

Ms. Charlotte-Anne Malischewski, Interim Chief Commissioner
Canadian Human Rights Commission
344 Slater Street, 8th floor
Ottawa, ON K1A 1E1

December 14, 2023

Re: Discussion Paper on Religious Intolerance

Dear Ms. Malischewski,

The Canadian Centre for Christian Charities (CCCC) is the largest association of Christian charities in Canada with over 3,200 members. Over the past 50 years, CCCC has become the preeminent national leader in providing expertise and support in all areas of operation for Christian charities, including advocacy at various levels of government and court, from human rights tribunals to the Supreme Court of Canada.

The Evangelical Fellowship of Canada (EFC) is a national association whose affiliates include 48 evangelical denominations comprised of over 7,000 churches, 35 Christian higher education institutions and 75 ministry organizations from across Canada. Established in 1964, the EFC provides a forum for collaboration and engagement among the roughly 2 million evangelicals in Canada who are part of our constituency. The EFC endeavours to engage in public policy issues and in the courts constructively and collaboratively, seeking the good of Canadian society.

It is timely and important to have a discussion on religious intolerance in Canada. Canada is widely known as a country with religious and cultural diversity, yet the climate is increasingly intolerant to religious adherents and beliefs. We are deeply concerned and grieved over hateful anti-religious speech and acts of violence targeted toward people of faith. How the government and governing bodies respond to this trend and the tone it sets is crucial.

Religion is the system of belief, worship and practice that is of ultimate importance to a person. Our faith, and every other faith, expresses a specific vision of how life should be lived. Religion shapes our beliefs about the purpose and meaning of our life and the world around us, as well as how we are to live our lives in light of those purposes. All of us have a set of beliefs about what is ultimately important in life, even those who do not believe in a transcendent or higher power.

Points of agreement

As faith-based organizations, we are very pleased to see the Canadian Human Rights Commission (CHRC) highlight and affirm the fundamental human right of all Canadians to freely practice their religion without fear of any kind. All freedoms thrive when religious freedom is respected and protected.

As the CHRC notes, religious freedom means the ability to openly declare beliefs, to worship, to practice, to teach and disseminate. Religious freedom is also characterized by the absence of coercion or constraint. It follows, and we agree, that employers and service providers need to be reminded of their duty to accommodate religious belief to the point of undue hardship, including when taking part in a job-required activity violates an employee's beliefs. We agree with the CHRC that religious intolerance is manifest in both intentional and unintentional acts, whether behavioural, verbal, or environmental and can leave people of faith feeling uncomfortable, unwelcome, insulted, othered, and painfully reminded of stereotypes associated with religious identities.

Points of Concern

To that end, we also have significant concerns with the Discussion Paper in that it does precisely what it urges others not to do: stereotype a subset of religious faith, making people of that faith feel unwelcome and uncomfortable.

For example, the Paper's introduction presents a stereotype of "white, male, Christian, English-speaking, thin/fit, not having a disability, heterosexual, gender conforming".¹ The Paper goes on to suggest that Christianity is responsible for present-day systemic religious discrimination by the "obvious example" of Christmas as a statutory holiday.

While this stereotyping is, in and of itself concerning, it is more deeply concerning when it comes from the CHRC, a body with adjudicative authority over creed-based claims of discrimination. It undermines public trust, raises questions about fairness and impartiality, and prompts concerns that claimants of the Christian faith will be viewed differently or as lesser-than claimants of other faiths.

The designation of Christmas and Easter as statutory holidays is not an example of Christian intolerance. It does show a practice rooted in Canada's "religious heritage";² however, recognizing, preserving, and even celebrating religious heritage is not religious intolerance. Intolerance emerges when the state engages "in a discriminatory practice *for religious purposes*."³ For example, it would be intolerant and discriminatory to require all Canadians to attend Christian services and participate in Christian rites on those days. However, on Christmas and Easter holidays people of other faiths, indeed of all faiths and of none, are given a paid day off to use as they see fit. Intolerance emerges when people of other faiths are compelled to celebrate Christian holidays or not afforded to opportunity to take a day off according to their religious calendar.

¹ Recent [statistics of worldwide Christianity](#) indicate that there are more than 6 times the number of Christians in the Global South (1,766,089,000) than in North America (271,870,000); and more than 2.5 times the number of Christians in Africa (718,096,000) than in North America. Christianity is truly a global, multi-ethnic, multicultural faith. In Canada, evangelical Christians are more ethnically diverse and more likely to be immigrants than the Canadian population.

