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TWU Submissions
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RE: TRINITY WESTERN UNIVERSITY SCHOOL OF LAW

Dear Policy Secretariat,

The question Convocation will answer regarding Trinity Western University's School of Law is:

> *Given that the Federation Approval Committee has provided conditional approval to the TWU law program in accordance with processes Convocation approved in 2010 respecting the national requirement and in 2011 respecting the approval of law school academic requirements, should the Law Society of Upper Canada now accredit TWU pursuant to section 7 of By-Law 4?*

The short answer is: of course it should.

In fact, to ask the question despite the conclusions of two professional legal opinions, the findings (after extensive investigation) of two government decision-making bodies, and the ruling of an 8-1 majority of the Supreme Court of Canada in a case barely a decade old with virtually the exact same fact scenario, demonstrates a bias amounting to a religious inquisition on the part of those asking the question. There is no doubt in my mind that if this were about an orthodox Jewish, Muslim, atheist, Black, feminist, LGBTQ or any other private law school formed along associational lines,[1] there would be no such "due diligence" practiced. This double standard is evidence for not only why we *should* accredit TWU, but also why we *need* to accredit TWU.

The short answer having been given, I shall take this opportunity to outline a few reasons why the answer should remain, "of course".

In response to those opposed to TWU

Some of those opposed to TWU's law school like to (ironically) quote from the 2001 *Trinity Western* Supreme Court case. "Heed these words!" they say, "The Court said, 'The proper place to draw the line in cases like the one at bar is generally between belief and conduct … The freedom to hold beliefs is broader than the freedom to act on them.'[2] Barring students from a law school is action," they say, "not mere belief."

[1] To be absolutely clear, I would fully support such private law schools (e.g. all black, all LGBTQ, all Muslim, etc.) on the condition that these schools produced lawyers who were competent in their understanding and practice of Canadian law.

[2] *Trinity Western University v. B.C.C.T.,* [2001] 1 S.C.R. 772 at para. 36. Incidentally, they ignore the paragraph before (para. 35) in which the court details the lack of any evidence whatsoever of discriminatory conduct by TWU's teacher graduates. The court states, "there is no evidence before this Court of discriminatory conduct by any graduate."

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But didn't the Supreme Court allow TWU to do just that in the 2001 case? In fact, the Court *ordered* the B.C. College of Teachers to give accreditation to TWU,[3] despite the fact that the school was exercising this covenant. So, did the Court misapply its own rules in the very case it was deciding at that moment? Obviously not.

However, those opposed counter that TWU's policy targets not just homosexual behaviour, but homosexual people, citing as authority para. 123 of the recent hate speech case from the Supreme Court, *Saskatchewan (Human Rights Commission) v. Whatcott*.[4] They explain that characterizing the issue as one of behaviour rather than identity is (to quote Clayton Ruby in an op-ed published in the *National Post*) "an old trick that bigots have long used to mask their views."[5]

However, such objectors are selective in their quoting of the Supreme Court and miss an important nuance. In the paragraph just before the one to which they refer, Justice Rothstein states, "I agree that sexual orientation and sexual behaviour can be differentiated for certain purposes [emphasis mine]."[6] Do objectors like Mr. Ruby mean to suggest that Justice Rothstein and the five Supreme Court justices who signed their name to his judgment are "bigots" who are "masking their views"?

Furthermore, the evidence does not support these objectors' claim. There are a number of homosexual men and women who attend TWU. Again, the irony is rather thick: These objectors totally ignore or refuse to acknowledge the existence of self-identifying homosexual men and women who willingly adhere to TWU's community covenant. These students' existence is ignored because of… their behaviour! "Such individuals can't really be gay because, judging by their (lack of certain) behaviour, they aren't gay." Such hypocrisy is disappointing to say the least.

Herein lies the false assumptions made by those opposed: All assume that it is the school imposing the community covenant on the students, they assume it is a large, powerful, mean institution discriminating against small, powerless, weak individuals. But that's not the way a covenant works. A lifestyle covenant is something that an individual willingly chooses to adopt in order to guide his or her own path.

Canadians who share a moral code and wish to embark on a corporate enterprise together, guided by that particular religious code, are protected by the *Charter's* guarantee of freedom of association. That freedom, to be clear, includes an absolute protection of the constitutional rights of individuals when those rights are exercised in common with others.

That's what TWU is: More than 4,000 individuals who see value in governing themselves according to a certain code that happens to be religiously informed. There is no harm in that.

