



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 491

**An Act respecting the religious neutrality
of the State and the fight against religious
fundamentalism and to amend the Charter
of human rights and freedoms and the Act
respecting the Ministère du Conseil exécutif**

Introduction

**Introduced by
Madam Fatima Houda-Pepin
Member for La Pinière**

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EXPLANATORY NOTES

This bill amends the Charter of human rights and freedoms to provide that the State is neutral in relation to all religions whatsoever and that it may not, either directly or indirectly, favour or hinder the exercise of a religion. It further amends the Charter to affirm that every person has a right to State neutrality toward all religions.

All State personnel are imposed a duty of religious neutrality in the exercise of their functions.

Persons in authority with the power to coerce, such as judges, prosecutors, police officers and correctional officers, are prohibited from wearing conspicuous religious symbols in the exercise of their functions.

State personnel are prohibited from wearing a chador, a niqab or a burka.

The bill provides that it is up to the Members of the National Assembly, in accordance with the Standing Orders of the Assembly, to determine, by a motion approved by a two-thirds majority, whether the crucifix is to remain in the Assembly Chamber or be moved to other Assembly premises.

The bill requires that State services be provided and received with an uncovered face, except in cases of occupational necessity or for health or safety reasons.

No person may invoke a religious conviction as a reason to contest or refuse to comply with a preschool (including pre-kindergarten), elementary or secondary program offered by a State educational institution. Nor may a person excuse a child or have a child excused from compulsory school attendance on the same grounds.

No person may demand that State services be provided to them in a manner based on their religious convictions or affiliation, in particular as regards the gender of a State employee.

Segregation based on gender identity or religious affiliation is prohibited in State bodies.

The right to invoke the religious neutrality of the State must not, however, be construed as limiting the exercise of a religion for the benefit of a person nearing the end of life or as prohibiting religious support services for a person imprisoned or a minor placed in a State institution.

No decision having a legal effect that is made by a person or a body on the basis of a religious conviction, affiliation or text is valid if it is contrary to a rule of law in any field whatsoever, in particular with regard to the equality of women and men.

No person may solemnize a religious marriage unless it complies with the legal age for marriage, the juridical equality of the spouses and the free consent of the spouses, under pain of the authorization to solemnize marriages being revoked by the State and the marriage being annulled.

Polygamy is prohibited for all intents and purposes.

Female genital mutilation for non-therapeutic purposes, in particular excision, is prohibited.

No accommodation whatsoever is reasonable

(1) if it violates the Charter of human rights and freedoms, in particular the equality of women and men or the principle of religious neutrality of the State as defined in the Charter;

(2) if it imposes any undue hardship on the State or on one of the parties with regard to, among other considerations, the costs involved or the rights of others; or

(3) if it is inconsistent with the protection of Québec's cultural and religious heritage.

The bill also amends the Act respecting the Ministère du Conseil exécutif to mandate the Premier to conduct field action research to identify and document manifestations of religious fundamentalism based on the instrumentalization of a religion or on a code of honour.

The bill defines religious fundamentalism as a political ideology that tends to impose on individuals, society and the State certain practices and values stemming from a radical interpretation of a religion, including speeches undermining the right to equality of

women and men and encouraging discrimination and violence, and hate propaganda seeking to legitimize crimes in order to undermine the foundations of democracy and human rights. It furthermore includes provisions aimed at countering religious fundamentalism.

Moreover, the bill requires that the Premier table in the National Assembly an annual report containing the findings of the action research conducted and recommend the legislative or regulatory measures necessary to implement the report, including any appropriate sanctions such as the revocation of a charitable organization's registration under the Taxation Act.

For these purposes, the Premier is also required to create, by legislative or regulatory means, a centre dedicated to action research on religious fundamentalism and its impact on democracy, human rights and youth rights.

The sums necessary for the purposes of this bill are to be taken out of the appropriations granted each year by Parliament.

LEGISLATION AMENDED BY THIS BILL:

- Charter of human rights and freedoms (chapter C-12);
- Act respecting the Ministère du Conseil exécutif (chapter M-30).

Bill 491

AN ACT RESPECTING THE RELIGIOUS NEUTRALITY OF THE STATE AND THE FIGHT AGAINST RELIGIOUS FUNDAMENTALISM AND TO AMEND THE CHARTER OF HUMAN RIGHTS AND FREEDOMS AND THE ACT RESPECTING THE MINISTÈRE DU CONSEIL EXÉCUTIF

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Charter of human rights and freedoms (chapter C-12) is amended by inserting the following section after the heading of Chapter II:

“20.2. The State is neutral in relation to all religions whatsoever. It may not, either directly or indirectly, favour or hinder the exercise of a religion. Every person has a right to State neutrality toward all religions.”

