

SUPREME COURT OF CANADA
(ON APPEAL FROM A JUDGMENT OF THE QUÉBEC COURT OF APPEAL)

BETWEEN:

LOYOLA HIGH SCHOOL and JOHN ZUCCHI

APPELLANTS
(Respondents)

-and-

ATTORNEY GENERAL OF QUÉBEC

RESPONDENT
(Appellant)

-and-

CANADIAN COUNCIL OF CHRISTIAN CHARITIES, EVANGELICAL FELLOWSHIP OF CANADA, CHRISTIAN LEGAL FELLOWSHIP, WORLD SIKH ORGANIZATION OF CANADA, ASSOCIATION OF CHRISTIANS EDUCATORS AND SCHOOLS CANADA, CANADIAN CIVIL LIBERTIES ASSOCIATION, CATHOLIC CIVIL RIGHTS LEAGUE, ASSOCIATION DES PARENTS CATHOLIQUES DU QUÉBEC, FAITH AND FREEDOM ALLIANCE AND ASSOCIATION DE LA COMMUNAUTÉ COPTE ORTHODOXE DU GRAND MONTRÉAL, FAITH, FEALTY AND CREED SOCIETY, HOME SCHOOL LEGAL DEFENCE ASSOCIATION OF CANADA, SEVENTH-DAY ADVENTIST CHURCH IN CANADA AND SEVENTH-DAY ADVENTIST CHURCH - QUEBEC CONFERENCE and CORPORATION ARCHIÉPISCOPALE CATHOLIQUE ROMAINE DE MONTRÉAL AND L'ARCHEVÊQUE CATHOLIQUE ROMAIN DE MONTRÉAL

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PART I - STATEMENT OF FACTS

- [1] The World Sikh Organization of Canada (WSO) is a non-profit human rights organization with a mandate to promote and protect the interests of Canadian Sikhs as well as to promote and advocate for the protection of human rights for all individuals, irrespective of race, religion, gender, ethnicity, and social and economic status. The WSO was granted leave to intervene in this appeal on January 16, 2014, by Order of the Honourable LeBel J.
- [2] This appeal stems from a decision of the Québec Minister of Education (“Minister”) denying an exemption to the Appellant, Loyola High School (“Loyola”), from teaching a government mandated course on ethics and religious culture (“ERC”) from a Catholic perspective.
- [3] The WSO (“Intervener”) adopts the facts as set out by the Appellants.

PART II - STATEMENT OF ISSUES

- [4] The Intervener would like to address the following issues as raised by this appeal:
- a. Whether Loyola, as a religious educational institution, enjoys the fundamental right of freedom of religion as entrenched in s. 2a) of the *Canadian Charter of Rights and Freedoms* and s. 3 of the *Quebec Charter of Human Rights and Freedoms*.
 - b. Whether international law can provide guidance on the scope of religious freedoms as related to collective rights.
 - c. The potential impact of the decision of the Minister on non-Christian groups such as Sikhs, who practice their faith in a collective manner.

PART III - STATEMENT OF ARGUMENT

- [5] In support of its position, the Intervener, where necessary, relies on the arguments made by the Appellants in their Factum. In addition, the Intervener makes the following submissions.

A. **International human rights norms recognize the collective dimension of religious freedom.**

[6] As pointed out by the Appellants in their factum, corporate religious freedom has been a protected right in Canada for over 250 years.¹ This recognition of the inherent interconnectedness of religious expression and corporate organization is also supported in international instruments.

[7] This Court has long recognized the presumption that the *Charter* affords protection “at least as great as that afforded by similar provisions in international human rights documents which Canada has ratified”.²

[8] This Court has also viewed International law as offering “a critical influence on the interpretation of the scope of the rights included in the *Charter*”.³

[9] According to the Universal Declaration of Human Rights (UDHR), which Canada had a central role in drafting, “Everyone has the right to freedom of thought, conscience, and religion; this right includes...freedom, either alone *or in community with others* and *in public or private*, to manifest his religion or belief in *teaching*, practice, worship and observance.”⁴

[10] Similarly, on 19 May 1976, Canada entered into the International Covenant on Civil and Political Rights (ICCPR), which also protects communal religious freedom: “This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually *or in community with others* and in public or private, to manifest his religion or belief in worship, observance, practice and *teaching*.”⁵ Indeed, the ICCPR went a step further than the UDHR by specifically protecting the right to religious education: “The States Parties to the present Covenant undertake to have respect for the

¹ Appellants’ factum, paragraph 58.