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[3] *Trinity Western University v. B.C.C.T.,* [2001] 1 S.C.R. 772 at para. 43, 44.

[4] *Saskatchewan (Human Rights Commission) v. Whatcott*, 2013 SCC 11, para. 123.

[5] Clayton Ruby and Gerald Chan, "A law school at Trinity Western University will impose a queer quota" *National Post* (29 July 2013) online: <http://fullcomment.nationalpost.com/2013/07/29/clayton-ruby-and-gerald-chan-a-law-school-at-trinity-western-university-will-impose-a-queer-quota/>.

[6] *Whatcott*, *supra* note 4 at para. 122.

A word on religious and associational freedoms

It is helpful here to discuss the legal principles surrounding the fundamental freedoms of religion[7] and association[8] as protected by section 2 of the Canadian *Charter of Rights and Freedoms*. These are especially relevant to the discussion of TWU's School of Law.[9]

The *Universal Declaration of Human Rights* describes the freedom of religion and conscience as the "freedom, either alone or in community with others and in public or private, to manifest [one's] religion or belief in teaching, practice, worship and observance."[10] The *Declaration* recognizes that freedom of religion is for the individual *and* for the community; it is a freedom practiced privately *and* practiced publicly, it entails a freedom to believe *and* a freedom to manifest those beliefs through actions.

Chief Justice McLachlin echoed this sentiment in a speech in October 2002 where she stated that "the rule of law must incorporate within itself some space for the manifestation of religious conscience" and that "the courts have maintained an enduring responsibility for finding, in the comprehensive claims of the rule of law, a space in which individual ***and community adherence to religious authority can flourish***."[11]

More recently, in the *Hutterian Brethren* case, the Supreme Court again emphasized the importance of recognizing the community and collective aspect of religious rights. Justice LeBel wrote,

> [Freedom of religion] includes a right to manifest one's belief or lack of belief... It also incorporates ***a right to establish and maintain a community of faith that shares a common understanding*** … Religion is about religious beliefs, but also about religious relationships… [This case] raises issues about belief, but also about the maintenance of communities of faith.[12]

This recognition of a communal right to the free exercise of religion is important for creed-identified individuals who wish to collectively express their identity or who wish to engage in

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[7] *Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c.11 [*Charter*], at s. 2(a), "Everyone has the following fundamental freedoms: (a) freedom of conscience and religion…"

[8] *Charter*, at s. 2(d), "Everyone has the following fundamental freedoms: …(d) freedom of association…"

[9] In addition to the s. 2 fundamental freedoms, we could also look to other sections including section 15 and how that clause also applies to and protects the individual members of a Christian institution. Iain Benson makes this observation: "There are various rights within Section 15 that mirror rights found elsewhere. Thus, the right to be free from discrimination on the basis of religion is an equality dimension of religious rights in addition to the freedom of conscience and religion in Section 2(a). Over the years it has been startling to see how, for example, one aspect of an equality right, such as "sexual orientation," is hived off and played against a Section 2(a) right without any realization that there is also a corresponding equality right touching on religion within Section 15 itself." Iain T. Benson, "The Freedom of Conscience and Religion in Canada: Challenges and Opportunities" (2007) 21 Emory Int'l L. Rev. 111 at 148.

[10] *Universal Declaration of Human Rights*, G.A. Res. 217A(III), UN Doc. A/810, at 71 (1948), art.18.

[11] The Right Honourable Beverley McLachlin, PC, "Freedom of Religion and the Rule of Law: A Canadian Perspective" speech published in Douglas Farrow, ed., *Recognizing Religion in a Secular Society: Essays in Pluralism, Religion, and Public Policy* (Montreal: McGill-Queen's University Press, 2004) 12 at 20 [emphasis added].

[12] *Alberta v. Hutterian Brethren of Wilson Colony*, 2009 SCC 37 at para 180-182 [emphasis added]. See also the dissenting opinion of Justice Abella (at para. 114, 118, 131, 164-65) where she discusses the integral role that community plays in many religious traditions. Although both Justice Abella and Justice LeBel are writing in dissent, the majority did not disagree on this point.

enterprise together to the exclusion of others. Justice LeBel's statement recognizes that freedom of religion includes a right to establish and maintain a community of faith that shares a common understanding about lifestyle or morality; interference with their belief system and their statement of values is an infringement on their freedom to manifest their religious beliefs as they see fit.

