

# Civil Rights In Public Education, Inc.

All human beings are born free and equal in dignity and rights

UNIVERSAL DECLARATION OF HUMAN RIGHTS

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## At home and abroad

### At home in Ontario

On a strictly educational basis, separate schools teach students the Ontario curriculum as well as any other publicly-funded school.

However, last Fall, one separate school had a problem which involved a human rights issue; a racism complaint lodged by a student and his family.

In August of 2008, Vidoll Regisford requested, at a public meeting, that the Dufferin-Peel Catholic District School Board trustees address an incident in which a staff member made a racist comment to a Black student.

### Background

Vidoll's son, a grade 11 student at St. Thomas Aquinas Secondary School in 2007, claimed that, during a class discussion, his teacher made a comment which was interpreted as a stereotypical remark about Blacks that had no place in a school classroom.

The Regisford family was dissatisfied with the action taken by the Board so they filed an application with the Ontario Human Rights Tribunal.

At a hearing in November of 2009, the issue was resolved to the satisfaction of both parties.

Bruce Campbell, the Board's communications and community relations manager, stated that steps were being taken to address "equity, diversity and discrimination issues in schools and among staff" through some training in human rights.

The Ontario Human Rights Commission mediation resulted in Board agreement to implement steps that included anti-racism and anti-discrimination training for staff, the review of Board equity policies, recruitment of minority teachers and to take steps to increase racism awareness in schools.

Roman Catholic separate schools exist because the Supreme Court of Canada threw the Canadian Charter of Rights and Freedoms out of the Constitution in order to allow Ontario to legislate with impunity in matters of education.

Apparently the separate schools need to realize that only the Ontario Legislature can violate the Charter, and not the schools themselves. This incident reinforces the fact that, while separate boards are allowed to violate the Charter in some respects, their privileges have limits.

### School equity policy

A further complication for the separate boards is the new Equity and Inclusive Education policy that came into effect in February 2010. Now, all Ontario boards must have policies which ensure they provide positive school environments for students of all races, religions, and sexual orientation.

As John Langill, superintendent of Halton's Catholic District School Board, admitted: "These are issues that perhaps conflict or raise concerns for us as Catholics because they conflict with our faith."

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## Quebec

Children in Quebec schools must learn about world religions, according to a September 2009 ruling by the province's Superior Court.

Conservative Christian parents objected to the mandatory school course that began a year ago and is required in grades one through eleven. The courses on Ethics and Religious Culture (See newsletter #97) replaced previous course offerings in Catholicism, Protestantism or nonsectarian moral instruction.

## Drummondville

The new curriculum includes all world religions in comparative study. Some parents from Drummondville objected to the obligatory nature of the courses, saying the classes undermined their ability to teach their own religion to their children, and sought an exemption.

But Justice Jean-Guy Dubois rejected their claim, ruling: "In light of all the evidence presented, the court does not see how the ..... course limits the plaintiff's freedom of conscience and of religion for the children when it provides an overall presentation of various religions without obliging the children to adhere to them."

In court again in January 2010 the parents sought to appeal the ruling. Quebec government lawyer Benoit Boucher argued that there is no need for an appeal since the same issue is before the courts with regard to Loyola High School, a private Catholic institution in Notre Dame de Grace.

## Loyola high school

As a private Jesuit high school, Loyola argued that private schools should be exempt from the law, asking: "How can a Catholic high school teach its students that all religions are equal?" Loyola's principal, Paul Donovan, says it can't be done because his teachers can't deliver a religious course without a Catholic perspective – one which promotes Catholicism ahead of other beliefs.

Donovan asked for an exemption from the province's program before going to court but Quebec's Education Minister made it clear that a class slanted toward one religion is not acceptable.

Daniel Weinstock, a professor and consultant when the program was drafted said that: "Part of the mandate of the course is to present religion in an even-handed way. If a school has as its guiding intention to inculcate children into the Catholic faith, it clearly means a part of their mandate is not to present all religions in an even-handed way."

