

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO
AND THE BRITISH COLUMBIA COURT OF APPEAL)

BETWEEN:

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

APPELLANTS
(Appellants)

-and-

LAW SOCIETY OF UPPER CANADA

RESPONDENT
(Respondent)

AND BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

APPELLANT
(Appellant)

-and-

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

RESPONDENTS
(Respondents)

FACTUM OF THE INTERVENER,
INTERNATIONAL COALITION OF PROFESSORS OF LAW
(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Eugene Meehan, Q.C.

Marie-France Major

Tel.: (613) 695-8855

Fax: (613) 695-8580

Email: emeehan@supremeadvocacy.ca
mfmajor@supremeadvocacy.ca

**Counsel for the Intervener, International
Coalition of Professors of Law (SCC Files 37209
& 37318)**

SUPREME ADVOCACY LLP

100- 340 Gilmour Street
Ottawa, ON
K2P 0R3

Marie-France Major

Tel: (613) 695-8855

Fax: (613) 695-8580

E-mail: mfmajor@supremeadvocacy.ca

**Ottawa Agent for Counsel for the
Intervener, International Coalition of
Professors of Law (SCC Files 37209 &
37318)**

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO
AND THE BRITISH COLUMBIA COURT OF APPEAL)

BETWEEN:

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

APPELLANTS
(Appellants)

-and-

LAW SOCIETY OF UPPER CANADA

RESPONDENT
(Respondent)

ATTORNEY GENERAL OF ONTARIO, ASSOCIATION FOR REFORMED POLITICAL ACTION (ARPA) CANADA, CANADIAN CIVIL LIBERTIES ASSOCIATION, THE ADVOCATES' SOCIETY, INTERNATIONAL COALITION OF PROFESSORS OF LAW, NATIONAL COALITION OF CATHOLIC SCHOOL TRUSTEES' ASSOCIATIONS, LAWYERS' RIGHTS WATCH CANADA, CANADIAN BAR ASSOCIATION, CRIMINAL LAWYERS' ASSOCIATION (ONTARIO), CHRISTIAN LEGAL FELLOWSHIP, CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS, START PROUD, OUTLAWS, CANADIAN COUNCIL OF CHRISTIAN CHARITIES, UNITED CHURCH OF CANADA, LAW STUDENTS' SOCIETY OF ONTARIO, CANADIAN CONFERENCE OF CATHOLIC BISHOPS, SEVENTH-DAY ADVENTIST CHURCH IN CANADA, EVANGELICAL FELLOWSHIP OF CANADA, CHRISTIAN HIGHER EDUCATION CANADA, LESBIANS GAYS BISEXUALS AND TRANS PEOPLE OF THE UNIVERSITY OF TORONTO, BRITISH COLUMBIA HUMANIST ASSOCIATION, CANADIAN SECULAR ALLIANCE, EGALE CANADA HUMAN RIGHTS TRUST, FAITH, FEALTY & CREED SOCIETY, ROMAN CATHOLIC ARCHDIOCESE OF VANCOUVER, CATHOLIC CIVIL RIGHTS LEAGUE, FAITH AND FREEDOM ALLIANCE, WORLD SIKH ORGANIZATION OF CANADA

INTERVENERS

AND BETWEEN:

LAW SOCIETY OF BRITISH COLUMBIA

APPELLANT
(Appellant)

-and-

TRINITY WESTERN UNIVERSITY and BRAYDEN VOLKENANT

RESPONDENTS
(Respondents)

LAWYERS' RIGHTS WATCH CANADA, NATIONAL COALITION OF CATHOLIC SCHOOL TRUSTEES' ASSOCIATIONS, INTERNATIONAL COALITION OF PROFESSORS OF LAW, CHRISTIAN LEGAL FELLOWSHIP, CANADIAN BAR ASSOCIATION, THE ADVOCATES' SOCIETY, ASSOCIATION FOR REFORMED POLITICAL ACTION (ARPA) CANADA, CANADIAN COUNCIL OF CHRISTIAN CHARITIES, CANADIAN CONFERENCE OF CATHOLIC BISHOPS, CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS, LAW STUDENTS' SOCIETY OF ONTARIO, SEVENTH-DAY ADVENTIST CHURCH IN CANADA, BC LGBTQ COALITION, EVANGELICAL FELLOWSHIP OF CANADA, CHRISTIAN HIGHER EDUCATION CANADA, BRITISH COLUMBIA HUMANIST ASSOCIATION, EGALE CANADA HUMAN RIGHTS TRUST, FAITH, FEALTY & CREED SOCIETY, ROMAN CATHOLIC ARCHDIOCESE OF VANCOUVER, CATHOLIC CIVIL RIGHTS LEAGUE, FAITH AND FREEDOM ALLIANCE, CANADIAN SECULAR ALLIANCE, WEST COAST WOMEN'S LEGAL EDUCATION AND ACTION FUND, WORLD SIKH ORGANIZATION OF CANADA

INTERVENERS

BENNETT JONES LLP

Suite 3400, P.O. Box 130
One First Canadian Place
Toronto, ON
M5X 1A4

Robert W. Staley

Ranjan K. Agarwal

Jessica M. Starck

Tel: (416) 777-4857

Fax: (416) 863-1716

E-mail: staley@bennettjones.ca

KUHN & COMPANY

320-900 Howe Street
Vancouver, British Columbia
V6Z 2M4

Kevin L. Boonstra

Jonathan Maryniuk

Tel: (604) 684-8668

Fax: (604) 684-2887

E-mail: kboonstra@kuhnco.net

**Counsel for Trinity Western University,
Brayden Volkenant (SCC Files 37209 &
37318)**

BORDEN LADNER GERVAIS LLP

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Suite 3400
Toronto, ON, Canada
M5H 4E3

Guy Pratte

Tel: (416) 350-2638

Fax: (416) 361-7307

**Counsel for The Law Society of Upper
Canada (SCC File 37209)**

BENNETT JONES LLP

World Exchange Plaza
1900-45 O'Connor Street
Ottawa, ON
K1P 1A4

Mark Jewett, Q.C.

Tel: (613) 683-2328

Fax: (613) 683-2323

E-mail: jewettm@bennettjones.com

**Ottawa Agent for counsel for Trinity Western
University, Brayden Volkenant (SCC Files
37209 & 37318)**

BORDEN LADNER GERVAIS LLP

World Exchange Plaza
100 Queen Street, suite 1300
Ottawa, ON
K1P 1J9

Nadia Effendi

Tel: (613) 237-5160

Fax: (613) 230-8842

E-mail: neffendi@blg.com

**Ottawa Agent for Counsel for The Law
Society of Upper Canada (SCC File 37209)**

ATTORNEY GENERAL OF ONTARIO

720 Bay Street, 4th Floor
Toronto, ON
M7A 2S9

S. Zachary Green

Josh Hunte

Tel: (416) 326-8517

Fax: (416) 326-4015

E-mail: zachary.green@ontario.ca

Counsel for The Attorney General of Ontario (SCC File 37209)

**GALL, LEGGE, GRANT & MUNROE
LLP**

1000-1199 West Hastings Street
Vancouver, British Columbia
V6E 3T5

Peter A. Gall, Q.C.

Donald R. Munroe, Q.C.