Like the "jealously guarded"[13] protection of freedom of religion, the freedom of association has been encouraged for centuries. John Stuart Mill wrote that "from this liberty of each individual follows the liberty, within the same limits, of combination among individuals: freedom to unite, for any purpose not involving harm to others…"[14] It is clear that the freedom of association is an individual right and not a collective right. As Professor Hogg puts it, "The right protects the exercise in association of the *constitutional* rights of individuals… freedom of religion [does] not lose constitutional protection when exercised in common with others."[15] The communal religious rights of individual members of religious organizations or institutions (like those within the Trinity Western community as discussed above) are also protected by their freedom of association. This should include the freedom to limit membership in the religious community; this necessarily includes limiting enrolment to believers who share certain religious perspectives and values. The Supreme Court explained that to not allow for this is contradictory and otherwise defeats the purpose of the s. 2(d) freedom:

> [The] freedom of association should guarantee the collective exercise of constitutional rights. Individual rights protected by the Constitution do not lose that protection when exercised in common with others. People must be free to engage collectively in those activities which are constitutionally protected for each individual."[16]

On a religious definition of marriage

The question the LSUC must answer then is this: Can a religious institution hold to a religious definition of marriage? Can religious lawyers hold religious definitions of marriage? I sure hope so. Otherwise all of the assurances made by those advocating for a same-sex marriage law prior to 2005 were at best naive noise, at worst, outright lies. In balancing between equality for gays and lesbians and religious freedom, the *Civil Marriage Act* redefined marriage for civil purposes (that phrase is

[13] *Reference re Same-Sex Marriage*, [2004] 3 S.C.R. 698 at para. 53.

[14] John Stuart Mill, *On Liberty*, eds. by David Bromwich and George Kateb (New Haven: Yale University Press, 2003).

[15] P.W. Hogg, *Constitutional Law of Canada*, student ed. (Toronto: Thomson Carswell, 2007) at 1009.

[16] *Reference Re Public Service Employee Relations Act (Alberta)*, [1987] 1 S.C.R. 313 at para 172. I believe that, with the exception of associational rights in relation to employment and labour disputes, associational rights have otherwise been undervalued. I agree with Prof. David Schneiderman, who suggests that "associational rights may provide a key resource to minorities who have experienced oppression elsewhere but who do not qualify for group-specific measures in multi-cultural societies. Associational rights may act in such instances as a prophylactic between the state and the pursuit of group purposes. To the extent, then, that a pluralist theory of the constitution accommodates vulnerable communities and subcultures, the world will be made a safer place. Associational rights, in this way, generate resources for survival in a modern setting." [David Schneiderman, "Associational Rights, Religion, and the *Charter*" in Richard Moon, ed., *Law and Religious Pluralism in Canada* (Vancouver: UBC Press, 2008) 65 at 80].

emphatically used throughout the *Act*) but allowed *religious* individuals and institutions (this would include TWU) to maintain *religious* definitions of marriage.[17]

The preamble could not be clearer on this point:

> WHEREAS nothing in this Act affects the guarantee of freedom of conscience and religion and, in particular, the freedom of members of religious groups to hold and declare their religious beliefs and the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs;
>
> WHEREAS it is not against the public interest to hold and publicly express diverse views on marriage;[18]

And, for greater certainty, the *Act* expressly notes:

> **3.1** For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the *Canadian Charter of Rights and Freedoms* or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.[19]

Now I admit that the *Civil Marriage Act* is federal law and the LSUC is a provincial institution. But if those opposed to TWU are citing our gay-marriage law as the reason why TWU is "out of touch" with our laws, then they need to be consistent. TWU is not out of touch with the *Civil Marriage Act* – TWU fits squarely within it as seen above. To refuse to license a competent TWU law graduate would be to deprive a person of "any" benefit, "solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the *Charter*." The balance requires that religious institutions and individuals be allowed to hold a religious definition of marriage, as confirmed in TWU's community covenant. Anything less would be no balance at all to the detriment of religious freedom.

LSUC's own commitment to religious freedom

In the same year that the *Civil Marriage Act* was passed, the LSUC also approved and published an important statement of principles in relation to religious freedom. The document, *Respect for Religious and Spiritual Beliefs: A Statement of Principles of the Law Society of Upper Canada*, outlines the history of discrimination against religious people in Canada and internationally, outlines legislation that has been developed to counteract this and concludes with some principles. These principles are helpful for the purposes of this discussion.[20]

[17] *Civil Marriage Act*, S.C. 2005, c. 33.