Weinstock said that Quebec courts have historically been averse to overturning provincial legislation, so chances are that after the court ruling comes down, Loyola will be teaching that all religions are equal, whether it likes it or not.

The new comparative religion law reflects widespread changes in Quebec education. Before 1997 all children attended either Catholic or Protestant schools (Jews opted for the Protestant ones). After 1997, denominational school boards were replaced by linguistic-based ones.

Students attend either French or English-language schools. The Quebec government said that teaching children about religions other than their own promoted "equality, respect and tolerance."

Opponents in the Coalition for Freedom in Education said "the course should not be compulsory" and promised an appeal.

Some parents in the Granby school district kept their children out of the religious culture class, resulting in suspension from school for their children.

## More complication

The policy of making all schools totally secular has led to strong objections from the Jewish community whose six schools have not been licensed by the Ministry of Education.

There is a feeling that the government should have allowed a full public debate on the accommodation of religious groups in schools as well as a larger debate on the more critical issue of the provision of public funds for private schools, presently at 60% if the standard curriculum is taught.

This story is not over yet..

**Editor's note:** The content of pages 3, 4 and 5 were copied, with permission, from the "Voice of Reason", "The Journal of Americans for Religious Liberty" (ARL) Silver Spring, MD USA

ARL is a non-profit public interest educational organization dedicated to preserving the American tradition of religious, intellectual, and personal freedom in a secular democratic state. [www.arlinc.org](http://www.arlinc.org)

## And around the world.

### United States

#### State Department Identifies Threats to Religious Freedom

Institutionalized bias. Governments sometimes restrict religious freedom by enacting discriminatory legislation or taking concrete action to favor majority religions. These circumstances often result from historical dominance by a majority religious group and can result in institutionalized bias against new or historic minority religious communities. This report highlights instances in which government endorsement of a particular interpretation of the majority religion resulted in restrictions on adherents of that religion who follow a different interpretation.

**Editor's note:** Such as in Ontario where the majority religion, is Christian, but where the Roman Catholic interpretation receives "government endorsement" while "adherents of that religion who follow a different interpretation" are treated differently. We understand.

**Washington, D.C.:** The U.S. Commission on International Religious Freedom (USCIRF) added India to its "watch list," citing inadequate governmental response to recent waves of violence against religious minorities. USCIRF said there had been "a disturbing increase in communal violence" and "the government's response has been found to be largely inadequate. The national government has failed to take effective measure to ensure the rights of religious minorities in several states." The condemnation was sweeping: "India's democratic institutions charged with uphold-

ing the rule of law lack capacity and have emerged as unwilling or unable to consistently seek redress for victims of religiously-motivated violence."

#### Brno, Czech Republic:

Pope Benedict XVI urged Czechs to reject secularism and return to their "Christian inheritance" on a three-day trip in October. The Czech Republic, celebrating the twentieth anniversary of the Velvet Revolution that toppled Communism, has become increasingly secular. Only 33% of its residents were associated with any religion, including once-dominant Catholicism, in the last census, conducted in 2001.

#### Freiburg, Germany:

The Freiburg administrative court ruled that a professor of canon law was not required to pay a church tax (collected by the state) as a condition of church membership. Dr. Hartmut Zapp said he wished to leave the "public body of the Church" by refusing to pay the annual church tax but insisted that he had a right to remain "in the Church as the communion of the faithful." The decision, said *The Tablet*, a London-based Catholic weekly, has "thrown the German Church on the defensive and triggered a national debate about the justification of the tax."

Under German law an additional percentage (8% to 9%) of personal income tax is deducted for the Roman Catholic, Evangelical Lutheran, and Old Catholic churches. In 2008 the Roman

Catholic Church received over \$7 billion from the church tax. The only way individuals can exempt themselves from the tax is to sign a form at the local municipal authority, stating their wish to leave the church. This results in excommunication for German Catholics. It also means that the churches are not required to provide burial services for those who are no longer "registered" members. The Freiburg archdiocese appealed the ruling in August. The daily *Suddeutsche Zeitung* said the decision represented a "death knell for the church tax." The German bishops, defending the present system, said it was impossible to differentiate between the church as a "public body" and a private group of believers.