Benjamin J. Oliphant

Tel: (604) 891-1152

Fax: (604) 669-5101

E-mail: pgall@glgmlaw.com

Counsel for Law Society of British Columbia (SCC Files 37209 & 37318)

**CANADIAN COUNCIL OF CHRISTIAN
CHARITIES**

1-43 Howard Avenue
Elmira, ON
N3B 2C9

Barry W. Bussey

Philip A.S. Milley

Tel: (519) 669-5137

Fax: (519) 669-3291

E-mail: barry.bussey@cccc.org

Counsel for the Intervener Canadian Council of Christian Charities (SCC Files 37209 & 37318)

BURKE-ROBERTSON

441 MacLaren Street Suite 200
Ottawa, ON
K2P 2H3

Robert E. Houston, Q.C.

Tel: (613) 236-9665

Fax: (613) 235-4430

E-mail: rhouston@burkerobertson.com

Ottawa Agent for Counsel for The Attorney General of Ontario (SCC File 37209)

POWER LAW

130 Albert Street Suite 1103
Ottawa, ON
K1P 5G4

Mark C. Power

Tel: (613) 702-5561

Fax: (613) 702-5561

E-mail: mpower@juristespower.ca

Ottawa Agent for Counsel for Law Society of British Columbia (SCC Files 37209 & 37318)

SUPREME ADVOCACY LLP

100 - 340 Gilmour Street
Ottawa, ON
K2P 0R3

Eugene Meehan, Q.C.

Marie-France Major

Tel: (613) 695-8855

Fax: (613) 695-8580

E-mail: emeehan@supremeadvocacy.ca

mfmajor@supremeadvocacy.ca

Ottawa Agent for Counsel for the Intervener, Canadian Council of Christian Charities (SCC Files 37209 & 37318)

**ASSOCIATION FOR REFORMED
POLITICAL ACTION (ARPA) CANADA**
1705-130 Albert St.
Ottawa, ON
K1P 5G4

André Schutten

Tel: (613) 297-5172
Fax: (613) 249-3238
E-mail: Andre@ARPACanada.ca

**Counsel for the Intervener, ARPA (SCC
Files 37209 & 37318)**

BARNES, SAMMON LLP

400-200 Elgin Street
Ottawa, ON
K2P 1L5

William J. Sammon

Tel: (613) 594-8000
Fax: (613) 235-7578
Email:

**Counsel for the Intervener, Canadian
Conference of Catholic Bishops (SCC Files
37209 & 37318)**

**CANADIAN ASSOCIATION OF
UNIVERSITY TEACHERS**

2705 Queensview Drive
Ottawa, ON
K2B 8K2

Peter Barnacle

Immanuel Lanzaderas

Tel: (613) 820-2270 Ext: 192
Fax: (613) 820-7244
E-mail: barnacle@caut.ca

**Counsel for the Intervener, Canadian
Association of University of Teachers (SCC
Files 37209 & 37318)**

SUPREME ADVOCACY LLP

100- 340 Gilmour Street
Ottawa, ON
K2P 0R3

Marie-France Major

Tel: (613) 695-8855
Fax: (613) 695-8580
E-mail: mfmajor@supremeadvocacy.ca

**Ottawa Agent for Counsel for the Intervener,
ARPA (SCC Files 37209 & 37318)**

GOLDBLATT PARTNERS LLP

500-30 Metcalfe St.
Ottawa, ON
K1P 5L4

Colleen Bauman

Tel: (613) 482-2463
Fax: (613) 235-3041
E-mail: cbauman@goldblattpartners.com

**Ottawa Agent for Counsel for the Intervener,
Canadian Association of University of
Teachers (SCC Files 37209 & 37318)**

**PALIARE, ROLAND, ROSENBERG,
ROTHSTEIN, LLP**

155 Wellington Street West 35th Floor
Toronto, ON
M5V 3H1

Chris G. Paliare

Joanna Radbord

Monique Pongracic-Speier

Tel: (416) 646-4318

Fax: (416) 646-4301

E-mail: chris.paliare@paliareroland.com

**Counsel for the Intervener, Advocates
Society (SCC Files 37209 & 37318)**

**URSEL PHILLIPS FELLOWS
HOPKINSON LLP**

1200 - 555 Richmond Street West
Toronto, ON
M5V 3B1

Susan Ursel

David Grossman

Angela Westmacott, Q.C.

Tel: (416) 969-3515

Fax: (416) 968-0325

E-mail: sursel@upfhlaw.ca

**Counsel for the Intervener, Canadian Bar
Association (SCC Files 37209 & 37318)**

CHRISTIAN LEGAL FELLOWSHIP

285 King Street, Suite 202
London, Ontario
N6B 3M6

Derek B.M. Ross

Deina Warren

Tel: (519) 601-4099

Fax: (519) 601-4098

E-mail: execdir@christianlegalfellowship.org

**Counsel for the Intervener, Christian Legal
Fellowship (SCC Files 37209 & 37318)**

GOWLING WLG (CANADA) LLP

160 Elgin Street, Suite 2600
Ottawa, ON
K1P 1C3

Jeffrey W. Beedell

Tel: (613) 786-0171

Fax: (613) 788-3587

E-mail: jeff.beedell@gowlingwlg.com

**Ottawa Agent for Counsel for the Intervener,
Advocates Society (SCC Files 37209 & 37318)**

GOWLING WLG (CANADA) LLP

160 Elgin Street, Suite 2600
Ottawa, ON
K1P 1C3

Jeffrey W. Beedell

Tel: (613) 786-0171

Fax: (613) 788-3587

E-mail: jeff.beedell@gowlingwlg.com

**Ottawa Agent for Counsel for the Intervener,
Canadian Bar Association (SCC Files 37209
& 37318)**

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON
K2P 0R3

Eugene Meehan, Q.C.

Tel.: (613) 695-8855

Fax: (613) 695-8580

Email: emeehan@supremeadvocacy.ca

**Ottawa Agent for Counsel for the Intervener,
Christian Legal Fellowship (SCC Files 37209
& 37318)**

**NORTON ROSE FULBRIGHT CANADA
LLP**

200 Bay Street
Royal Bank Plaza, South Tower, Suite 3800
Toronto, ON
M5J 2Z4

Rahool P. Agarwal

Kristine Spence

Tel: (416) 216-3943

Fax: (416) 216-3930

E-mail: rahool.agarwal@nortonrose.com

**Counsel for the Intervener, Law Students
Society of Ontario (SCC Files 37209 &
37318)**

MILLER THOMSON LLP

3000, 700- 9th Avenue SW
Calgary, Alberta
T2P 3V4

Gerald D. Chipeur, Q.C.

Jonathan Martin

Grace MacKintosh

Tel: (403) 298-2425

Fax: (403) 262-0007

E-mail: gchipeur@millerthomson.com

**Counsel for the Intervener, Seventh Day
Adventist Church in Canada (SCC Files
37209 & 37318)**

JFK LAW CORPORATION

640-1122 Mainland Street
Vancouver, British Columbia
V6B 5L1

Karey Brooks

Robert Freedman

Elin Sigurdson

Tel: (604) 687-0549

Fax: (604) 687-2696

E-mail: kbrooks@jfkllaw.ca

**Counsel for the Intervener, BC LGBTQ
Coalition (SCC Files 37209 & 37318)**

**NORTON ROSE FULBRIGHT CANADA
LLP**

1500-45 O'Connor Street
Ottawa, ON
K1P 1A4

Matthew J. Halpin

Tel: (613) 780-8654

Fax: (613) 230-5459

E-mail:

matthew.halpin@nortonrosefulbright.com

**Ottawa Agent for Counsel for the Intervener,
Law Students Society of Ontario (SCC Files
37209 & 37318)**

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON
K2P 0R3

Eugene Meehan, Q.C.