[18] *Civil Marriage Act*, preamble.

[19] *Civil Marriage Act*, s. 3.1.

[20] In case the benchers of the Law Society have misplaced their copy of this document, I am attaching a full PDF version of the Statement to the e-version of this submission and have reproduced in an appendix a copy of the principles from that document.

If this Statement of Principles is to have any meaning at all, I trust Convocation will take the words of the document to heart and apply them to the situation at hand. To quote a few key phrases from the document as they apply to TWU:

> 49. The incidents of religiously motivated discrimination reinforce the importance for the Law Society to adopt a Statement of Principles that recognizes religious diversity.
>
> 50. The Law Society of Upper Canada, recognizing that:
>
> a. Respect for religious diversity advances the cause of justice;
>
> b. The rule of law is enhanced when religiously motivated discrimination or hatred is not tolerated;
>
> c. There continues to be a disturbing number of incidents of religious discrimination… in Ontario and in Canada…;
>
> d. The laws of Ontario and Canada guarantee freedom of conscience and religion, and prohibit discrimination… on the basis of religion or creed;
>
> e. The international community has condemned religious discrimination as harmful and unacceptable…; and
>
> f. Although particular groups may be frequent targets of religious discrimination, religious hatred and discrimination is a problem of Canadian society as a whole;
>
> 51. The Law Society of Upper Canada condemns in the strongest terms all manifestations and forms of hatred and discrimination based upon religious and spiritual beliefs… [and] the Law Society condemns all forms of religious intolerance directed at any group or community.
>
> 52. The Law Society of Upper Canada undertakes to promote and support religious understanding and respect both inside and outside the legal profession.
>
> 53. …the Law Society of Upper Canada has undertaken a strategy… to promote religious respect in our profession, society and the world.
>
> 54. This report demonstrates that there are many religious practices in Ontario and Canada… The Law Society has been proactive in creating this Statement of Principles to encourage religious respect in the legal profession.[21]

To deny competent TWU law graduates a license to practice in Ontario on the basis of their religious convictions as it pertains to their religious understanding of marriage, human sexuality and how they choose to govern their own lives is to actively violate the LSUC's own principles.

Lessons from the *Ontario Human Rights Code*

There are also lessons that can be learned, by analogy, from the *Ontario Human Rights Code*. The *Code* allows for certain exemptions from the general prohibition against employment discrimination on the basis of creed. The *Code* bans employment discrimination in section 5(1)[22], but allows an

[21] *Respect for Religious and Spiritual Beliefs: A Statement of Principles of the Law Society of Upper Canada,* (March 10, 2005) The Law Society of Upper Canada, pp. 23-25.

[22] *Human Rights Code*, R.S.O. 1990, c.H.19., at s. 5.(1), which reads, "Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability."

exemption in section 24(1).[23] While admittedly there is a difference between discrimination in employment and discrimination in service or enrolment, nevertheless, the principles animating the exemption for the one can inform the other.

The Supreme Court of Canada explained the purpose of the exception:

> …the courts should not … consider it merely as a limiting section deserving of a narrow construction. ***This section***, while indeed imposing a limitation on rights in cases where it applies, ***also confers and protects rights***. I agree with Seaton J.A. …:
>
> > This is the only section in the Act that specifically preserves the right to associate… In a negative sense [this section] is a limitation on the rights referred to in other parts of the Code. But in another sense ***it is a protection of the right to associate***.[24]

Justice Beetz later reinforced this purposive approach in a case examining the same clause from another jurisdiction. He stated that the clause was

> designed ... to allow certain non-profit institutions to create distinctions, exclusions or preferences which would otherwise violate the [Québec] *Charter* if those distinctions, exclusions or preferences are justified by the … religious … nature of the institution in question. In this sense, [the clause] confers rights upon certain groups. [It] was ***designed to promote the fundamental right of individuals to freely associate in groups for the purpose of expressing particular views or engaging in particular pursuits***. Its effect is to establish the primacy of the rights of the group over the rights of the individual in specified circumstances.[25]

The ramifications of limiting associational rights reach beyond religious communities.[26] Note that the exception in section 24 is a protection not only of religious associations but also fraternal, social and cultural groups. To ignore the broad, purposive approach advanced by Justice Beetz will also negatively affect other groups that have suffered historical disadvantage. For example, a gay baseball league in the United States was recently under fire for removing a team because three of the teammates were bi-sexual and not fully gay.[27] Objectively viewed, this might make sense, but it

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[23] *Ibid.*, at s. 24.(1)(a) which reads, "The right under section 5 to equal treatment with respect to employment is not infringed where, (a) a religious, philanthropic, educational, fraternal or social institution or organization that is primarily engaged in serving the interests of persons identified by their race, ancestry, place of origin, colour, ethnic origin, creed, sex, age, marital status or disability employs only, or gives preference in employment to, persons similarly identified if the qualification is a reasonable and *bona fide* qualification because of the nature of the employment."

