



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 398

Charter of Québec State Secularism

Introduction

Introduced by
Madam Françoise David
Member for Gouin

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EXPLANATORY NOTES

The purpose of this bill is to extend and reinforce the secularism of the Québec State and of public institutions. The bill takes into account the secularization of public institutions already largely under way and proposes, in accordance with the consensus that has emerged within Québec society, to go further than the existing rules.

The bill reflects fundamental values and principles that are shared by the people of Québec, including democracy; respect for the pluralism of ideas; interculturalism, which promotes a common culture while taking into account diversity; equal rights and equal opportunity for all citizens; equality in law and in fact between women and men; the religious neutrality of the State and of public institutions; the separation of the State and religious institutions; and the protection of minorities.

The fundamental principle of State secularism is defined within the bill, which also establishes the rules applicable to public institutions, employees of the State and public service users. In addition, the bill specifies the criteria that are to govern accommodation requests.

Lastly, the principle of State secularism is entrenched in the Charter of human rights and freedoms by way of amendments to that Charter.

LEGISLATION AMENDED BY THIS BILL:

- Charter of human rights and freedoms (chapter C-12).

Bill 398

CHARTER OF QUÉBEC STATE SECULARISM

AS Québec's history, unique culture and identity are rooted in an ongoing struggle to ensure the continued existence and advancement of a people that is in the majority French-speaking;

AS Québec includes a French-speaking majority, Aboriginal nations, a historical English-speaking minority and minorities from immigrant backgrounds;

AS a secular system must, in a constant striving for balance, guarantee citizens' freedom of conscience, the separation between the State and organized religions and the neutrality of the State, so as to bolster social cohesion and harmonious coexistence;

AS reinforcing the secularism of the State and of public institutions requires implementing new measures;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The purpose of this Charter is to extend and reinforce the secularism of the Québec State and of public institutions. It takes into account the secularization of public institutions already largely under way and proposes, in accordance with the consensus that has emerged within Québec society, to go further than the existing rules.

The Charter reflects fundamental values and principles that are shared by the people of Québec, including democracy; respect for the pluralism of ideas; interculturalism, which promotes a common culture while taking into account diversity; equal rights and equal opportunity for all citizens; equality in law and in fact between women and men; the religious neutrality of the State and of public institutions; the separation of the State and religious institutions; and the protection of minorities.

2. The secularism of the State and of public institutions is a fundamental principle which encompasses

- (1) the institutional separation between the State and organized religions;
- (2) the neutrality of the State in relation to religions;
- (3) respect for freedom of belief or non-belief and freedom of conscience;

(4) equality in law of religions and belief systems; and

(5) respect by the State for traditional and patrimonial values.

3. Reciting any text of a religious nature is prohibited during municipal council meetings or proceedings of the National Assembly of Québec.

4. The President and Vice-Presidents of the National Assembly must refrain from wearing any religious symbols, given their role as the guardians of absolute neutrality at the National Assembly.

5. In accordance with the principle of separation between the State and organized religions, no religious symbols may adorn the National Assembly Chamber. The crucifix above the chair of the President of the National Assembly is to be moved elsewhere in the building, to a place that is accessible to visitors.

6. Public servants and employees of the State must demonstrate religious neutrality and refrain from proselytism in the exercise of their functions. They must have their face uncovered when providing public services.

For the purposes of this Charter, public servants and employees of the State include all persons subject to the Public Service Act (chapter F-3.1.1), the Education Act (chapter I-13.3), the Police Act (chapter P-13.1), the Act respecting health services and social services (chapter S-4.2) or the Courts of Justice Act (chapter T-16).

7. This Charter does not limit the right of public servants and employees of the State to wear a visible religious symbol in the exercise of their functions, with the exception of judges, prosecutors, police officers, prison guards and any other persons who are authorized to use coercion on behalf of the State and are required to maintain absolute impartiality, both in fact and in appearance.

8. Persons who go to a public institution, such as an institution in the education or the health and social services sector, must have their face uncovered in order to obtain a public service, except in social or health emergency situations.

9. Public institutions must provide accommodations for any person who would otherwise suffer injurious or discriminatory consequences as a result of the application of a standard or general practice.

Accommodations must comply with the following criteria:

(1) respect equality between women and men;

(2) contribute to civic integration;

(3) not result in discrimination toward a group of citizens, for example, on the basis of their sexual orientation;

(4) not constitute undue hardship;

(5) not compromise the religious neutrality of the State or of public institutions.

10. The preamble of the Charter of human rights and freedoms (chapter C-12) is amended by inserting “by a secular State” after “recognition” in the third paragraph.

11. Section 3 of the Charter of human rights and freedoms is amended by adding the following paragraph:

“State secularism safeguards fundamental freedoms. The secular nature of the State entails that the State cannot favour or disfavour any religion, religious practice or particular belief.”

12. This Charter prevails over any contrary provision of a subsequent general or special Act unless the latter Act expressly states that it applies despite this Charter.

13. This Charter comes into force on (*insert the date of assent to this Act*).