Marie-France Major

Tel.: (613) 695-8855

Fax: (613) 695-8580

Email: emeehan@supremeadvocacy.ca

mfmajor@supremeadvocacy.ca23

**Ottawa Agent for Counsel for the Intervener,
Seventh Day Adventist Church in Canada
(SCC Files 37209 & 37318)**

GOWLING WLG (CANADA) LLP

160 Elgin Street
Suite 2600
Ottawa, ON
K1P 1C3

Guy Régimbald

Tel: (613) 786-0197

Fax: (613) 563-9869

E-mail: guy.regimbald@gowlingwlg.com

**Ottawa Agent for Counsel for the Intervener,
BC LGBTQ Coalition (SCC Files 37209 &
37318)**

VINCENT DAGENAIS GIBSON LLP

260 Dalhousie Street
Suite 400
Ottawa, Ontario
K1N 7E4

Albertos Polizogopoulos
D. Geoffrey Cowper, Q.C.
Kristin Debs
Geoffrey Trotter

Tel: (613) 241-2701
Fax: (613) 241-2599
E-mail: albertos@vdg.ca

**Counsel for the Intervener, Evangelical
Fellowship of Canada/Christian Higher
Education Canada (joint) (SCC Files 37209
& 37318)**

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Eugene Meehan, Q.C.

Tel.: (613) 695-8855
Fax: (613) 695-8580
Email: emeehan@supremeadvocacy.ca

DOUCETTE SANTORO FURGIUELE

1100 – 20 Dundas Street West
Toronto, Ontario M5G 2G8

Daniel C. Santoro

Tel.: (416) 922-7272
Fax: (416) 342-1766

**Counsel for the Intervener, National
Coalition of Catholic School Trustees'
Associations**

HAKEMI & RIDGEDALE LLP

1500-888 Dunsmuir Street
Vancouver, British Columbia
V6C 3K4

Wesley J. McMillan

SUPREME ADVOCACY LLP

340 Gilmour St., Suite 100
Ottawa, ON K2P 0R3

Thomas Slade

Tel.: (613) 695-8855
Fax: (613) 695-8580
Email: tslade@supremeadvocacy.ca

**Ottawa Agent for Counsel for the Intervener,
National Coalition of Catholic School
Trustees' Associations**

GOWLING WLG (CANADA) LLP

2600-160 Elgin Street
Ottawa, ON
K1P 1C3

Guy Régimbald

Tel: (604) 259-2269
Fax: (604) 648-9170
E-mail: wcmillan@hakemiridgedale.com

**Counsel for the Intervener, British
Columbia Humanist Association (SCC Files
37209 & 37318)**
GOLDBLATT PARTNERS LLP
20 Dundas Street West, Suite 1100
Toronto, Ontario
M5G 2G8

Steven Barrett
Adriel Weaver
Tel: (416) 979-6422
Fax: (416) 591-7333

**Counsel for the Intervener, Egale Canada
Human Rights Trust (SCC Files 37209 &
37318)**

BENEFIC LAW CORPORATION
1250 - 1500 West Georgia Street
P.O. Box 62
Vancouver, British Columbia
V6G 2Z6

Blake Bromley
Tel: (604) 683-7006
Fax: (604) 683-5676
E-mail: blake@beneficgroup.com

**Counsel for the Intervener, Faith, Fealty &
Creed Society (SCC Files 37209 & 37318)**

FOY ALLISON LAW GROUP
207 - 2438 Marine Drive
West Vancouver, British Columbia
V7V 1L2

Gwendoline Allison
Tel: (604) 922-9282
Fax: (604) 922-9283
E-mail: gwendoline.allison@foyallison.com

Tel: (613) 786-0197
Fax: (613) 563-9869
E-mail: guy.regimbald@gowlingwlg.com

**Ottawa Agent for Counsel for the Intervener,
British Columbia Humanist Association (SCC
Files 37209 & 37318)**
GOLDBLATT PARTNERS LLP
500-30 Metcalfe St.
Ottawa, Ontario
K1P 5L4

Colleen Bauman
Tel: (613) 482-2463
Fax: (613) 235-3041
E-mail: cbauman@goldblattpartners.com

**Ottawa Agent for Counsel for the Intervener,
Egale Canada Human Rights Trust (SCC
Files 37209 & 37318)**

MICHAEL J. SOBKIN
331 Somerset Street West
Ottawa, ON
K2P 0J8

Tel: (613) 282-1712
Fax: (613) 288-2896
E-mail: msobkin@sympatico.ca

**Ottawa Agent for Counsel for the Intervener,
Faith, Fealty & Creed Society (SCC Files
37209 & 3731)**

VINCENT DAGENAIS GIBSON LLP
260 Dalhousie Street
Suite 400
Ottawa, Ontario
K1N 7E4

Albertos Polizogopoulos
Tel: (613) 241-2701
Fax: (613) 241-2599
E-mail: albertos@vdg.ca

Counsel for the Intervener, Roman Catholic Archdiocese of Vancouver and Catholic Civil Rights League/Faith and Freedom Alliance (jointly) (SCC Files 37209 & 37318)

Ottawa Agent for Counsel for the Intervener, Roman Catholic Archdiocese of Vancouver and Catholic Civil Rights League/Faith and Freedom Alliance (jointly) (SCC Files 37209 & 37318)

JFK LAW CORPORATION
340-1122 Mainland Street
Vancouver, British Columbia
V6B 5L1

GOWLING WLG (CANADA) LLP
2600- 160 Elgin Street
Ottawa, ON
K1P 1C3

Tim Dickson
Tel: (604) 687-0549
Fax: (607) 687-2696
E-mail: tdickson@jfkclaw.ca

Guy Régimbald
Tel: (613) 786-0197
Fax: (613) 563-9869
E-mail: guy.regimbald@gowlingwlg.com

Counsel for the Canadian Secular Alliance (SCC Files 37209 & 37318)

Ottawa Agent for Counsel for the Canadian Secular Alliance (SCC Files 37209 & 37318)

WINTERINGHAM MACKAY
620 - 375 Water Street
Vancouver, British Columbia
V6B 5C6

MICHAEL J. SOBKIN
331 Somerset Street West
Ottawa, ON
K2P 0J8

Janet Winteringham, Q.C.
Jessica Lithwick
Robyn Trask
Tel: (604) 659-6060
Fax: (604) 687-2945
E-mail: jwinteringham@wmlaw.ca

Tel: (613) 282-1712
Fax: (613) 288-2896
E-mail: msobkin@sympatico.ca

Counsel for West Coast Women's Legal Education and Action Fund (SCC Files 37209 & 37318)

Ottawa Agent for Counsel for West Coast Women's Legal Education and Action Fund (SCC Files 37209 & 37318)

NANDA & COMPANY
3400 Manulife Place
10180- 101 Street N.W.
Edmonton, Alberta
T5J 4K1

SUPREME ADVOCACY LLP
100- 340 Gilmour Street
Ottawa, ON
K2P 0R3

Avnish Nanda
Balpreet Singh Boparai
Tel: (780) 801-5324

Marie-France Major
Tel: (613) 695-8855
Fax: (613) 695-8580
E-mail: mfmajor@supremeadvocacy.ca