² *Health Services and Support Facilities Subsector Bargaining Association v. British Columbia*, (2007) SCC 27 at paragraph 70 [Book of Authorities (“BA”) Tab 4]

³ *Slaight Communications Inc. v. Davidson*, [1989] 1 SCR 1038 [BA Tab 14] quoted with approval in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, paragraph 70 [BA Tab 2]; See also *R. v. Keegstra*, [1990] 3 SCR 697 [BA Tab 10].

⁴ *Universal Declaration of Human Rights*, GA Res 217 (III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) art. 18 (emphasis added) [BA Tab 18].

⁵ *International Covenant on Civil and Political Rights*, (December 16, 1966) 999 D.N.T.S. 171, art. 18, GA Res. 2200A (XXI), 21 UN GAOR, Supp. No. 15, UN Doc., art. 18(1) (4) (emphasis added) [BA Tab 16].

liberty of parents and, when applicable, legal guardians to ensure the *religious and moral education of their children* in conformity with their own convictions.”⁶ The Respondent Attorney General of Quebec (“AGQ”)’s position against collective religious freedom thus is not only ahistorical, but would also run directly counter to both basic international understandings of the nature of freedom of religion or belief and Canada’s international human rights obligations.⁷

[11] Other international human rights instruments protect religious freedom in the same way. The Organization for Security and Cooperation in Europe enjoins participating states, including Canada, to grant legal recognition to “communities of believers” and to respect the rights of “religious communities.”⁸ The U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief states that freedom of religion “shall include” the right to “establish and maintain appropriate charitable or humanitarian institutions,” and to “teach a religion or belief in places suitable for these purposes.”⁹

[12] International tribunals have repeatedly affirmed the collective dimension of religious freedom. As recently as 2013, the Grand Chamber of the European Court of Human Rights (“ECtHR”) stated that “religious communities traditionally and universally exist in the form of organized structures” and pointed out that, “[w]ere the organizational life of the community not protected by Article 9 [on religious freedom], all other aspects of the individual’s freedom of religion would become vulnerable.”¹⁰ Previously it affirmed both

⁶ ICCPR, art. 18(4) (emphasis added) [BA Tab 16].

⁷ ICCPR, art. 18 [BA Tab 16]. The ICCPR provides that states may not derogate from their obligation to protect religious freedom even in “time of public emergency which threatens the life of the nation.” ICCPR, Art. 4. For that reason, Canada has criticized Pakistan and the Maldives for ratifying the ICCPR with reservations as to religious freedom. ICCPR, Canada, Objections of 18 Sept. 2007 and 27 June 2011 [BA Tab 22].

⁸ Organization for Security and Cooperation in Europe, *Concluding Document of the Vienna Meeting of Representatives of the Participating States of the Conference on Security and Cooperation in Europe*, Principle 16, (Vienna: 17 January 1989) [BA Tab 25].

⁹ *U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief*, 25 November 1981, A/RES/36/55, art. 6 [BA Tab 17].

¹⁰ *Sindicatul “Păstorul cel Bun” v. Romania* (July 9, 2013) (App. No. 2330/09) (Eur. Ct. H.R. Grand Chamber)§136 [BA Tab 13]; *see also Siebenhaar v. Germany* (June 20, 2011), (App. No. 18136/02) Eur. Ct. H.R. § 41 [BA Tab 12] (“[L]es communautés religieuses existent traditionnellement et universellement sous la forme de structures organisées et que, lorsque l’organisation d’une de ces communautés est en cause, l’article 9 doit s’interpréter à la lumière de l’article 11 de la Convention, qui protège la vie associative contre toute ingérence injustifiée de l’Etat. En effet, l’autonomie de telles communautés, indispensable au pluralisme dans une société démocratique, se trouve au cœur même de la protection offerte par l’article 9.”).

that the “right of believers to freedom of religion...includes the right to manifest one’s religion in community with others” and that “the autonomous existence of religious communities is indispensable for pluralism in a democratic society and is thus an issue at the very heart of the protection which Article 9 affords.”¹¹

B. National courts and international tribunals have had no difficulty in identifying the sincere religious beliefs of religious organizations, including schools like Loyola.

