

## Talking Points on the Good Faith Religious Belief Defence

A key defence of beliefs based on religious texts is being discussed by MPs on the parliamentary Justice Committee. The Bloc Québécois has indicated they will introduce an amendment to remove this defence. **We are very concerned such an amendment may pass.**

We believe this is an important time to engage and ask local MPs to express support for the good faith religious belief defence and to oppose any amendment to remove it.

Here is the context:

- The Justice Committee is studying [Bill C-9](#), a hate crimes bill. (See the EFC's summary of the bill at [TheEFC.ca/C9](#).)
- Jewish and other minority religious groups are asking for the changes in Bill C-9 as a way to address increased harassment and threats.
- The EFC supports the bill's intent to address anti-religious threats and violence, and ensure adherents are able to access religious facilities without hindrance or intimidation. The EFC is preparing a written brief that will make recommendations for changes to the bill, such as a tightened definition of hatred.
- There are currently [four defences](#) to the wilful promotion of hatred offence in section 319(2) of the *Criminal Code*. One of these defences is if "in good faith" the person expressed an opinion based on a religious subject or based on a belief in a religious text.
- This defence has rarely been used but we believe it's an important protection for the expression of religious beliefs. (See the EFC's backgrounder on the defence at [TheEFC.ca/C9](#).)
- The Bloc has indicated they plan to introduce an amendment to Bill C-9 that would remove the good faith religious belief defence. This amendment has a chance of passing.
- Changes made to legislation in committee are often adopted when the bill is passed.
- The Justice Committee is likely to finish its study and vote internally on its changes at the end of this month.

Read on for how to contact your MP, some talking points you could convey and a sample script you could use when making a phonecall or writing an email.

## Talking Points

- The good faith religious belief defence is an important protection for minority religious groups whose beliefs may not be shared by the general public or align with other groups.
- This defence helps to ensure the hate provisions aren't used to silence or suppress religious beliefs that others may find objectionable or offensive.
- This defence is not being overused or abused. It has rarely been invoked, and never successfully.
- The court has said that this defence doesn't allow someone to intentionally embed hateful communication within religious language, like a Trojan Horse.
- If there's a concern that the defence might protect people promoting hatred under the guise of religion, its parameters and application should be tested by laying charges and arguing in court – not by removing the defence when there is no evidence of its overuse or misuse.
- The defences (including the good faith religious belief defence) were found to be essential to the constitutionality of the wilful promotion of hatred offence in the Supreme Court's *Keegstra* decision.
- What will it communicate to religious minority communities if this protection of expressing beliefs based on their religious texts is removed?
- The proposal to remove the good faith religious belief defence is being put on the table at a time when minority religious beliefs on marriage, sexuality and gender are increasingly marginalized and frequently described as hateful.
- Removing this defence would further marginalize religious minority communities, at a minimum. It would give the perception that beliefs grounded in religious texts are less protected.
- The removal of this defence may have far-reaching unintended consequences.

## Contact your MP

Find your MP using your postal code at [ourcommons.ca/members](https://ourcommons.ca/members).

You can use one or both of the following samples to help shape what you might say in a letter or phone call to your MP.

## Sample phone call

Hello, my name is xyz. I live in your riding. Thank you for your service to our community. I'm calling because the Justice Committee is reviewing Bill C-9 and I've heard that there may be an amendment proposed to remove the good faith religious belief defence from the hate speech provisions in the *Criminal Code*. This defence is an important protection for minority religious communities like the one I belong to. At a time when our religious beliefs are increasingly marginalized and frequently described as hateful, removing this defence may send the message to minority religious communities that sincere, good faith expression of their beliefs is no longer protected in Canada. I think it may have far-reaching unintended consequences. Please don't allow Bill C-9 to be changed to remove the good faith religious belief defence. Thank you for hearing my concerns.

## Sample email

Dear MP [last name],

Thanks for your service to our community. [Add personal note, e.g, We met at xyz event... or I've been praying for you since the election...I live in this neighbourhood, etc.]

I'm writing because I've heard the Justice Committee is reviewing Bill C-9 and may be asked to consider amending the bill to remove the good faith religious belief defence from section 319(3) of the *Criminal Code*.

This defence isn't overused or misused. It's an important protection for minority religious communities like the one I belong to. Removing this defence would marginalize religious Canadians and send the message that their beliefs are less protected in Canada.

Please don't allow Bill C-9 to be changed to remove this defence.

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