Fax: (587) 318-1391
E-mail: avnish@nandalaw.ca

Counsel for the Intervener, World Sikh Organization of Canada (SCC Files 37209 & 37318)

GREY, CASGRAIN
1155 René-Lévesque Ouest
Suite 1715
Montréal, Quebec
H3B 2K8

Julius H. Grey
Tel: (514) 288-6180 Ext: 229
Fax: (514) 288-8908
E-mail: jhgrey@greycasgrain.net

Counsel for the Intervener, Lawyers' Rights Watch Canada (SCC Files 37209 & 37318)

PARADIGM LAW GROUP LLP
80 Richmond Street West
Suite 1401
Toronto, Ontario
M5H 2A4

Angela Chaisson
Marcus McCann
Tel: (416) 868-1694
Fax: (855) 351-9215
E-mail: ac@plg-llp.ca

Counsel for the Intervener, Lesbians Gays Bisexuals and Trans People of the University of Toronto (SCC File 37209)

DEWART GLEASON LLP
102 - 366 Adelaide Street West
Toronto, Ontario
M5V 1R9

Sean Dewart
Tim Gleason
Tel: (416) 971-8000

Ottawa Agent for Counsel for the Intervener, World Sikh Organization of Canada (SCC Files 37209 & 37318)

GOWLING WLG (CANADA) LLP
160 Elgin Street
Suite 2600
Ottawa, ON
K1P 1C3

Guy Régimbald
Tel: (613) 786-0197
Fax: (613) 563-9869
E-mail: guy.regimbald@gowlingwlg.com

Ottawa Agent for Counsel for the Intervener, Lawyers' Rights Watch Canada (SCC Files 37209 & 37318)

FASKEN MARTINEAU DUMOULIN LLP
55 Metcalfe Street, Suite 1300
Ottawa, Ontario
K1P 6L5

Yael Wexler
Tel: (613) 696-6860
Fax: (613) 230-6423
E-mail: ywexler@fasken.com

Ottawa Agent for Counsel for the Intervener, Lesbians Gays Bisexuals and Trans People of the University of Toronto (SCC File 37209)

SUPREME LAW GROUP
900-275 Slater Street
Ottawa, ON K1P 5H9

Moira Dillon
Tel: (613)691-1224
Fax: (613) 691-1338
Email: mdillon@supremelawgroup.ca

Fax: (416) 971-8001
E-mail: sdewart@dglp.ca

Counsel for the Intervener, United Church of Canada (SCC File 37209)

GOLDBLATT PARTNERS LLP

Box 180
1039-20 Dundas Street West
Toronto, Ontario
M5G 2G8

Marlys A. Edwardh

Vanessa Payne

Tel: (416) 979-4380

Fax: (416) 979-4430

E-mail: medwardh@goldblattpartners.com

Counsel for the Interveners, Start Proud/OUTlaws (jointly) (SCC File 37209)

JOHN NORRIS

BREESE DAVIES

100 - 116 Simcoe St.
Toronto, Ontario
M5H 4E2

Tel: (416) 596-2960

Fax: (416) 596-2598

E-mail: john.norris@simcoechambers.com

Counsel for the Criminal Lawyers' Association (Ontario) (SCC File 37209)

STIKEMAN ELLIOTT LLP

5300 Commerce Court West
199 Bay Street
Toronto, Ontario
M5L 1B9

Alan L.W. D'Silva

Alexandra Urbanski

Ottawa Agent for Counsel for the Intervener, United Church of Canada (SCC File 37209)

GOLDBLATT PARTNERS LLP

500-30 Metcalfe St.
Ottawa, Ontario
K1P 5L4

Colleen Bauman

Tel: (613) 482-2463

Fax: (613) 235-3041

E-mail: cbauman@goldblattpartners.com

Ottawa Agent for Counsel for the Interveners, Start Proud/OUTlaws (jointly) (SCC File 37209)

GOWLING WLG (CANADA) LLP

2600 - 160 Elgin Street
P.O. Box 466, Stn. A
Ottawa, Ontario
K1P 1C3

Matthew Estabrooks

Tel: (613) 786-0211

Fax: (613) 788-3573

E-mail: matthew.estabrooks@gowlingwlg.com

Ottawa Agent for Counsel for the Criminal Lawyers' Association (Ontario) (SCC File 37209)

STIKEMAN ELLIOTT LLP

1600 - 50 O'Connor Street
Ottawa, Ontario
K1P 6L2

Nicholas Peter McHaffie

Tel: (613) 566-0546

Fax: (613) 230-8877

Tel: (416) 869-5204
Fax: (416) 947-0866
E-mail: adsilva@stikeman.com

E-mail: nmchaffie@stikeman.com

**Counsel for Canadian Civil Liberties
Association (SCC File 37209)**

**Ottawa Agent for Counsel for Canadian Civil
Liberties Association (SCC File 37209)**

TABLE OF CONTENTS

	Page
OVERVIEW	1
PART I - STATEMENT OF FACTS	3
PART II – POSITION WITH RESPECT TO THE QUESTIONS IN ISSUE	4
PART III – STATEMENT OF ARGUMENT	5
A. Freedom of Religion Includes the Right to Seek Government Recognition and Participate in Government Programs.	5
B. Freedom of Association Includes the Right to Establish Organizational Codes of Conduct.	7
C. Freedom of Religion and Freedom of Association are Necessary Components to a Free and Democratic Society.	9
PART IV – COSTS	10
PART VI – TABLE OF AUTHORITIES	11
Appendix: Representative list of members of the International Coalition of Professors of Law	13

OVERVIEW

1. Since the International Coalition filed its request to intervene in June, the stakes in this appeal have become even higher. The Law Society of Upper Canada (LSUC) now asserts that the *Charter* and Canadian human rights law prevent LSUC from *ever* accrediting a school which holds itself out as religious.¹ The Law Societies admit that but for Trinity’s religious purpose and policies, its proposed program would in fact provide students with the training they need to be competent Canadian lawyers.² Yet so long as Trinity continues to be what it is—that is, a “distinctly Christian” community—the Law Societies will continue to reject its program.³

2. LSUC’s factum could not make this point clearer. LSUC highlights in bold the parts of Trinity’s community covenant it found to “impose discriminatory burdens.” The first two highlighted words were “**Jesus Christ**.”⁴ Trinity admits students of *all* faiths and none, but nevertheless, according to LSUC, Trinity’s “distinctly Christian” environment is discriminatory to all who do not share its religious worldview.⁵ In LSUC’s view, “accreditation of TWU would have amounted to . . . exhibiting a preference for the religious tenets of Evangelical Christianity.”⁶ According to LSUC, accrediting an otherwise-qualified religious institution violates the state’s duty of religious neutrality.⁷

3. This position is remarkable not least for its parochialism. Around the world, thousands of

¹ Factum of Respondent Law Society of Upper Canada (“LSUC”), para 59.

² Factum of Appellant Law Society of British Columbia (“LSBC”), para 94; LSUC, para 46.

³ LSUC, para 24(e).

⁴ LSUC, para 23.

⁵ LSUC, para 24(e).

⁶ LSUC, para 59.

