



Submission to the Standing Committee on Justice and Human Rights  
by the Canadian Conference of Catholic Bishops  
concerning Bill C-51,  
*An Act to amend the Criminal Code and the Department of Justice Act and to make  
consequential amendments to another Act*

At a time of growing concern about intolerance toward religious groups in Canada, Parliament's duty to ensure the protection of faith communities is especially critical. We are deeply concerned with the proposed removal of section 176 of the *Criminal Code of Canada*, which provides specific protections for these communities, as proposed under clause 14 of Bill C-51.

The Government is arguing that section 176 has become redundant and is seldom used in our courts. Furthermore, it claims that criminal acts addressed in section 176 are effectively addressed by other sections of the *Criminal Code* which cover: causing a disturbance (section 175), all forms of assault (sections 265- 268) and uttering threats (section 264.1). In addition, as the Government also notes, sentencing principles in the *Criminal Code* already recognize offences motivated by bias, prejudice or hate based on religion as an aggravating factor for the purpose of sentencing (paragraph 718.2(a)).

At first glance, these assurances may seem reasonable yet, after greater scrutiny and reflection, what one sees is the eroding of protection for religious freedom in Canada. Although until now Canada has provided explicit and singular protection under the law for religious freedom, and rightly regarded it as a uniquely important and foundational element to the entire human rights system, the Government is presently proposing that the importance of protecting religious freedom no longer be specifically recognized in the *Criminal Code* and henceforth be indistinguishable from other concerns that involve public safety.

In stark contrast to this approach, religious freedom is provided explicit and singular protection in Article 18 of the **International Covenant on Civil and Political Rights** (ICCPR), and in Article 18 of the **Universal Declaration of Human Rights** (UDHR). This is in recognition of the fact that the 20th century has seen a correlation between violations of religious freedom and some of the worst violations of all human rights ever recorded. The **Canadian Charter of Rights and Freedoms**, while giving specific protection to freedom of conscience, thought, belief and opinion, also deems it essential to provide explicit protection for religious freedom under Section 2a. Why should the *Criminal Code* do otherwise?

The removal of section 176 sends the wrong message in our current climate and may result in perils for religious freedom in the future. According to a Statistics Canada report released in

June 2017, 35% of hate-motivated crimes reported in 2015 resulted from hatred of religion.<sup>1</sup> The report also remarked that police-reported crimes motivated by hatred against the Muslim population rose 61% in 2015, with hate crimes also on the increase against Catholics, while crimes against the Jewish population of Canada accounted for 13% of *all* hate crimes.<sup>2</sup> These statistics are very troubling to all faith communities. Yet even with the increasing rate of hate-motivated crimes based on religion, the frequency of an offence should not be the sole criterion for maintaining a criminal law but rather the seriousness of the offence itself. There are, for example, studies indicating it is relatively rare for charges of treason to be tried in Canadian criminal courts.<sup>3</sup> Should one then argue such infrequency justifies removing it from the *Criminal Code*, given the potentially serious nature of the offence and its impact on the State and society? Moreover, it is incongruent that bias, prejudice or hate based on religion is to be considered an aggravating factor for the purpose of sentencing, but the seriousness of violence against a religious official or disturbances of religious worship no longer be recognized in the Code itself.

The construction of a tent to observe the Jewish holiday of Sukkot, Friday prayers in a mosque, a reading in a Sikh gurdwara, a public religious procession, or an outdoor baptism: these events, whether in public or private space, are at the heart of communities of faith and held as sacred to those who participate in them. To suggest that offences covered by section 176 may be adequately addressed by other *Criminal Code* provisions fails to recognize the unique nature and value of religious gatherings as well as the unique character of offences directed against religion. An attack against a religious assembly or the deliberate assault of a religious official outside a house of worship is different from other public disturbances, assaults, threats or incitements to hatred.

An assault on an Imam going to lead Friday prayer service is fundamentally different from an assault at a hockey rink involving two rival fans. It can be seen as an attack not only against the individual, thereby his congregation, and thus against everyone who shares his religion, but moreover as an assault that denigrates every religious faith and thereby all which humanity reverences and holds sacred. Those who hold otherwise should ask themselves why religious freedom is accorded special status in the Charter, the ICCPR and the UDHR. The proposal to remove section 176 is based on the false assumption that religious freedom in Canada will not suffer if excluded from explicit protection under the *Criminal Code*. To insist on the contrary would be to misunderstand the pernicious and destructive effects an offence against religion has on individuals, communities and society as a whole. Section 176 is not obsolete or redundant.

In a climate of increasing incidents against faith communities across Canada, and in view of the role of the *Criminal Code* in serving as a deterrent and educational guide for society, it is essential to maintain the specific protections that section 176 affords to religious gatherings and those who lead them. Retaining section 176 ensures that the fundamental right to freedom

---

<sup>1</sup> <http://www.statcan.gc.ca/pub/85-002-x/2017001/article/14832-eng.htm>

<sup>2</sup> *Ibid.*

<sup>3</sup> <http://www.c2cjournal.ca/2010/03/has-treason-run-its-course-in-canada/>

of religion is protected, and that respect for the religious practices and observances of others remains a recognized Canadian value.

As President of the Canadian Conference of Catholic Bishops, I urge the Standing Committee on Justice and Human Rights to protect the integrity and security of public religious expression, and to amend Bill C-51 in order to retain section 176 of the *Criminal Code* while at the same time making any adjustments to the terminology in section 176 to ensure it reflects the dynamic presence of many religious traditions today in our country.

23 October 2017

Respectfully submitted,

A handwritten signature in black ink that reads "Lionel Gendron, P.S.S." The signature is written in a cursive style with a large initial 'L' and 'G'.

The Most Reverend Lionel Gendron, P.S.S.  
Bishop of Saint-Jean-Longueuil  
President of the Canadian Conference of Catholic Bishops