[13] The AGQ ignores this international consensus. While implying that a “homogenous” religious community might be able to “defend the rights of . . . church members in court,” it argues that Loyola is incapable of invoking religious freedom rights because (1) “propagating the Catholic faith” is not its only mission, and (2) it admits students of all faiths.¹² However, it is submitted that religious groups do not lose their freedom of religion when they engage in charitable activities while serving or employing those of another faith. The United States Supreme Court has repeatedly affirmed that church-affiliated schools enjoy the same freedom of religion as churches themselves.¹³ And the Federal Constitutional Court of Germany has held that the “constitutional guarantee of church autonomy” is “applicable not only to the recognized churches as such but also to institutions affiliated to them which in the understanding of the church fulfilled religious functions,” which in the case of the Catholic church is “not limited to the area of faith and worship but also comprised charitable activities.”¹⁴

[14] The same is true here. Loyola was founded by the Jesuit Order in the 1840s and is still controlled by members of the Order today. “As a Jesuit school, Loyola is under the

¹¹ *Metropolitan Orthodox Church of Bessarabia* (March 27, 2002) (App. No. 45701/99), Eur. Ct. H.R. §118 [BA Tab 7]. See also *Rommelfanger v. the Federal Republic of Germany* (Sept. 6, 1989) (App. No. 12242/86) Eur. Comm. H.R.D.R. 62 DR 151, 213 (religious hospital) [BA Tab 11]. These principles have also been recognized by the U.S. Supreme Court. *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 132 S. Ct. 694, 704, 712 (2012) (religious school) [BA Tab 5]; *N.L.R.B. v. Catholic Bishop of Chicago*, 440 U.S. 490, 504 (1979) (same) [BA Tab 9].

¹² AGQ’s factum, paragraphs 105, 112-14.

¹³ See, e.g., *Hosanna-Tabor*, 132 S. Ct. at 706 [BA Tab 5] (noting that the First Amendment “gives special solicitude to the rights of religious organizations” and applying doctrine to ordained teacher in a church-run school); see also *Catholic Bishop of Chicago*, 440 U.S. at 504 [BA Tab 9] (noting that “serious First Amendment questions” would arise from state control over the relationship between religious schools and their teachers).

¹⁴ *Rommelfanger v. the Federal Republic of Germany* (Sept. 6, 1989) (App. No. 12242/86) Eur. Comm. H.R. [BA Tab 11] (summarizing the holding of the Federal Constitutional Court); see also German Basic Law, Art. 140, incorporating Arts. 137-38 of the Weimar Constitution [BA Tab 15] (protecting “the freedom to form religious societies” and guaranteeing “[p]roperty rights and other rights of religious societies or associations in their institutions . . . intended for purposes of . . . education”).

authority of the Roman Catholic Church and, for that reason, is required to adhere to the principles established by the Roman Catholic Church for Catholic schools.”¹⁵ The AGQ has pointed to no decision, and WSO is aware of none, holding that a school established and controlled by a religious order, in order to carry out religious purposes, loses its religious freedom merely because it also teaches secular subjects or opens its doors to students of different faiths. Indeed, such a rule would be harmful to religious minorities such as Sikhs by giving non-Sikh religious schools a strong incentive to exclude Sikhs.