⁷ LSUC, paras 57, 59. Perhaps sensing that it has gone too far, LSUC hints that it would consider an alternative process for individual Trinity graduates who apply to become Ontario lawyers. LSUC, paras 110–11. But since LSUC admits that Trinity’s proposed law school would prepare competent lawyers, the only outstanding issue is whether any particular applicant agrees with Trinity’s community standards. LSUC is apparently suggesting that this Court empower it to examine Trinity graduates to see if they hold the beliefs LSUC condemns. This kind of examination would be a significant violation of individual graduates’ rights to freedom of thought, belief, and conscience under both the *Charter* and international law.

religious universities and graduate programs—and thousands more colleges, high schools, and elementary schools—enjoy state recognition and accreditation; indeed, there are more than 1,800 Catholic institutions of higher learning alone.⁸ In LSUC’s view, government accreditation of these sometimes quite ancient institutions is a flagrant violation of state neutrality towards religion.

4. In fact, the opposite is true. It is LSUC’s position which violates international law. As a number of international tribunals have held, excluding qualified institutions from government benefits programs because of their religious identity violates the fundamental right of freedom of religion.⁹ This reflects the general consensus in international law that religious liberty has a collective dimension, which is often expressed through the establishment of religious educational institutions that enjoy state recognition, accreditation, and in many cases, support.

5. Although LSBC’s factum is ostensibly more limited—LSBC objects to Trinity’s adherence to traditional Christian teachings about marriage, sex, and the sanctity of life—the implications of its position are no less sweeping. Like LSUC, LSBC claims that it has the right to evaluate Trinity’s religious policies, and the obligation to reject Trinity’s application if any of them differ from its own norms.¹⁰ It thereby seeks to establish its own moral views as orthodox, authoritative, and exclusive.

6. LSBC articulates no limits on its position that accrediting a religious institution constitutes impermissible “approval” of any “discrimination” engaged in by the institution in maintaining its code of conduct.¹¹ And a moment’s reflection confirms that if this position were to be adopted by other Canadian professional organizations, the potential grounds for rejecting qualified graduates of international institutions would be endless. It is not difficult to foresee a day when one Canadian professional organization rejects medical students trained at the Université Catholique de Louvain because of the Catholic Church’s opposition to abortion and assisted suicide, while another Canadian organization refuses to recognize degrees granted by

⁸ Congregatio de Institutione Catholica, *Index Universitates et alia Instituta Studiorum Superiorum Ecclesiae Catholicae* (Vatican 2005) at 393 (“*Index Universitates*”).

⁹ *Metropolitan Orthodox Church of Bessarabia and Others v Moldova*, App. No 45701/99, ECtHR, 13 Dec. 2001, § 118; *Trinity Lutheran Church v Comer*, (2017) 137 SCt 2012, 2025.

¹⁰ LSBC, paras 25–27, 207.

¹¹ LSBC, paras 25–26.

Israeli universities because of the Israeli government's policies, and yet another rejects petroleum engineers trained at Al-Azhar University in Egypt because of its adherence to Muslim sexual norms.

7. Adoption of the Law Societies' extreme positions in this case would move Canada far outside the international mainstream—and would have an obvious and tangible impact on International Coalition members. Like other law societies, LSUC requires individual assessments of bar candidates educated outside of Canada.¹² Thus if the Law Societies were to prevail, International Coalition members and their students who have studied at religiously-affiliated law schools could expect additional scrutiny, if not outright rejection, by the Law Societies. And because the Law Societies' arguments have no ascertainable limits, International Coalition members and their students would have no way to predict in advance whether a particular school will be deemed “too discriminatory” to qualify for Canadian recognition. The Law Societies' position would thus unjustifiably punish individual graduates and put Canada far outside the mainstream of international law and practice.

PART I - STATEMENT OF FACTS

8. The Coalition includes recognized legal scholars from members of the Commonwealth, Council of Europe states, and the United States, some of whom are former judges.¹³

9. Many members of the International Coalition are now or have in the past been affiliated with religious academic institutions outside of Canada. LSUC requires “internationally-educated individuals” to go through an individual assessment before receiving a license to practice law in Canada.¹⁴ LSUC regards it as a violation of its own obligations under the *Charter* to recognize degrees granted by religiously-affiliated schools in Canada.¹⁵ LSBC refuses to recognize degrees granted by religious schools with internal religion-based policies it regards as discriminatory.¹⁶ As a result, International Coalition members reasonably expect that they or their students could be denied professional opportunities in Canada because they have been affiliated with religious schools.

¹² LSUC, para 14.

¹³ A representative list of Coalition members is attached as an appendix to this Factum.

¹⁴ LSUC, para 14(f), fns. 12, 13.

¹⁵ LSUC, paras 24, 59.

¹⁶ LSBC, para 118.

10. The Law Societies' position has the potential to have an impact on many other international law graduates as well. Worldwide, thousands of religious higher education institutions provide both religious and professional training. Al-Azhar University in Egypt is the largest university in the world, with 500,000 students.¹⁷ It has faculties of medicine, religion, engineering, and law.¹⁸ The Index of Catholic Higher Education identifies 1,800 Catholic institutions of higher education, including dozens of law schools in the U.S., Australia, and around the world.¹⁹ There are many other universities that are associated with other religions, including Buddhism, Judaism, Hinduism, Sikhism, and other faiths.

11. The Law Societies' arguments apply in principle to all of Canada's accrediting bodies and professional associations. Thus, if those arguments are adopted by this Honourable Court, qualified international applicants from an array of professions could find themselves shut out of Canada because they graduated from religious schools. To take one example, Canada "ranks 26th among 34 developed countries in terms of physician-to-population ratio;" this gap is particularly acute in rural areas where 20% of Canadians live but only 2% of medical specialists practice.²⁰ Programs that encourage international medical graduates to serve in rural areas have been key to addressing this gap, and in provinces like Saskatchewan, international graduates now make up as much as 46% of the physician workforce.²¹ Today South Africa and India are the top two source countries for international medical graduates working in Canada.²² Yet the Law Societies would have gatekeepers reject qualified candidates from schools like the top-ranked Christian Medical College in Vellore, India, because they were trained in a religious school.²³

PART II – POSITION WITH RESPECT TO THE QUESTIONS IN ISSUE

12. While the Coalition supports the relief requested by Trinity, it focuses on three points:

A. Freedom of religion includes the right to seek government recognition and the right to

¹⁷ Al-Azhar University's Biography 2017 at 2, 5.

¹⁸ Al-Azhar University, Campuses and Faculties.

¹⁹ *Index Universitates* at 393.

²⁰ Nazrul Islam, "The Dilemma of Physician Shortage and International Recruitment in Canada" (2014) 3:1 Int'l J Health Pol'y Mgmt 29-32 ("Islam, 'The Dilemma of Physician Shortage'").

²¹ *Id.*; Julia Belluz, "Is Canada Discriminating Against Foreign-Trained Doctors?", *Macleans* (April 20, 2012).

²² Islam, "The Dilemma of Physician Shortage."

²³ India Today, India's Best Medical Colleges 2016.

- participate in government programs on an equal basis;
- B. Freedom of association includes the right to establish organizational codes of conduct based on shared principles; and
- C. Freedom of religion and freedom of association are necessary components of a free and democratic society.