² *Mouvement laïque québécois v Saguenay (City)*, 2015 SCC 16 at paras 87, 116 ["Saguenay"]

³ *Saguenay*, at para 116 [emphasis added].

As you point out, tolerance is promoted through accommodation, by giving time off for diverse religious holidays. This shows respect for “all postures towards religion.”⁴ Maintaining these two statutory holidays serves as an example of the seriousness with which religious accommodation should be approached and lays a foundation for accommodation of other faiths.

We certainly hope the CHRC doesn’t mean to suggest that holding particular values is, in and of itself, the root of problematic discrimination and intolerance. It is not, for example, intolerance for Christians to value being a Christian or hold Christian beliefs or for Muslims to value their religious identity and hold Muslim beliefs; likewise for people of other religious faiths to value their distinctive beliefs. It is not intolerant to believe differently than others, nor to express those beliefs. Intolerance is marginalizing those with different or opposing views and, in what seems to be a growing trend, attempting to silence those voices.

The Need for Tolerance and Respect

Our religious and cultural diversity as Canadians necessarily means we will disagree. A critical feature of a free and democratic society is how we deal with these differences. Tolerance means allowing differences and allowing “the other” to pursue their view of human flourishing as we pursue ours. It does not require that we believe or value the same things or agree with one another. Tolerance means we allow those with whom we disagree to hold and express differing – even opposing – views and values, as protected and reasonably limited by the *Charter*.

There are many good news stories of collaboration and cooperation among faith groups in Canada. Our organizations have worked together in coalitions with other religious groups for over 30 years. For example, various interfaith groups of Christians, Jews, Muslims, Hindus and Sikhs have collaborated on issues including education, palliative care and religious freedom. The EFC is a founding member of the Canadian Interfaith Conversation, which gathers representatives from 64 faith communities and faith-based organizations and hosts conversations to foster understanding and collaboration among diverse religious groups. The EFC is also a regular sponsor of the Our Whole Society conferences, which explore the contributions of religions to the public and common good.

As interfaith groups, we have profound differences on matters of belief and practice, but we seek to show tolerance and respect to one another. We can and do engage in meaningful discourse on religion and come to agreement and collaboration on issues that concern the common good, while maintaining deep religious differences.

Recommendations

1. Positive vision of religious tolerance

Canada is a religiously plural and multicultural society. Protecting religious freedom and belief is crucial to a strong and democratic society. It is therefore important to take religious intolerance

⁴ *S.L. v Commission scolaire des Chênes*, 2012 SCC 7 at para 32.

seriously. But we recommend the CHRC also give significant attention to fostering a positive vision of religious tolerance and how to accommodate religious belief and practice. Tolerance is not mere indifference, but neither does it require affirming or celebrating a practice or belief with which one disagrees. Tolerance is, by definition, premised on disagreement.

2. Treating all religions fairly

It is the task of government to govern all of its citizens, and to do so with justice, protecting its citizens of all religious faiths. The state separates religious and political authority, neither favouring nor hindering one religion (or no religion) over another. This promotes fairness in the participation of religious organizations with governments in pursuing the public good and fosters democratic participation of all citizens. It also creates public spaces “free from coercion, pressure and judgment,” protecting “every person’s freedom and dignity,” including religious freedom and freedom of conscience, and helps to “preserve and promote the multicultural nature of Canadian society.”⁵

The state must seek to recognize any bias it may have, act as fairly as possible, and ensure it does not promote the participation of any one group to the exclusion of others.

The solution to religious intolerance is not to remove religion from the public square or from public life.⁶ That would itself be a form of religious intolerance. A secular ideology that excludes religions from having a robust, equal, and welcome part in public life is itself intolerant. It trivializes religious differences and forces privatization.

We encourage the CHRC to take religious differences seriously. These differences should be openly discussed with people of faith in conversations characterized by tolerance and respect.

Conclusion

We urge the CHRC to ensure it does not rely on misinformation about the nature and diversity of Christianity or any other faith tradition. We also encourage the CHRC to ensure its own organization reflects the diversity of religious beliefs in Canada, Christianity included.

As you engage with religious organizations and consult on the matter of religious tolerance and related subjects, the EFC and CCCC would be pleased to assist. We look forward to hearing from you.

Sincerely,

Deina Warren, Director of Legal Affairs, The Canadian Centre for Christian Charities
Julia Beazley, Director of Public Policy, The Evangelical Fellowship of Canada

⁵ *Saguenay*, at para 74.

⁶ Indeed, the state has a constitutional obligation to “encourage everyone to participate freely in public life regardless of their beliefs”; see *Saguenay* at para 75, citing several additional Supreme Court decisions.