2. All State personnel must maintain religious neutrality in the exercise of their functions.

3. Persons in authority with the power to coerce, such as judges, prosecutors, police officers and correctional officers, may not wear conspicuous religious symbols in the exercise of their functions.

4. State personnel may not wear a chador, a niqab or a burka in the exercise of their functions as these garments constitute a symbol of oppression that is contrary to the right to equality of women and men.

5. It is up to the Members of the National Assembly, in accordance with the Standing Orders of the Assembly, to determine, by a motion approved by a two-thirds majority, whether the crucifix is to remain in the Assembly Chamber or be moved to other Assembly premises.

6. State services must be provided and received with an uncovered face, except in cases of occupational necessity or for health or safety reasons.

7. No person may invoke a religious conviction as a reason to contest or refuse to comply with a preschool, elementary or secondary program offered by a State educational institution. Nor may a person excuse a child or have a child excused from compulsory school attendance on the same grounds.

8. No person may demand that State services be provided to them in a manner based on their religious convictions or affiliation, in particular as regards the gender of a State employee.

9. Segregation based on gender identity or religious affiliation is prohibited in State bodies.

10. Section 20.2 of the Charter of human rights and freedoms, enacted by section 1, and this Act must not be construed as limiting the exercise of a religion for the benefit of a person nearing the end of life or as prohibiting religious support services for a person imprisoned or a minor placed in a State institution.

11. No decision having a legal effect that is made by a person or a body on the basis of a religious conviction, affiliation or text is valid if it is contrary to a rule of law in any field whatsoever, in particular with regard to the equality of women and men.

12. No person may solemnize a religious marriage unless it complies with the legal age for marriage, the juridical equality of the spouses and the free consent of the spouses, under pain of the authorization to solemnize marriages being revoked by the State and the marriage being annulled.

13. Polygamy is prohibited for all intents and purposes, be they legal or otherwise.

14. Female genital mutilation for non-therapeutic purposes, in particular excision, is prohibited.

15. No accommodation whatsoever is reasonable

(1) if it violates the Charter of human rights and freedoms, in particular the equality of women and men or the principle of religious neutrality of the State as defined in section 20.2 of the Charter, enacted by section 1;

(2) if it imposes any undue hardship on the State or on one of the parties with regard to, among other considerations, the costs involved or the rights of others; or

(3) if it is inconsistent with the protection of Québec's cultural and religious heritage.

16. The Act respecting the Ministère du Conseil exécutif (chapter M-30) is amended by inserting the following division after Division II:

“DIVISION III

“FIGHT AGAINST RELIGIOUS FUNDAMENTALISM

“3.23. The Prime Minister conducts field action research to identify and document manifestations of religious fundamentalism based on the instrumentalization of a religion or on a code of honour.

“Religious fundamentalism” means a political ideology that tends to impose on individuals, society and the State certain practices and values stemming from a radical interpretation of a religion, including speeches undermining the right to equality of women and men and encouraging discrimination and violence, and hate propaganda seeking to legitimize crimes in order to undermine the foundations of democracy and human rights.

“3.24. The Prime Minister tables in the National Assembly an annual report containing the findings of the research conducted under section 3.23 and recommends the legislative or regulatory measures necessary to implement the report, including any appropriate sanctions such as the revocation of a charitable organization’s registration under the Taxation Act (chapter I-3).

“3.25. For the purposes of sections 3.23 and 3.24, the Prime Minister creates, by legislative or regulatory means, a centre dedicated to action research on religious fundamentalism and its impact on democracy, human rights and youth rights.”

17. For the purposes of section 20.2 of the Charter of human rights and freedoms, enacted by section 1, and sections 2 to 15, “State” means the administrative services of the National Assembly, persons designated by the National Assembly and bodies to which the National Assembly or a committee of the National Assembly appoints the majority of members, the Government, government departments and their agencies, judicial and quasi-judicial bodies, municipalities and public bodies made up of or under the authority of municipalities, public bodies that have the power to coerce, universities and their constituents, general and vocational colleges, school boards, public elementary and secondary schools, bodies in the health and social services network and bodies or persons designated by the Government.

18. The sums necessary for the purposes of this Act are taken out of the appropriations granted each year by Parliament.

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