[15] Thus based on Canadian jurisprudence and having regard to international law, it is submitted that Loyola, as a religious educational institution, enjoys the fundamental right of freedom of religion as entrenched in s. 2a) of the *Canadian Charter of Rights and Freedoms* and s. 3 of the *Quebec Charter of Human Rights and Freedoms*

C. Freedom for collective religious activity is particularly important to Sikhs in Canada.

[16] The Sikh faith is one of the five great world religions, with adherents in almost every nation.¹⁶ Of the approximate 22 million Sikhs in the world, 450,000 reside in Canada, with approximately 9000 residing in Quebec. Sikhs also run numerous private faith based Sikh schools across Canada.¹⁷

[17] Consistent with the stated goals of the ERC, the Sikh faith teaches the “recognition of the other” and “the pursuit of the common good”. Guru Nanak, the founder of the Sikh faith, recognized religious plurality and invited “all to be authentically themselves, and thus [created] a space for real and different religious commitments.”¹⁸

[18] Guru Nanak’s communication style, which informs Sikh practices even today, is “in tune with modern academia, where the aim is to provoke thought. [Guru Nanak] does not preach. He does not give a belief system to follow. Instead, he questions, he learns, he shares, he invites people to be who they are...How to think, reflect, realize and feel the

¹⁵ Appellants’ factum, paragraph 9.

¹⁶ N.-G, Kaur Singh, *Sikhism – An Introduction*, (New York: Taurus & Co. Ltd., 2011) at 199 [BA Tab 24]

¹⁷ Statistics Canada, online: 2011 National Household Survey <http://www12.statcan.gc.ca/census-recensement/index-eng.cfm> [BA Tab 27]. There are 7 Sikh faith based schools in Canada on 10 campuses, with several more schools being planned.

¹⁸ Kaur-Singh supra, at 7 [BA Tab 24].

singular Divine was the foundation of his democratic institutions of *langar*, *sangat*, and *seva*.”¹⁹ This communication style is fully aligned with the stated goals of the ERC.

- [19] A unique feature of the Sikh faith is the requirement for both individual and collective religious activity as indispensable and crucial elements of Sikh practice which both require the protections of religious freedom.
- [20] Religious authority in the Sikh faith is vested in the *Guru Granth Sahib* (Sikh scripture) and the *Guru Panth* or “the whole body of committed [initiated] Sikhs.”²⁰
- [21] According to the *Sikh Reht Maryada* or code of conduct, a Sikh is enjoined to engage in “organized collective action” and in order to do so, “[a] Sikh has...to fulfil his Panthic obligations (obligations as a member of the corporate entity, the Panth), even as he/she performs his/her individual duties. This corporate entity is the Panth. Every Sikh has also to fulfil his obligations as a unit of the corporate body, the Panth.”
- [22] Sikhs engage in collective public religious exercise in service of the community and to all of humanity as reflected in their participation in *langar*, *sangat*, and *seva*.²¹
- [23] Decisions regarding religious affairs and regarding how the community can engage in service of others are taken and executed in a collective form. Sikh bodies in Canada such as gurdwaras, schools and other institutions are almost exclusively registered corporate legal persons like the Appellant Loyola in this case. All of these fundamental Sikh religious practices would be endangered under the Government of Quebec’s approach.
- [24] In an important sense, then, it is impossible to be a Sikh by oneself—one can only be a Sikh by acting with other Sikhs in the collective of the *Khalsa* and *Panth*. The

¹⁹ Kaur-Singh supra, at pages 20-21 [BA Tab 24]. These institutions are all collective. *Langar* refers to free communal dining. *Sangat* is congregational worship. *Seva* is service of humanity. All are to be performed without discrimination as to race, religion, gender, or socio-economic status.

²⁰ Shiromani Gurdwara Parbandhak Committee, *Sikh Reht Maryada: The Code of Sikh Conduct and Conventions*, (Amritsar: 1932), Section 6 Article 23a [BA Tab 26]. The Sri Guru Granth Sahib is the central scripture in the Sikh faith. It consists of the poetic writings of 6 of the 10 Sikh Gurus, as well as numerous saints of Muslim and Hindu backgrounds whose teachings were consistent with Sikh philosophy. See: Joyce Barrow, *Sikhism*, (Vancouver: Whitecap Books, 2004) at 44-45 [BA Tab 23].

²¹ The *Sikh Reht Maryada*, requires Sikhs to act collectively with others, including in service to non-Sikhs.