Professor Zapp, a theologian, said paying taxes should not be the condition for church membership, since it would interfere with the spiritual nature of the church. The tax pays the salaries of church employees and "has made the German Church one of the wealthiest in the world," wrote journalist Christa Pongratz-Lippitt in the August 22 *Tablet*.

Opposition to a church tax is decimating the Catholic and Protestant churches. In the past decade alone 1.1 million German Catholics have formally withdrawn from the church. Departures are up sharply in Stuttgart, Paderborn and Munster in 2009. Mass attendance has declined from 28% to 14% since the late 1980s. The 2007 German census shows Germany to be 31 % Catholic, 30% Protestant, and 38% belonging to no religion. In the 1950s only a tiny percentage claimed to have no religious affiliation.

**Paris:**

France, a nation once called "the eldest daughter of the church" because of its many cathedrals and shrines of saints, has become almost totally secular. A survey by the daily *Le Monde* found that just under 5% attend mass weekly, down from 20% in 1972, when the last survey was undertaken by the Paris-based newspaper. The typical French Catholic is a woman over age 50. Overall, 64% of the French call themselves Catholics, down from 87% in 1972. Few attend services regularly, however. Of weekly churchgoers, 65% are over age 50 and 46% are retired.

In politics, active Catholics favor conservative or right wing parties. Thirty nine percent support President Nicolas Sarkozy's governing conservative party and 14% favor Far Right groups. Only 21% support liberal parties.

Church attendance has declined even in historic strongholds such as Brittany on the Atlantic coast and Alsace-Lorraine on the German border.

Those who describe themselves as having "no religion" increased from 21% in 1972 to 28% today, while 5% are Muslims or Jews. The rise of Islam has led to a contentious national debate over banning headscarves worn by many Muslim women. A parliamentary committee will meet this fall to consider outlawing the burqa and the niqab, both emblematic of conservative Islam. A ban is supported by Communists and extreme rightists. President Nicolas Sarkozy also said, "The burqa is not welcome on the territory of the French Republic." A ban already exists in

state schools but a further restriction could outlaw the wearing of religious garb in any public place. Sarkozy rejected the claim that religious freedom is at issue, claiming, "It is a problem of liberty and the dignity of women. It is a sign of servitude and degradation." Muslim women marched in Paris in favor of allowing headscarves, but a survey showed that very few French Muslims prefer the head-dress.

**Rome:**

An Italian court ruling places Catholicism in an equal setting with other religions in state schools. An August 12 ruling by the Administrative Tribunal in Lazio, which includes Rome, held that public high school students could no longer receive academic credit for courses in Catholicism. Two dozen secular, Jewish and Protestant groups complained of discrimination because of a 2007 ruling allowing academic credits for only the Catholic religion course but not those of other faiths. Italian public schools offer optional religion courses but none of the classes will count as academic credits. Catholic leaders and center-right politicians denounced the decision, but it was praised by the Union of Italian Jewish Communities.

**Rome:**

The Italian government announced plans to fight a European court ruling that crucifixes in Italian classrooms violate freedom of religion. The European Court of Human Rights unanimously concluded on November 4 that the display of a religious symbol particular to one religion "restricted the right of parents to educate their children in conformity with

their convictions, and the right of children to believe or not to believe."

The case, *Lautsi v. Italy*, was brought by an Italian woman on behalf of her two sons. Italian courts had ruled that crucifixes represented Italian history and culture rather than religion. The court, based in Strasbourg, France, said state-run tax-supported schools must "observe confessional neutrality in the context of public education."

The ruling "could force a review of the use of religious symbols in government-run schools across Europe," said AP. Prime Minister's Silvio Berlusconi's government and the Vatican denounced the ruling. Italy has three months to file a request for a new hearing or "referral." A five-judge panel will decide whether a review merits the calling of a 17-judge Grand Chamber hearing. The European Court of Human Rights was established in 1959 to review violations of the 1950 European Convention on Human Rights.

