebec education. Before 1997 all children attended either Catholic or Protestant schools (Jews opted for the Protestant ones). After 1997, denominational school boards were replaced by linguistic-based ones.

Students attend either French or English-language schools. The Quebec government said that teaching children about religions other than their own promoted "equality, respect and tolerance."

Opponents in the Coalition for Freedom in Education said "the course should not be compulsory" and promised an appeal.

Some parents in the Granby school district kept their children out of the religious culture class, resulting in suspension from school for their children.

More complication

The policy of making all schools totally secular has led to strong objections from the Jewish community whose six schools have not been licensed by the Ministry of Education.

There is a feeling that the government should have allowed a full public debate on the accommodation of religious groups in schools as well as a larger debate on the more critical issue of the provision of public funds for private schools, presently at 60% if the standard curriculum is taught.

This story is not over yet.

From "Civil Rights in Public Education, Inc." newsletter for Fall 2010

The Quebec example – church-led Catholic education

From "Ecclesia - the newsletter of the
Catholic Diocese of Pembroke"

http://diocesepembroke.ca/site/images/stories/ecclesia-pdf7ecclesia_2010-06.pdf.pdf page 7

Surprisingly, Fr. Real Ouellette, who serves the Quebec parishes of Fort Coulonge, Otter Lake, Waltham and Vinton, is not mourning the loss of funding for Catholic education in that province.

Since the church assumed responsibility for catechesis training five years ago, he has witnessed a stronger bond between church and family.

"I think it was one of the most positive things that's been done," he jays.

For Fr. Ouellette, outreach to children and youth has always been a priority. He admits that the new structure in Quebec adds to the responsibilities of both church workers and parents, but he says that in itself is a good thing.

"That's the purpose of the church — to talk about Jesus, to spread the Gospel and to deepen the faith in Christ," he says.

"It is work, but it is good work."

Fr. Ouellette sees the benefits of the church-led education program first-hand — in the previously empty pews that are now filled with families, at least once a month when they have made the commitment to be there for catechesis.

He is also enjoying the experiences of the richer dialogue taking place among those families.

He shudders when he recalls his conversations in recent years with parents asking to have their infants baptized.

"I'd ask some questions to learn about their own knowledge," he says. "Even though they had been educated in the Catholic schools, they barely remember anything from it. They didn't need to talk about God or Jesus with their kids."

Now, families who elect to be part of a parish take on an active role associated with that choice. Each September, Quebec parishes hold registration for children from grades one through six. Once enrolled, they meet with instructors at the church once each month, when possible on a Sunday so that the education session ties in with the weekly celebration of mass. At the same time, their parents meet with instructors who help them support their children's learning. The educational program runs from September through June each year.

Catechesis is still optional, in that it is up to the families to enroll and take part. But it is an option that is being taken up willingly by a large percentage of parishioners. In Fort Coulonge, for example, there are 150 children participating this year.

Each of those children represents another door opening for exploration of personal faith within the family and the church.

"It gets them to be involved in their faith," concludes Fr. Ouellette. "They don't see religion as just another course at school or something that the teachers are better able to handle."

Editor's note: The message here is crystal clear — the Roman Catholic church would be much better off if it did not rely on public funds to indoctrinate children. As indicated in this article, when parents are involved, the church is much healthier.

Thanks to Sue McBride of Deep River for this article.

The question of government subsidies to churches.

As pointed out above (in the lead article on page 1,) the public's reaction to financial subsidies is often counter-productive. Some examples follow.

Vienna: The sex abuse scandal is being blamed for the increased departures of Catholics from the church. As in Germany, the Austrian government collects a church tax on members of recognized denominations. Last year, 53,216 Catholics renounced their faith by formally removing their names from church registries. The tax office at the archdiocese of Vienna estimated that resignations may reach 80,000 this year.

Berlin: The Catholic Church continues to hemorrhage members. Opposition to the church tax may be one cause. More than one million German Catholics officially broke ties to the church between 1998 and 2007. Last year the number of departures reached 125,585, up from 121,155 in 2008. However, German Lutherans saw an even greater departure, 168,901 in 2009.

Rome: Italy's church tax, the *otto per mille*, takes 0.08% of individual income taxes and distributes it to the Roman Catholic Church, three Protestant denominations and the Jewish community. Roman Catholics receive the vast majority, about \$1.2 billion, even though only 20% of Catholic expenditures go to "charitable works," according to *The Tablet*. The

Waldensian Protestant Church earmarks 93% of its share of the church tax to charitable projects.

Source: Voice of Reason The Journal of Americans for Religious Liberty

Religion in the public domain – Quebec's experience.

Loyola high school in Montreal, and Quebec day-cares.

"**Loyola High School** is a private Catholic school for boys in grades 7-11 located in Montreal. In Loyola's Mission Statement, the School is described as providing a university-preparatory program consisting of a rigorous and comprehensive educational experience intertwined with spiritual and religious formation. Loyola, as a Jesuit school, interprets education in larger than academic terms. Loyola must reflect the special charisms and emphases that flow from the long tradition of spirituality and thought as expressed in the Spiritual Exercises of St. Ignatius, and other documents of the Society of Jesus, and, con-comitantly, the spirituality of the lay vocation of the ministry of teaching. The school must, then, be clearly Christian in all its aspects."

(Above from Wikipedia.)

In 2008 the Quebec government introduced a grade-school course entitled "Ethics and Religious Culture" (ERC). (See GRIPE newsletter #97.) It replaced any and all religious instruction courses in all Quebec's schools which received any public monies. Loyola, although a private school, receives 60% of the cost per student based on the cost per student in the public system. Loyola thus came under the ban on religious teaching. It argued that it could teach the ERC course just fine, but from a Roman Catholic perspective. The government disagreed and so denied the school's request on the grounds that its approach would be inherently incompatible with the secular ERC.

Loyola went to Quebec's Superior Court and won. In a 63-page judgment this past June, the Court held that the government's action was totalitarian, unconstitutional, and contrary to the Quebec Charter of Human Rights and Freedoms.

Day-cares also

When Quebec introduced a day-care system offering subsidized spaces at only \$5 a day, spots filled and families celebrated. Even though the price rose to \$7 a few years ago, there were no complaints.

Many Montreal Jewish day schools introduced these day-cares and made no secret of the fact that pre-kindergarten students would be getting an early start on their parochial education. That really was never an issue until last March when the Quebec government announced its intention to ban religious instruction in provincially funded day-care centres.

The opposition Parti Quebecois reasoned that while Quebec has made its public school system non-denominational, religion was slipping back in through the public day-care system.

Subsequently the PQ forced a vote on the issue in the National Assembly and the ban on religion passed unanimously. From now on, religious instruction will no longer be allowed in the day-care network subsidized by the Family Department. Those affected expressed their discontent in the strongest terms both publicly and privately and determined that the debate over the place of religion in Quebec society not occur at the Jewish community's expense.

It was confirmed that no coercive measure is foreseen in the short run because the community's day-cares are run in accordance with the law. Rabbi Poupko stated that: "If the government thinks it can draw a clear line between culture and religion, I believe they are mistaken."

On to the Supreme Court.

The Supreme Court of Canada will consider whether students can opt out of Quebec's mandatory course on ethics and religious culture. The Ethics and Religious Culture course, imposed two years ago by the Liberal government on students in elementary and secondary schools, seeks to promote harmonious social relations in Quebec in response to a heated debate over what qualifies as the "reasonable accommodation" of religious minorities. A Catholic couple from Drummondville is challenging the course, saying the province's refusal to exempt their two children violates their freedom as parents as well as their religious beliefs.