PART III – STATEMENT OF ARGUMENT

13. The Law Societies err in two fundamental and related ways. LSUC would impute the *government's* duty of religious neutrality to all the many private institutions that the government licenses, accredits, or otherwise recognizes.²⁴ Similarly, LSBC would reject any school that had codes of conduct inconsistent with the nondiscrimination norms applicable to *government* actors.²⁵ These arguments would effectively eliminate pluralistic religious education in Canada and put Canada out of step with the strong international legal norms that protect freedom of religion and freedom of association worldwide.

A. Freedom of Religion Includes the Right to Seek Government Recognition and Participate in Government Programs.

14. LSUC argues that it would violate the government's duty of religious neutrality for LSUC to accredit a religious law school.²⁶ In fact, the opposite is true: there is a general consensus in comparative and international law that excluding a qualified religious institution from a government program because of its religious nature, or refusing to grant a religious organization official recognition, violates fundamental guarantees of religious freedom.²⁷

²⁴ LSUC, paras 57–61.

²⁵ LSBC, paras 109, 118.

²⁶ LSUC, paras 57–61. LSUC unaccountably relies on *Mouvement laïque québécois v Saguenay (City)*, 2015 SCC 16, [2015] 2 SCR 3. But *Saguenay* is a legislative prayer case involving prayers offered by government officials while they were carrying out their government duties. Cf. *Town of Greece, New York v Galloway*, (2014) 134 SCt 1811, 1822.

²⁷ Both Law Societies concede that the *Charter* right of freedom of belief extends to Trinity. LSBC, paras 144–80; LSUC, paras 79–92. This is correct: there is a general consensus in comparative and international law that freedom of religion extends to religious communities.

15. The 2014 guidelines from the Organization for Security and Cooperation in Europe summarize the minimum international standard: “religious or belief organizations must be able to exercise the full range of religious activities and activities normally exercised by registered non-governmental legal entities.”²⁸ Systematically excluding qualified religious schools from accreditation imposes a unique disability on religious communities and violates international law.

16. Consistent with that standard, in *Trinity Lutheran Church & School v Comer*, the United States Supreme Court ruled 7-2 that a church-operated preschool could not be excluded from a state program simply because it was a religious organization. The Court held that “expressly denying a qualified religious entity a public benefit solely because of its religious character” could not be justified by the state’s asserted interest in maintaining religious neutrality.²⁹

17. *Trinity Lutheran* and the OSCE guideline exemplify the longstanding consensus in comparative and international law that religious communities have the right to establish educational and charitable institutions without undue state interference.³⁰ This consensus is based on, among other things, the right to provide religious education and the right to be free from religious discrimination, both of which are protected in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.³¹

Universal Declaration of Human Rights, GA Res 217A (III), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810 (1948) 18 [UDHR] (religious freedom includes person’s right “to manifest his religion or belief in teaching, practice, worship and observance,” “either alone or in community with others and in public or private”).

²⁸ OSCE, Office for Democratic Institutions and Human Rights, Guidelines on Legal Personality of Religious or Belief Communities (2014), para 23.

²⁹ *Trinity Lutheran*, 137 SCt at 2024-25.

³⁰ *Savez Crkava “Riječ Života” and Others v Croatia*, App. No. 7798/08 (ECtHR 2011); *In re Act no. 3/2002 Coll.*, 2002/11/27 - Pl. ÚS 6/02: Religious Freedom (Cz. Const. Ct.), Part IV, para 5; *Obligation of Loyalty Case*, Bundesverfassungsgericht [Federal Constitutional Court], BVerfGE 70/138 (Germany); *Bethel*, Bundesverfassungsgericht [Federal Constitutional Court], BVerfGE 57/220 (Germany).

³¹ UDHR 18; *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, Can TS 1976 No 18 (entered into force 23 March 1976) [ICCPR].

B. Freedom of Association Includes the Right to Establish Organizational Codes of Conduct.

18. LSBC argues that Trinity’s proposed school must be rejected because Trinity has a religious code of conduct that is inconsistent with nondiscrimination laws from which Trinity is exempt. LSBC casually suggests that what students “in torts class” do in their private lives can be of no religious significance.³² Yet there is an emerging consensus in comparative and international law that freedom of association includes the freedom to establish codes of conduct based on shared principles, and that this right extends not just to religious organizations but also to secular ones that are organized around a shared ideological mission.

19. The Court of Appeals of Paris has ruled that “entreprises de conviction” organized around a shared mission have the right to establish codes of conduct and hold their employees to them. Thus, a crèche organized around the shared value of laïcité was entitled to ban its employees from wearing ostentatious religious symbols.³³ The Spanish Constitutional Court has held that employees of “ideological” institutions—i.e., political parties or trade unions—have a duty of loyalty to their employer’s system of beliefs, and may not act in a way that undermines that ideology, even outside of the workplace.³⁴

20. These general associational rights have been held to be heightened in the context of religious institutions, which under the *Charter* and other human rights documents enjoy both the right of association and the right of freedom of religion.³⁵

21. In *Hosanna-Tabor*, a religious school that fired a teacher after she violated the religious community’s code of conduct could not be sued under disability nondiscrimination law, because

³² LSBC paras 157, 169. Relatedly, LSBC argues that Trinity Western’s students have no religious-freedom right to avoid “exposure to [the] practices” of others. *Id.* at 153. But this argument forgets that the religious-freedom right at issue here is not just the right of Trinity Western’s *students* to join others in a likeminded community but the right of Trinity Western *itself* to establish and maintain the community covenant in the first place.

³³ *Laaouej c. Association Baby-Loup*, S. 13/02981 (27 Nov. 2013) (C.A. Paris) (France).

³⁴ *La libertad de cátedra y la Ley Orgánica del Estatuto de Centros Escolares*, Spain Const. Ct. Ruling 5/1981, Feb. 13 (legal basis 11th); see also *In re: constitutionality of law no. 4831-2002*, Spain Const. Ct. Ruling 38/2007, Feb. 15.

³⁵ *Hosanna-Tabor Evangelical Lutheran Chur & Sch v EEOC*, (2012) 565 US 171, 194-95.

the state was obliged to respect the school's right to require its teachers to uphold its principles.³⁶ The United States Supreme Court rejected the government's argument that the church enjoyed no more rights than trade unions, holding that the express textual protection for freedom of religion in the United States Constitution required the government to demonstrate "special solicitude" for the right of religious communities to establish codes of conduct for religious teachers at religious schools.³⁷

22. Similarly, in *Fernández-Martínez*, the Grand Chamber of the European Court of Human Rights held that a teacher of Catholic religion could be dismissed after he spoke publicly about his status as a priest who was married and had five children, notwithstanding employees' general right to be free from marital status discrimination.³⁸ And in *Sindicatul "Păstorul cel Bun"*, the Grand Chamber held that the Romanian Orthodox Church could not be required to allow its priests to unionize and engage in collective bargaining with the bishops of the church, notwithstanding employees' general right to collective bargaining.³⁹

23. Establishing religious institutions that reflect shared principles—and running them in a way that reflects those principles—is a recognized aspect of the international law of freedom of association and freedom of religion. These religious and associational rights have been repeatedly vindicated, even in the difficult cases where they are alleged to conflict with labour rights or the rights of individual employees to be free from discrimination. They are even stronger here, where what is at stake is whether "[s]tudents attending TWU are free to adopt personal rules of conduct based on their religious beliefs" without fear that they will be "deni[ed]" the "right of full participation in society" as a result.⁴⁰

³⁶ *Hosanna-Tabor*, 565 US at 194-95.