The Greek Orthodox Holy Synod called upon Christians across the continent to oppose the ruling, fearing challenges to religious symbols that are omnipresent in Greek courtrooms and classrooms.

**Vatican City:**

A Vatican agency, the Congregation for Catholic Education, has urged more religious instruction in public schools, warning that sound religious teaching is being replaced by neutral courses in comparative religion, ethics and culture. The letter, posted September 9, was sent to Catholic

bishops' conferences around the world and seemed to be aimed primarily at Europe, where religious education in state-run schools is on the wane. The Vatican said that religious instruction should have an equal place with secular disciplines in classrooms and should be subjected to the "authority of the church." Even in public schools, religious education must be "authentic," and the church's role is to "establish the authentic contents of Catholic religious education in schools," the letter said.

Catholic News Service reported that a Vatican official also insisted that the religious affiliation of teachers of religion classes should be monitored since "religious instruction on any faith needs to be taught by someone who lives it." Catholic news reporter John Travis wrote that Italian schools were unsympathetic to the Vatican statement. "The text immediately ignited a debate in Italy over the proper balance between religious content and the secular nature of public schools."

### **Strasbourg, France:**

Russia's ban on the Church of Scientology was ruled illegal by the European Court of Human Rights on October 1. The ruling is binding and cannot be appealed. The court, based in Strasbourg, France, said Russia's law that religious groups cannot be legally recognized unless they had existed for 15 years violates internationally-recognized standards of religious freedom and human rights. The court awarded the Scientologists \$30,000 in damages and legal costs.

### **Berlin:**

Voters in the German capital rejected a proposal to establish religion classes in local schools. The April 26 vote was 365,908 to 344,592 against the plan. German Chancellor Angela Merkel endorsed the religion-in-schools idea, while Berlin Mayor Klaus Wowereit vigorously opposed it. At present most German states require religious classes in schools, usually divided into Catholic or Protestant courses. Berlin schools offer an ethics course. Supporters of the religion lessons proposed religion classes, divided into Catholic, Protestant or Muslim, in addition to the inter-religious ethics course, but voters apparently feared opening the schools to greater religious divisiveness.

### **Geneva:**

A controversial resolution denouncing "defamation of religion" was approved by the U.N. Human Rights Council on March 26 by a vote of 23-11, with 13 nations abstaining. The resolution was proposed by Pakistan on behalf of the Organization of Islamic Conference (OIC), which represents 56 Muslim nations. The resolution states, "Defamation of religion is a serious affront to human dignity leading to a restriction on the freedom of their adherents and incitement to religious violence. Islam is frequently and wrongly associated with human rights violations and terrorism." It calls on governments to protect religious sites, shrines and symbols and urges states "to take all possible measures to promote tolerance and respect for all religions and beliefs."

Critics, however, said the reso-

lution could be used to silence human rights activists and religious dissenters and could restrict freedom of speech and religion for adherents of minority religions. Canada's representative said, "It is individuals who have rights, not religions." Canada believes that to extend (the notion of) defamation beyond its proper scope would jeopardize the fundamental right to freedom of expression, which includes freedom of expression on religious subjects." European Union members also opposed the measure. Germany's representative on the council argued, "The European Union believes that a broader, more balanced and thoroughly rights-based text would be best suited to address the issues underlying this draft resolution."

More than 200 organizations, including the World Jewish Congress, the American Islamic Congress and the International Humanist and Ethical Union, urged rejection of the resolution. These groups argued that "defamation of religion" has "no validity in international law because only individuals, and not concepts or beliefs, can be defamed," according to Terry Sanderson, vice president of the National Secular Society of the United Kingdom.

### **Kyrgyzstan:**

This predominantly Muslim nation in Central Asia has banned the wearing of headscarves by children in schools. The March 3 decision by the Education Ministry was clearly an attempt to limit religious influences in public schools. "We are a secular state," Damira Kudaibergenova told Reuters. The government is also concerned that some students are skipping Friday afternoon classes to attend religious services.