Government of Quebec’s position in this litigation—that there is no collective religious freedom—would thus run roughshod over core Sikh beliefs and practices.

D. The Government of Quebec’s policies towards religious believers in this case and elsewhere improperly limit the scope of religious freedom to the mind (*forum internum*) of isolated individuals.

[25] International law has long distinguished between the *forum internum*, where the freedom to believe is absolute, and the *forum externum*, where the freedom to manifest those beliefs is necessarily limited.²² As the European Court of Human Rights has observed, “[i]n contrast to manifestations of religion, the right to freedom of thought, conscience and religion within the *forum internum* is absolute and may not be subjected to limitations of any kind.”²³ U.S. law has also made this distinction, but with different vocabulary, stating that “[the First] Amendment embraces two concepts, freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be.”²⁴

[26] This distinction between the *forum internum* and the *forum externum*, the freedom to believe internally and the freedom to act externally, has typically been couched in terms of individuals. But just as an individual must be absolutely free to make up her own mind about what to believe (or not to believe), a religious organization like Loyola must also be free to make up its own mind about what to believe and what to teach about its beliefs to others. Although the United States Supreme Court did not use the terms “*forum internum*,” that was what it was describing when it spoke of “government regulation of ...outward physical acts” and “government interference with an internal church decision that affects the faith and mission of the church itself.”²⁵ The European Court of Human

²² United Nations, General Assembly, *Interim report of the Special Rapporteur on freedom of religion or belief* (7 August 2012) A/68/290, at paragraph 48 [BA Tab 28]; Bahiyyih G. Tahzib, *Freedom of Religion or Belief; Ensuring Effective International Protection*, 44 *International Studies in Human Rights* (Kluwer 1996) at 25-26 [BA Tab 19].

²³ *Işik v. Turkey* (May 2, 2010) (App. No. 21924/05) Eur. Comm. H.R.D (quoting OSCE Venice Commission, “Guidelines for the review of legislation pertaining to religion or belief” (2004)) [BA Tab 6] *See also Siebenhaar v. Germany* (June 20, 2011), (App. No. 18136/02) Eur. Ct. H.R. § 36 [BA Tab 12] (“La Cour rappelle que si la liberté de religion relève d’abord du for intérieur, elle implique de surcroît, notamment, celle de manifester sa religion, individuellement ou collectivement, en privé ou en public. En outre, la liberté de religion comporte en principe le droit d’essayer de convaincre son prochain, *par exemple au moyen d’un enseignement*, sans quoi du reste la liberté de changer de religion risquerait de demeurer lettre morte.”) (emphasis added).

²⁴ *Cantwell v. Connecticut*, 310 U.S. 296, 303-04 (1940) [BA Tab 3].

²⁵ *Hosanna-Tabor*, 132 S.Ct. at 707 [BA Tab 5].

Rights recognized the same principle when it noted, in a case vindicating the autonomy of a religious school, that “sauf dans des cas très exceptionnels, le droit à la liberté de religion...exclut toute appréciation de la part de l'Etat sur la légitimité des croyances religieuses ou sur les modalités d'expression de celles-ci.”²⁶ In particular, the government should not interfere with a group’s freedom to formulate and teach a religious creed.

[27] These concepts may be represented as follows (Figure 1):

	Individual	Religious Organization
<i>Forum internum</i> (absolute freedom)	<ul style="list-style-type: none"> • Forming and holding religious beliefs. • Prayer and meditation. • Study. 	<ul style="list-style-type: none"> • Selecting and training religious leaders. • Determining and teaching religious beliefs. • Governing the internal affairs of the religious organization.
<i>Forum externum</i> (freedom subject to reasonable limitations)	<ul style="list-style-type: none"> • Wearing visible religious clothing. • Worshiping in community with others. • Religiously-motivated educational and charitable activities. 	<ul style="list-style-type: none"> • Conducting public worship activities. • Holding and maintaining property. • Religiously-motivated educational and charitable activities.

