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Canadian Supreme Court rules against prayer at city council meetings

RNS (15.04.2015) - Canada's Supreme Court has ruled that a small town in Quebec may not open its council meetings with prayer.

In a unanimous ruling Wednesday (April 15), Canada's highest court ruled that the town of Saguenay can no longer publicly recite a Catholic prayer because it infringes on freedom of conscience and religion.

The case dates back to 2007, when a resident of Saguenay complained about public prayer at City Hall.

Just last year, a divided U.S. Supreme Court ruled that legislative bodies such as city councils could begin their meetings with prayer, even if it plainly favors a specific religion.

But the Canadian high court ruled that the country's social mores have "given rise to a concept of neutrality according to which the state must not interfere in religion and beliefs. The state must instead remain neutral in this regard. This neutrality requires that the state neither favor nor hinder any particular belief, and the same holds true for non belief."

The court said a nondenominational prayer is still religious in nature and would exclude nonbelievers.

In 2011, a human rights tribunal in Quebec ordered an end to the prayers and awarded \$30,000 in damages to the complainant.

Quebec's Court of Appeals overturned that decision two years later, saying the town imposed no religious views on its citizens.

But the high court ruled that it is the state's "duty to protect every person's freedom of conscience and religion." That means it "may not use its powers in such a way as to promote the participation of certain believers or non-believers in public life to the detriment of others."

The court awarded the complainant \$33,500 in damages.

Only hours after the ruling was made public, the city of Ottawa suspended its practice of beginning council meetings with a prayer, saying it needs to review the decision. Other municipalities have also halted the practice, pending a review.

In wake of Charlie Hebdo attacks, secularist groups to seek end of Canada's blasphemy law

National Post (07.01.2015) - The heads of two Canadian organizations promoting secularism will ask the Department of Justice to abolish a section of the criminal code that makes blasphemy illegal, following Wednesday's attacks on Charlie Hebdo.

Section 296 of the Criminal Code makes "blasphemous libel" punishable by up to two years in jail in Canada.

No one been prosecuted under the law since 1935. As late as 1980, the law was used to charge the Canadian distributor of Monty Python's film Life of Brian; the charges were later dropped.

Only last month, the heads of Humanist Canada and the Centre for Inquiry, a national organization that promotes "skeptical, secular rational and humanistic inquiry," met with Ambassador Andrew Bennett, head of the federal government's Office of Religious Freedom, to note the law's inconsistency with Canada's policy of supporting religious freedom abroad.

On Mr. Bennett's advice, said Eric Adriaans, national executive director of the Centre for Inquiry, the two organizations will lobby the Department of Justice to remove the law. Mr. Bennett's office did not respond to calls for comment.

"These murders cause us so much grief but also further convince us that no remnants of these ancient attitudes can be allowed to continue," Mr. Adriaans said.

The United Kingdom abolished its blasphemy law in 2008; the United States has never had one at the federal level. The French region of Alsace-Moselle does have one, dating back to its history as part of Germany, but it's not easy to use. Last February, a group of French Muslims actually tried to sue Charlie Hebdo itself for blasphemy under the Alsace law, after it published a cover they'd found offensive. The suit failed because Alsace law only protects Catholicism and not Islam.

Meanwhile, Canada's law has expanded in application beyond Christianity, to religion in general. The Canadian law was first used in 1892 and was originally intended to protect Christianity from blasphemy. Case law since then has broadened its application.

Derek From, a lawyer for the Calgary-based Canadian Constitution Foundation warns that while the law may be dormant, it is not dead. Britain's blasphemy law, for example, was considered "dead" until it resurfaced in 1977 when a pornographic magazine was charged with the offence for publishing gay poetry about Jesus.

"It is an open question whether the Charter's guarantee of freedom of expression will offer any protection," Mr. From wrote in a 2013 letter to Calgary-area MP and Minister of State for Finance Kevin Sorenson. "This is a constitutional question that has never been tested."

"The conservative right gets bents out of shape about hate speech provisions because they see it as an unconstitutional restriction of their freedom of expression. But that's exactly what people who are [irreligious] would say about the blasphemy prohibitions — that they cannot say what they want without freedom of prosecution," Mr. From said.

“There are certain parts of the world where apostasy will get your head removed,” added Eric Thomas, President of Humanist Canada. “We don’t have that issue here but why would we even have this on our books?”