[24] *Caldwell v. Saint Thomas Aquinas High School*, [1984] 2 S.C.R. 603 at 626 [emphasis added].

[25] *Brossard (Town) v. Québec (Commission des droits de la personne)*, [1988] 2 S.C.R. 279; [1988] S.C.J. No. 79 at para. 100 [emphasis added].

[26] I agree with the conclusions of Grim and Finke who describe religious rights as the "canaries in the coal mine… serving as a 'litmus indicator of whether freedom exists not only for them – but for all others in their societies.' We expand the litmus test beyond a particular religious group to religious freedoms in general, and we agree that the violations of vulnerable religious liberties indicate potential threats to other liberties as well." Brian J. Grim & Roger Finke, *The Price of Freedom Denied* (New York: Cambridge University Press, 2011) at 202.

[27] United States District Court Judge John Coughenour ruled in favour of the North American Gay Amateur Athletic Alliance (NAGAAA) and dismissed discrimination claims against it. The Court found that "it is reasonable that an organization seeking to limit participation to gay athletes would require members to express whether or not they are gay athletes." The complaint was based on other competitors' belief that more than two members of the San Francisco D2 team were heterosexual, and therefore violated Rule 7.05 of the NAGAAA Softball Code, which limits the participation of non-LGBT players to only two per team. See *Apilado v. North American Gay Amateur Athletic Alliance* (W.D. Wash. Nov. 10, 2011).

violates the league's rights to define for themselves who their members are. Is the LSUC willing to open this door by banning from the practice of law graduates from one identifiable group?

On balancing interests

The extent the State (including the Law Society) can intrude in the context of confessional schools (including Trinity Western University) needs to be balanced against the religious objectives and freedoms of those who have established the schools for confessional purposes. Where a government regulation, or the exercise of ministerial discretion, interferes with what it means to be a confessional school,[28] such regulation or discretion needs to be appropriately constrained.

Teaching from a religious perspective is not something that is done arbitrarily, or something that can be separated from the academic curriculum. The purpose of confessional schools is not to be religiously "neutral", but to teach from a particular religious perspective that is fused into all courses and programs and informs community life generally. It cannot be removed or altered without undermining the character and purpose of what it means to be a confessional school or community. The refusal to recognize the graduates of such schools despite demonstrated competence would be a significant infringement of their rights.

The State's role in education is to see that a certain quality of education is achieved. This is true for the Law Society of Upper Canada as well: to make sure that a certain quality or competency is attained and maintained, in order to ensure that the practice of law remains above reproach. This is typically done through the articling program, the ethics modules and the Bar admissions exams. The religious beliefs of the individual lawyers applying to practice should not factor in to this determination. The State and LSUC are interested in the ends (legal scholarship, ethics, competency, etc.), not the means to that end. LSUC does not have the power to preclude or prevent a confessional means to this end. Indeed, a competent law student should have the "the right to declare [his or her] religious beliefs openly and *without fear of hindrance or reprisal*…"[29] Barring such a student from the practice of law strikes me as a clear "hindrance or reprisal" for a religious conviction and identity.

Confessional schools form part of, and have a place in, our multicultural, religiously diverse society.[30] In *Big M Drug Mart,* the Supreme Court of Canada recognized that "[a] truly free society is one that can accommodate a wide variety of beliefs, diversity of tastes and pursuits, customs, and codes of conduct."[31] This was later affirmed in *Trinity Western*, where the Supreme Court noted,

[28] This would include dictating what is and is not acceptable dogma in relation to religious matters, including the religious definition of marriage.

[29] *R. v. Big M Drug Mart*, [1985] 1 S.C.R. 295 at para 94 [emphasis added].

[30] The diversity of Canada is also a *Charter* value, protected under section 27: "This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians."

[31] *R. v. Big M Drug Mart*, [1985] 1 S.C.R. 295, at para 94.