[28] In this litigation, the AGQ argues that religious organizations lack *any* religious freedom rights under the Charter.²⁷ He consequently sees no problem with interfering in Loyola’s *forum internum* by requiring it to teach about religious matters, including its own faith, from a “non confessional” perspective.²⁸

[29] At the same time, the Government of Quebec has proposed a Charter of Values which would ban the wearing of visible religious symbols by provincial employees.²⁹ The

²⁶ *Siebenhaar v. Germany* (June 20, 2011), (App. No. 18136/02) Eur. Ct. H.R., at para. 41 [BA Tab 12].

²⁷ AGQ Factum ¶ 98-125.

²⁸ “That Loyola, as a Catholic school, must teach ethics and Catholic religion from its own Catholic perspective is not disputed by the AGQ.” Loyola Factum ¶ 92. Yet according to the AGQ, “la nature non confessionnelle est . . . au coeur même du programme ministériel,” AGQ Factum ¶ 91, and therefore a program taught from a “Catholic perspective” cannot meet the requirements of the EDC. By imposing its “non confessional” religious education program on a private religious school like Loyola, the Government of Quebec is dictating what Loyola teaches about religion and ethics.

²⁹ Bill 60 § 5 (“In the exercise of their functions, personnel members of public bodies must not wear objects such as headgear, clothing, jewelry or other adornments which, by their conspicuous nature, overtly indicate a religious affiliation.”).

Government has specifically included Sikh turbans among the “signes ostentatoires” subject to the ban.³⁰

[30] The cumulative impact of these two positions may be represented as follows (Figure 2):

	Individual	Religious Organization
<i>Forum internum</i> (absolute freedom)	<ul style="list-style-type: none"> • Forming and holding religious beliefs. • Prayer and meditation. • Study. 	<ul style="list-style-type: none"> • Selecting and training religious leaders. • Determining and teaching religious beliefs. • Governing the internal affairs of the religious organization.
<i>Forum externum</i> (freedom subject to reasonable limitations)	<ul style="list-style-type: none"> • Wearing visible religious clothing. • Worshiping in community with others. • Religiously-motivated educational and charitable activities. 	<ul style="list-style-type: none"> • Conducting public worship activities. • Holding and maintaining property. • Religiously-motivated educational and charitable activities.

[31] The AGQ also asserts that, even assuming that Loyola had religious freedom, forcing Loyola to teach the ERC program from a “non confessional” perspective does not “significantly” burden that freedom because Loyola remains free to teach its beliefs in a “complementary” course.³¹ Being forced by the State to proclaim a belief one does not hold cannot be “cured” if the State allows one to proclaim one’s true beliefs at other times. Indeed, earlier this year the Supreme Court of the United States—in the very different context of non-governmental organization speech regarding prostitution—held that government could not force an NGO to espouse the government’s beliefs at one time and its own beliefs at another. That would mean that the NGO could express its true “beliefs only at the price of evident hypocrisy.”³²

[32] The positions taken by the Government of Quebec in this case and with respect to the Charter of Values significantly constrict the religious freedom recognized in other free and democratic societies and elsewhere in Canada.

³⁰ Government of Quebec, online: Limit the Wearing of Conspicuous Religious Symbols <http://www.nosvaleurs.gouv.qc.ca/en/propositions/3> [BA Tab 21]

³¹ AGQ Factum ¶ 135-37.

³² *Agency for International Development v. Alliance for Open Society International, Inc.*, 133 S.Ct. 2321, 2331 (2013) [BA Tab 1].

[33] Moreover, Quebec's failure to recognize the full scope of religious freedom is particularly harmful to Sikhs and other religious minorities. Sikhs, while a major Canadian faith group, still represent a minority of all Canadians and a small but growing minority of Québécois. Minority religious groups are less able to protect the interests of their members in the legislative process, and are more vulnerable to government interference in their internal functioning. Moreover, minority religious practices—such as wearing the turban or the kirpan—are often the subject of misunderstandings and even outright discrimination by non-adherents.³³ Thus, strong Charter protections for collective religious activities are especially important for the Sikh community and other minority religious groups.