³⁷ *Hosanna-Tabor*, 565 US at 189; see also *Corp of the Presiding Bishop v Amos*, (1987) 483 US 327, 342-44 (church-operated gymnasium); *Nat'l Labor Relations Bd. v Catholic Bishop of Chicago*, (1979) 440 US 490 (church-operated elementary and secondary schools).

³⁸ *Fernández-Martínez v Spain*, App. No. 56030/07 (ECtHR, 12 June 2014).

³⁹ *Sindicatul "Păstorul cel Bun" v Romania*, App. No. 2330/29 (ECtHR, 9 July 2013).

⁴⁰ *Trinity Western University v British Columbia College of Teachers*, 2001 SCC 31 at para 35, [2001] 1 SCR 772 (*Trinity I*).

C. Freedom of Religion and Freedom of Association are Necessary Components to a Free and Democratic Society.

24. According this kind of freedom to religious institutions is at times challenging, but it is also necessary in a free and democratic society. Indeed, it is at the very heart of the liberal order.

As Justices Alito and Kagan wrote in *Hosanna-Tabor*:

In a case like the one now before us—where the goal of the civil law in question, the elimination of discrimination against persons with disabilities, is so worthy—it is easy to forget that the autonomy of religious groups, both here in the United States and abroad, has often served as a shield against oppressive civil laws. To safeguard this crucial autonomy, we have long recognized that the Religion Clauses protect a private sphere within which religious bodies are free to govern themselves in accordance with their own beliefs.⁴¹

In a liberal polity, the government must be neutral as to religion, but the private organizations that comprise civil society need not be. Religious identity is part of cultural pluralism and should be welcomed in a diverse and inclusive society.

25. The Court’s “safeguarding” role is especially important in cases like this one, where the codes of conduct in question differ from contemporary secular norms. Protection of this right, the Czech Constitutional Court has recognized, is at the heart of what it means to have “a liberal state.”⁴² And it becomes more important, not less, when the principles that make a community different attract intense disapproval from some quarters of society.

26. The way that this intense disapproval was expressed in this case is particularly troubling: the effect of the Law Societies’ decision is to exclude individual Trinity graduates from the practice of law, thus preventing them from obtaining employment due to their religious beliefs. This is contrary to the protection of religious freedom under Article 18 of the *International Covenant on Civil and Political Rights*, which “bars coercion that would impair the right to have or adopt a religion or belief, including . . . [p]olicies . . . restricting access to education [or] employment.”⁴³

27. The Law Societies have not yet excluded applicants from the practice of law based on

⁴¹ *Hosanna-Tabor*, 565 US at 199 (Alito, J., joined by Kagan, J., concurring).

⁴² *In re Act no. 3/2002*, Coll. 2002/11/27 - Pl. ÚS 6/02: Religious Freedom (Cz. Const. Ct.), Part IV, para 5.

⁴³ U.N. Human Rights Committee, CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), 30 July 1993, CCPR/C/21/Rev.1/Add.4, para 5.

their membership in particular religious communities other than Trinity. But the arguments they advance would allow them to do so at any time. As this Honourable Court recognized in 2001, “if [Trinity’s] Community Standards could be sufficient in themselves to justify denying accreditation, it is difficult to see how the same logic would not result in the denial of accreditation to members of a particular church.”⁴⁴

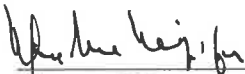
28. Around the world, LGBT people continue to suffer severe limitations on their civil rights—including, in some countries, imprisonment and death—for publicly embracing their sexual identity.⁴⁵ As changes to the laws in these places are debated, many wonder whether granting rights to LGBT people will have the unintended result of taking rights away from traditional religious believers. The answer should be no, but the Law Societies say the answer must be yes. Their position turns equality into an instrument of exclusion.

29. This Honourable Court has the opportunity to forge a better path forward, by holding that religious institutions like TWU can *peacefully coexist* with full equality for LGBT Canadians. This Court can do this by reaffirming that the *Charter* as well as international law protect the ability of Canadians to voluntarily join together in an educational community that reflects a distinctive religious character and seeks to participate in the common good.

PART IV – COSTS

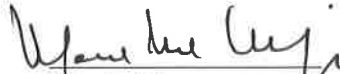
30. Parties should bear their own costs related to the Coalition’s intervention.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 5th day of September, 2017.



Eugene Meehan, Q.C.

Counsel for the Intervener International Coalition of Professors of Law



Marie-France Major

⁴⁴ *Trinity I*, para 33.

⁴⁵ International Lesbian, Gay, Bisexual, Trans, and Intersex Association, *State-Sponsored Homophobia* (2017) at 8.

PART VI: TABLE OF AUTHORITIES

<u>Cases</u>	<u>Paragraph(s)</u>
<i>Bethel</i> , Bundesverfassungsgericht [Federal Constitutional Court], BVerfGE 57/220 (Germany).....	17
<i>Corp of the Presiding Bishop v Amos</i> , (1987) 483 US 327	21
<i>Fernández-Martínez v Spain</i> , App. No. 56030/07 (ECtHR, 6 Dec. 2014).....	22
<i>Hosanna-Tabor Evangelical Lutheran Church & School v EEOC</i> , (2012) 565 US 171	20, 21, 24
<i>In re Act no. 3/2002 Coll.</i> , 2002/11/27 - Pl. ÚS 6/02: Religious Freedom (Cz. Const. Ct.).....	17, 25
<i>In re: constitutionality of law no. 4831-2002</i> , Spain Const. Ct. Ruling 38/2007, Feb. 15	19
<i>Laaouej c. Association Baby-Loup</i> , S. 13/02981 (27 Nov. 2013) (C.A. Paris) (France)	19
<i>La libertad de cátedra y la Ley Orgánica del Estatuto de Centros Escolares</i> , Spain Const. Ct. Ruling 5/1981, Feb. 13	19
<i>Metropolitan Orthodox Church of Bessarabia and Others v Moldova</i> , App. No. 45701/99 (ECtHR, 13 Dec. 2001).....	4
<i>Nat'l Labor Relations Bd. v Catholic Bishop of Chicago</i> , (1979) 440 US 490.....	21
<i>Obligation of Loyalty Case</i> , Bundesverfassungsgericht [Federal Constitutional Court], BVerfGE 70/138 (Germany).....	17
<i>Savez Crkava "Riječ Života" and Others v Croatia</i> , App. No. 7798/08 (ECtHR 2011)	17
<i>Sindicatul "Păstorul cel Bun" v Romania</i> , App. No. 2330/29 (ECtHR, 9 July 2013).....	22
<i>Town of Greece, New York v Galloway</i> , (2014) 134 SCt 1811	14
<i>Trinity Lutheran Church v Comer</i> ,	

(2017) 137 SCt 2012.....4, 16

[Trinity Western University v British Columbia College of Teachers](#),
2001 SCC 31, [2001] 1 SCR 772.....23, 27

Secondary Sources

[Al-Azhar University's Biography](#) 201710

[Al-Azhar University](#), Campuses and Faculties10

[Julia Belluz](#), “Is Canada Discriminating Against Foreign-Trained Doctors?”,
Macleans (April 20, 2012).....11

Congregatio de Institutione Catholica, *Index Universitates et alia Instituta
Studiorum Superiorum Ecclesiae Catholicae* (Vatican 2005)3, 10

[India Today](#), India’s Best Medical Colleges 2016.....11

[International Covenant on Civil and Political Rights](#), 19 December 1966,
999 UNTS 171, Can TS 1976.....17

