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QCGN profoundly disappointed by Quebec Court of Appeal's ruling on Bill 21

Montreal – February 29, 2024 – The Quebec Community Groups Network is profoundly disappointed by today's ruling on Bill 21 by the Quebec Court of Appeal. Unfortunately, the justices' hands were tied by the Quebec Government's use of the notwithstanding clauses of the Canadian Charter of Rights and Freedoms, and the Quebec Charter of Human Rights and Freedoms.

Bill 21 prohibits employees in positions of authority (like teachers, judges, and police officers) from wearing or displaying symbols of their religion, like hijabs, kippahs, turbans or ostentatious crucifixes while at work.

"We have supported those who appealed this divisive law from the beginning because we believe the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms are worth fighting for," said Sylvia Martin-Laforge, Director General of the QCGN, a group representing Quebec's English-speaking minority. "But the Quebec government's use of the notwithstanding clauses of the two Charters tied the Court's hands. There was no remedy to be had."

The judgment is another example of how the notwithstanding clauses in both the federal and provincial charters annihilate the fundamental rights and freedoms of citizens, she said.

"We are also disappointed that the Court narrowly interpreted Section 23 on minority-language education rights. We hope if the Supreme Court chooses to hear an appeal of today's decision, that the scope of the right to exclusively manage and control minority-language education schools will be interpreted more broadly," Martin-Laforge said.

"Bill 21 solves no problems, but has instead brought misery to many," she remarked. "Young, observant Muslim women, for example, cannot work as teachers and still honor their religious convictions. We have already seen a case of a teacher being removed from the classroom and reassigned to an administrative post because she wore a head covering for reasons of conscience. It was administrators who decided her head cover was a religious symbol."

The controversial law has made religious minorities feel less welcome in Quebec. Martin-Laforge noted that three years after the law was passed, a substantial survey showed religious minority communities were encountering — at levels described as disturbing — disdain, hate, mistrust, and aggression. "We

even saw threats and physical violence,” a lead researcher at the Association for Canadian Studies, noted in a CBC interview.

“The law is based on a false premise that the visibility of a turban or a hijab is automatically a gesture of proselytization, an attempt to convert people to a particular religion or make an agent of government incapable of acting impartially”, Martin-Laforge said.

“QCGN will of course support efforts to appeal this ruling to the Supreme Court of Canada, and we hope that the Court agrees to hear an appeal, and that the Government of Canada stands up for the fundamental rights and freedoms of Quebecers,” she said.

The Quebec Community Groups Network (www.qcgn.ca) is a not-for-profit organization bringing together English-language community organizations and individuals across Quebec. Its mission is to identify, explore, and address strategic issues affecting the development and vitality of English-speaking Quebec and to encourage dialogue and collaboration.

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