[34] The approach advanced by the Government of Quebec runs counter to basic international human rights principles that collective religious activity and public religious activity must be protected. Because this approach would harm the fundamental rights of all Canadians, and especially the rights of Sikhs and other religious minorities, it should be rejected.

PART IV - SUBMISSIONS ON COSTS

[35] The WSO does not seek costs, and asks that no costs be awarded against it.

PART V - ORDER REQUESTED

[36] The WSO requests the right to present oral argument at the appeal

ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 10th day of March, 2014.



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³³ See, for example, Bertrand Marotte, Sikhs celebrate reversal of Quebec's soccer turban ban, *Globe and Mail* (June 16, 2013) online: <http://www.theglobeandmail.com/news/national/sikhs-celebrate-reversal-of-quebecs-soccer-turban-ban/article12593818/> [BA Tab 20]; *Multani v. Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6 [2006], 1 S.C.R. 256 [BA Tab 8].

PART VI – TABLE OF AUTHORITIES

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3.	<i>Cantwell et. al. v. State of Connecticut</i> , 60 S.Ct. 900 (1940)	25
4.	<i>Health Services and Support Facilities Subsector Bargaining Association v. British Columbia</i> , (2007) SCC 27	7
5.	<i>Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.</i> , 132 S. Ct. 694(2012)	12,13, 26
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16.	<i>International Covenant on Civil and Political Rights</i> , (December 16, 1966) 999 D.N.T.S. 171, art. 18, GA Res. 2200A (XXI), 21 UN GAOR, Supp. No. 15, UN Doc., art. 18(1) (4)	10
17.	<i>U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief</i> , 25 November 1981, A/RES/36/55, art. 6	11
18.	<i>Universal Declaration of Human Rights</i> , GA Res 217 (III), UN GAOR, 3d Sess., Supp. No. 13, UN Doc. A/810 (1948) art. 18	4

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19.	Bahiyyih G. Tahzib, <i>Freedom of Religion or Belief; Ensuring Effective International Protection</i> , 44 <i>International Studies in Human Rights</i> (Kluwer 1996)	25
20.	Bertrand Marotte, Sikhs celebrate reversal of Quebec's soccer turban ban, <i>Globe and Mail</i> (June 16, 2013), online: < http://www.theglobeandmail.com/news/national/sikhs-celebrate-reversal-of-quebecs-soccer-turban-ban/article12593818/ >	33
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23.	Joyce Barrow, <i>Sikhism</i> , (Vancouver: Whitecap Books, 2004)	20
24.	N.-G. Kaur Singh, <i>Sikhism – An Introduction</i> , (New York: Taurus & Co. Ltd., 2011)	16,17, 18
25.	Organization for Security and Cooperation in Europe, <i>Concluding Document of the Vienna Meeting of Representatives of the Participating States of the Conference on Security and Cooperation in Europe</i> , Principle 16, (Vienna: 17 January 1989)	11
26.	Shiromani Gurdwara Parbandhak Committee, <i>Sikh Reht Maryada: The Code of Sikh Conduct and Conventions</i> , (Amritsar: 1932), Section 6 Article 23a	21,22
27.	Statistics Canada, online: 2011 National Household Survey < http://www12.statcan.gc.ca/census-recensement/index-eng.cfm >	16
28.	United Nations, General Assembly, <i>Interim report of the Special Rapporteur on freedom of religion or belief</i> (7 August 2012) A/68/290	25

PART VII – STATUTORY PROVISIONS

Canadian Charter of Rights and Freedoms, s. 2a)

2. Everyone has the following fundamental freedoms:

(a) freedom of conscience and religion;

2. Chacun a les libertés fondamentales suivantes :

a) liberté de conscience et de religion;

Quebec Charter of Human Rights and Freedoms, s. 3

3. Every person is the possessor of the fundamental freedoms, including freedom of conscience, freedom of religion, freedom of opinion, freedom of expression, freedom of peaceful assembly and freedom of association.

3. Toute personne est titulaire des libertés fondamentales telles la liberté de conscience, la liberté de religion, la liberté d'opinion, la liberté d'expression, la liberté de réunion pacifique et la liberté d'association.