[International Lesbian, Gay, Bisexual, Trans, and Intersex Association](#),
State-Sponsored Homophobia (2017).....28

[Nazrul Islam](#), “The Dilemma of Physician Shortage and International
Recruitment in Canada” (2014) 3:1 Int’l J Health Pol’y Mgmt.....11

[OSCE](#), Office for Democratic Institutions and Human Rights, Guidelines on
Legal Personality of Religious or Belief Communities (2014)15

[U.N. Human Rights Committee](#), CCPR General Comment
No. 22: Article 18 (Freedom of Thought, Conscience or Religion),
30 July 1993, CCPR/C/21/Rev.1/Add.426

[Universal Declaration of Human Rights](#), GA Res 217A (III), UNGAOR,
3rd Sess, Supp No 13, UN Doc A/810 (1948).....14, 17

APPENDIX

Representative list of members of the International Coalition of Professors of Law:¹

Rex Ahdar
Professor
School of Law
University of Otago
New Zealand

Nicholas Aroney
Professor of Constitutional Law
T.C. Beirne School of Law
The University of Queensland
Australia

Carmen Asiain Pereira
Professor of Law and Religion
Faculty of Theology Mons. M. Soler and
University of Montevideo, Uruguay
President, Latin American Consortium for Freedom of Religion or Belief

Iain T. Benson
Professor of Law
University of Notre Dame Australia
Sydney, Australia;
Extraordinary Professor of Law
Faculty of Law
University of the Free State
Bloemfontein
South Africa

Zachary R. Calo
Professor of Law
Hamad Bin Khalifa University
Qatar;
Research Scholar in Law and Religion at Valparaiso University
United States

¹ Institutional affiliations included for identification purposes only.

Ana Maria Célis Brunet
Professor
Faculty of Law
Pontifical Catholic University of Chile
Vice President, International Consortium for Law and Religion Studies
Chile

Elizabeth A. Clark
Associate Director, International Center for Law and Religion Studies
J. Reuben Clark Law School
Brigham Young University
United States

Louis-Léon Christians
Vice-President, Research Institute for Religions, Spiritualities, Culture, Societies
Chair, Law and Religion Faculty, Catholic University of Louvain
Belgium
Invited Professor, Faculty of Law, Catholic University of Paris and State University of Paris XI
France

Shaun de Freitas
Professor of Law
Faculty of Law
University of the Free State
Bloemfontein
South Africa

René Pahud de Mortanges
Professor of Law
Director, Institute of Law and Religion
Fribourg University
Switzerland

Gary Doxey
Associate Director, International Center for Law and Religion Studies
J. Reuben Clark Law School
Brigham Young University
United States

W. Cole Durham, Jr.

Founding Director, International Center for Law and Religion Studies
J. Reuben Clark Law School
Brigham Young University
United States

Silvio Ferrari
Professor of Ecclesiastical Law
Università degli Studi di Milano
Italy

Neil Foster
Associate Professor
Newcastle Law School
Australia

Javier García Oliva
Senior Lecturer in Law and LLB Programme Director
The University of Manchester
United Kingdom

John Garvey
President, Catholic University of America and former President, Association of American Law
Schools
Washington, D.C.
United States

Jessica Giles
Lecturer in Law, The Open University
Associate Editor, Oxford Journal of Law and Religion
United Kingdom

Mark Goldfeder
Senior Lecturer
Emory Law School
Senior Fellow, Center for the Study of Law and Religion
Director, Restoring Religious Freedom Project
United States

Professor Mark Hill, QC
Honorary Professor of Law, Centre for Law and Religion,

Cardiff University, Wales, United Kingdom
Extraordinary professor at the University of Pretoria, South Africa
Visiting Professor at the Dickson Poon School of Law at King's College London
Adjunct Professor at Notre Dame University, Sydney, Australia
Ecumenical fellow in Canon Law, Venerable English College in Rome, Italy

Yannis Ktistakis
Assistant Professor
School of Law
Democritus University of Thrace
Greece

Matti Kotiranta
Professor of Church History
Head of School of Theology
University of Eastern Finland
Joensuu, Finland

Ian Leigh
Professor of Law
Durham Law School
Durham University
United Kingdom

Tahir Mahmood
Distinguished Jurist Chair, Professor of Eminence and
Chairman, Institute of Advanced Legal Studies
Amity University
India

Rassie Malherbe
Professor Emeritus
Faculty of Law
University of Johannesburg
South Africa

Asher Maoz
Dean
Peres Academic Center
Law School

Shimon Peres St.
Rehovot, Israel

Javier Martínez-Torrón
Professor of Law
Complutense University
Madrid, Spain

Raul Madrid
Professor of Law and Director, Program of Law, Science, and Technology
Pontifical Catholic University of Chile
Santiago, Chile

Nikos Maghioros
Assistant Professor of Canon and Ecclesiastical Law
Aristotle University of Thessaloniki
School of Theology
Greece

Michael W. McConnell
Richard and Frances Mallery Professor of Law
Director, Constitutional Law Center
Stanford Law School
United States

David McIlroy
Barrister, Forum Chambers, England and
Visiting Professor in Law
School of Oriental and African Studies
University of London
United Kingdom

Gabriel A. Moens
Emeritus Professor of Law
The University of Queensland
Professor of Law, Curtin University
Australia

Michaela Moravčíková
Director of Institute for Legal Aspects of Religious Freedom

Faculty of Law
Trnava University
Slovakia

Vincenzo Pacillo
Professor
Department of Law
University of Modena and Reggio Emilia
Modena, Italy

Professor Francisca Pérez-Madrid
Professor of Law
Deputy Vice Dean of Research and International Relations
University of Barcelona
Barcelona, Spain

Rafael Palomino Lozano
Departamento de Derecho Eclesiástico del Estado
Universidad Complutense de Madrid
Spain

Kofi Quashigah
Professor
Faculty of Law
University of Ghana
Legon, Ghana

Michael Quinlan
Dean
School of Law, Sydney
The University of Notre Dame
Australia

Neville Rochow SC
Barrister
Professor of Law (adjunct)
Notre Dame Law School Sydney
Associate Professor of Law (adjunct)
Adelaide Law School
Australia

Gerhard Robbers
Professor of Law
University of Trier
Germany

Vanja-Ivan Savić
Assistant Professor
University of Zagreb, Faculty of Law
Zagreb, Croatia

Brett G. Scharffs
Director, International Center for Law and Religion Studies and
Rex E. Lee Professor of Law
J. Reuben Clark Law School
Brigham Young University
United States

A. Keith Thompson
Associate Dean of Law
Sydney School of Law
The University of Notre Dame Australia

Rik Torfs
Professor, Faculty of Canon Law and past Rector
Katholieke Universiteit Leuven
Leuven, Belgium

Helena van Coller
Associate Professor
Faculty of Law
Rhodes University
South Africa

Lorenza Violini,
Professor of Constitutional Law
Università degli Studi di Milano
Italy

John Witte Jr.
Director, Center for the Study of Law and Religion

Emory University School of Law
United States

Augusto Zimmermann

Law Reform Commissioner, Law Reform Commission of Western Australia

Professor of Law (adjunct), The University of Notre Dame Australia – Sydney

Director of Post-Graduate Research, Murdoch University School of Law

Murdoch University, School of Law