"The diversity of Canadian society is partly reflected in the multiple religious organizations that mark the societal landscape and this diversity of views should be respected."[32]

Continuing to recognize the legitimacy and religious integrity of confessional schools, *and their graduates*, as alternatives to State-run schools, is entirely appropriate – indeed necessary – within our pluralistic society. There is no question that these schools have a right to exist. Their existence is undermined if they are then not permitted to practice after having been taught from a confessional perspective.

Justice Peter Lauwers (Ontario Court of Appeal) quipped in a recent speech, "The issue, when it comes to religion, is whether the public square should be naked or neutral. Should the public square be stripped of religion, or should it be merely indifferent to religion?" To suggest that a lawyer cannot be educated at a Christian university and practice in Ontario is to strip our province's public square of religion. No, Canada is a welcoming country, Ontario a tolerant province. We are to be inclusive, truly liberal. As William Galston wrote:

> A liberal polity guided… by a commitment to moral and political pluralism will be parsimonious in specifying binding public principles and cautious about employing such principles to intervene in the internal affairs of civil associations. It will, rather, pursue a policy of *maximum feasible accommodation*, limited only by the core requirements of individual security and civic unity [emphasis in original]. [33]

The Law Society of Upper Canada should recognize the accreditation of Trinity Western University's School of Law under By-Law 4.

Respectfully submitted for your consideration,

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All that is necessary for the triumph of evil is that good men do nothing.

[32] *Trinity Western University v. B.C.C.T.*, [2001] 1 S.C.R. 772 at para. 33.

[33] William A. Galston, *The Practice of Liberal Pluralism* (New York: Cambridge University Press, 2005) at 20.

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APPENDIX

RESPECT FOR RELIGIOUS AND SPIRITUAL BELIEFS

A STATEMENT OF PRINCIPLES OF THE LAW SOCIETY OF UPPER CANADA

March 10, 2005

VI – RESPECT FOR RELIGIOUS AND SPIRITUAL BELIEFS – STATEMENT OF PRINCIPLES

49. The incidents of religiously motivated discrimination and hatred outlined in this report and the Canadian and international condemnation of discrimination and hatred based on religion reinforce the importance for the Law Society to adopt a Statement of Principles that recognizes religious diversity. Therefore, the Law Society adopts the following Statement of Principles.

50. The Law Society of Upper Canada, recognizing that:

    a. Respect for religious diversity advances the cause of justice;

    b. The rule of law is enhanced when religiously motivated discrimination or hatred is not tolerated;

    c. There continues to be a disturbing number of incidents of religious discrimination and religiously motivated hate crimes in Ontario and in Canada, as well as in the world;

    d. The laws of Ontario and Canada guarantee freedom of conscience and religion, and prohibit discrimination and the wilful promotion of hatred on the basis of religion or creed;

    e. The international community has condemned religious discrimination as harmful and unacceptable, and has recommended that measures be undertaken to combat religious hatred and discrimination; and

    f. Although particular groups may be frequent targets of religious discrimination, religious hatred and discrimination is a problem of Canadian society as a whole;

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51. The Law Society of Upper Canada condemns in the strongest terms all manifestations and forms of hatred and discrimination based upon religious and spiritual beliefs. Although current circumstances centre predominantly on issues of anti-Semitism and Islamophobia, the Law Society condemns all forms of religious intolerance directed at any group or community.

52. The Law Society of Upper Canada undertakes to promote and support religious understanding and respect both inside and outside the legal profession.

CONCLUSION

53. In accordance with our mandate and the Bicentennial Report, the Law Society of Upper Canada has undertaken a strategy to discourage all forms of hatred and discrimination based on religion and to promote religious respect in our profession, society and the world.

54. This report demonstrates that there are many religious practices in Ontario and Canada. Yet despite the existence of religious diversity in our country, there exist many incidents of religiously motivated hate crimes and discrimination. The legislation and jurisprudence clearly indicate that religious disrespect is not acceptable. The Law Society has been proactive in creating this Statement of Principles to encourage religious respect in the legal profession.

55. The separate report entitled Dialogue with Lawyers: Religious and Spiritual Beliefs and the Practice of Law will present a dialogue with various members of the profession. This is another aspect of the Law Society's strategy aimed at discouraging religious hatred and discrimination. The Law Society anticipates doing other projects for this strategy, such as developing continuing legal education programs, public education programs and outreach programs with organizations that promote religious respect.