## The lobbying game

We have known for some time that Roman Catholic interests have lobbied governments and gone to great lengths to put the best face on their schools, but perhaps it is time to share a bit of this game with readers.

Separate boards invite area MPPs to meet and discuss local education issues. Sometimes this is at a large formal meeting or sometimes just at a small local gathering.

Last Fall, in a briefing memorandum, the Dufferin Peel Catholic District School Board highlighted concerns about: Education Act amendments proposed in the government's Bill 177; continued support for Catholic education in Ontario; funding for special education; implementation of Ontario's full-day kindergarten system; busing costs; and the primary class size cap. The briefing notes are from [www.dpcdsb.org](http://www.dpcdsb.org).

The board's director of education, John Kostoff, said that: "Dialogue sessions such as this help promote a greater understanding of our issues and perspectives and allow for our elected MPPs to better represent us at the provincial table."

A newspaper report of the meeting indicated that then Minister of Education, Kathleen Wynne, was unwilling to share meeting details because the deliberations were confidential while acknowledging that the concerns of the trustees have been heard.

She did, however, offer a little insight on the government's posi-

tion on a few issues. "Certainly in terms of the continued support for Catholic education, we've been very clear as a government we're going to continue to support Catholic education. It's part of the publicly-funded system and we see it as very much an integral part."

### A planned program

The Ontario Catholic School Trustees' Association (OCSTA) ensures that local boards have the resources and encouragement to carry out effective lobbying strategies.

"From the Desk of Paula Peroni – June 2009" found at [www.ocsta.on.ca/page5422538.aspx](http://www.ocsta.on.ca/page5422538.aspx), she reminded separate board members that **"Last Fall the Association distributed lobbying resource packages to every board and requested that each board take steps to meet and establish relationships with their local MPPs and MPs."**

And following this **"...to please come prepared to report on your board's lobbying efforts at our 2009 Regional Meetings. The relationships you establish with our legislators will not only help to raise the profile and promote the benefit of Catholic education to a very influential audience, but will at the same time help to protect our vibrant system."**

### FACE Launch

As well as lobbying the politicians, OCSTA also wants to lobby the general public. You see

some of the results in local newspapers. Quoted from the website, it reads:

"On May 29, OCSTA was part of the Catholic education community launch of the FACE (Friends and Advocates for Catholic Education) project. Like the Our Catholic Schools project we introduced a few years ago, this is a project designed to engage our school communities and partners in support of a strong and vibrant publicly funded Catholic school system in Ontario.

"Over 150 representatives from almost every school board community in the province attended the event to gain a better understanding of the engagement activities being planned. Our objective is to assist boards in creating stronger ties in their communities for the benefit of the students in our Catholic schools.

"I'd like to thank the FACE Project Co-ordinator, Lou Rocha, for doing such an excellent job of coordinating this event and the work of FACE. More details on project activities will be shared in the months ahead and definitely at the regional orientation sessions that are currently being planned under the FACE project."

### Why is it necessary?

It is our belief that if there were no lobbying by the Roman Catholic separate school interests, the government would be more inclined to listen to us, do the right thing, and treat everyone equally.

It is to the credit of the lobbyists that this hasn't been the case. There is no legitimate reason for the separate system to receive tax dollars to operate it, so the lobbyists do their job, and do it effectively.

We, the public, are not sufficiently organized to do likewise.

## Mattawa — all over again. This time it's Espanola

In our last newsletter, on page 5, there is the story of approval being given to the Conseil Scolaire Catholique Franco-Nord school board to build a \$9.1 million high school in Mattawa which will have an inaugural enrolment of around 100 students. The students to move into the new school had always been taught, for the past 25 years, in the same Public School building as French and English Roman Catholics. In a town whose population has declined from 2,500 to 2,000 since 1996, the prospect of this new school being built has divided the community along religious lines.

Espanola is a small northern paper mill town with a stable population of around 5,500. Espanola High School is a public high school in the Rainbow District School Board, approximately 70 kms from downtown Sudbury. The High School currently shares its physical space with the French Roman Catholic board. Although the students of the two boards study and learn in perfect harmony at present, they will soon be separated. While the new multi-million dollar Roman Catholic school will have room to accommodate about 160 students, only about 68 students have been identified to attend.

### Other concerns of the Rainbow Board

As well as the millions for a new Roman Catholic high school, the Board is concerned about the unequal allocation of public money for its green school program; money for schools which install and make use of various energy efficient and approved ecologically friendly services.

The Rainbow Board, with 49 schools will be receiving \$297,375, or -----	<b>\$ 6,069 per school.</b>
Sudbury Roman Catholic Board with 26 schools, \$272,284 or	<b>\$10,472 “</b>
Conseil Scholaire Catholique du Nouvel-Ontario with 39 schools, \$423,842 or --	<b>\$10,867 “</b>
Conseil Scolaire public du Grand Nord de l'Ontario with 18 schools, \$235,000 or	<b>\$13,055 “</b>

# Time to renew

It is at this time of year that we ask our subscribers to pay a \$20 fee for the receipt of a quarterly newsletter and to support other on-going initiatives.

If you have not already sent in your \$20.00 membership fee, please do so now using the enclosed addressed envelope.

Thank you.

What we have done for ourselves alone, dies with us.  
What we have done for others and the world, remains and is immortal.

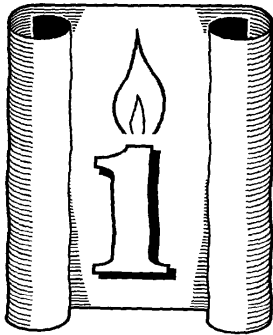
Albert Pike

## WHO WE ARE

Civil Rights in Public Education, Inc. is an organization composed of citizens of differing backgrounds, living in more than 155 communities across Ontario, committed to one strong public education system, which offers neither privilege nor prejudice to anyone.

## OUR AIMS ARE

- To serve as advocates for civil rights in public education so that the public is informed about the issue of publicly-funded separate schools.
- To hasten the day when Ontario's education policy recognizes the dignity and worth of all children, their right to equality, and their right to freedom from religious discrimination.



## OUR LOGO

Our logo is composed of a background scroll representing the charters of rights which guarantee fundamental freedoms to all individuals; the numeral "1" signifies equality and social unity in one public education system for each official language; the flame above is the universal symbol for freedom.

## MP BLASTS PLAN TO FUND CHURCH GROUP

**Winnipeg New Democrat MP Pat Martin** is blasting a proposal to give government funding to a Christian group that wants to create a youth centre in downtown Winnipeg. **Mr. Martin says giving municipal or federal funding to the Youth For Christ project would amount to "taxpayer-funded proselytization."** The non-profit group wants to transform one of downtown Winnipeg's dreariest corners into a \$11.7-million youth centre that will have an indoor skate-and-BMX park, climbing wall and job-training centre. Youth For Christ has raised \$3.1-million privately and is seeking funding from the federal government. On Wednesday, city council's executive policy committee agreed to contribute \$2.6-million. *Winnipeg Free Press* (Bold type added.)

The Ontario New Democratic Party is in the process of reviewing its present policy of support for the public funding of the Roman Catholic separate school system. The federal NDP is far ahead of its provincial wing. Why the disconnect?

### A Thought to Consider

Social change comes slowly because you have to fight people who are entrenched.

Nobody fights discrimination who hasn't lived it.

Anne France Goldwater – Quebec lawyer

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Member of the **One School System Network**

**ABOVE ALL WE MUST MAKE SURE THAT NO CITIZEN OF ONTARIO, NOW, OR EVER IN THE FUTURE, IS PRIVILEGED OR DISADVANTAGED PUBLICLY BECAUSE OF HIS/HER FAITH, OR ABSENCE OF FAITH.**