File Number: 33676

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN)

BETWEEN:

THE SASKATCHEWAN HUMAN RIGHTS COMMISSION

Appellant
(Respondent)

and

WILLIAM WHATCOTT

Respondent
(Appellant)

and

ATTORNEY GENERAL FOR SASKATCHEWAN

Intervener
(Intervener)

and

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PART I: OVERVIEW AND STATEMENT OF FACTS

1. The Christian Legal Fellowship is a national, non-profit organization. Its mandate is, in part, to explore interrelationships between the law and the Christian faith. CLF has intervened in numerous free speech cases to advance the position that statutory limits on free speech should not trammel on Canadians' freedom of religion.

2. Religious speech is fundamental to the core values underlying our democratic system. It augments public discourse and reinforces liberalism. *The Saskatchewan Human Rights Code*'s prohibition on hate speech is overbroad and disproportionate to the legislation's objective of eliminating discrimination. It unfairly catches all religious speech.

3. CLF does not intervene to support the respondent's case on its merits. But CLF does support his freedom of expression. By its nature, religious speech sometimes engages controversial topics. The impugned law chills this legitimate public debate, and undermines our democratic ideals.

4. CLF accepts the facts as stated in the respondent's factum.

PART II: STATEMENT OF POSITION

5. Section 14(1)(b) of *The Saskatchewan Human Rights Code*[1] and its practical effects are disproportionate to its objectives. The legislation is not a reasonable limit on the freedom of expression. Section 14(1)(b) of *The Saskatchewan Human Rights Code* should be declared unconstitutional and the appeal dismissed.

PART III: STATEMENT OF ARGUMENT

A. Religious Speech in Canada

6. Religion is "a system of faith and worship usually involving belief in a supreme being and usually containing a moral or ethical code".[2] The ethical codes of most religions describe how to understand human existence, including the value of life, sexual issues, the relationship between government and individuals, the role of work and the consequences of death.

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[1] *The Saskatchewan Human Rights Code*, SS 1979, c S-24.1, s 14(1)(b).
[2] *Black's Law Dictionary*, 9th ed, sub verbo "religion", CLF's Book of Authorities, Tab 1.

7. Religion is important to Canadians: almost 25 million Canadians are religious. Though Canadians are predominantly Christian, the number of Muslim, Hindu, Sikh and Buddhist Canadians has increased substantially.[3]

8. The importance of religion is recognized in our legislation and jurisprudence. The *Canadian Charter of Rights and Freedoms*[4] and the *Saskatchewan Human Rights Code*[5] both expressly protect the freedom of belief and conscience. In *Reference re Same-Sex Marriage*, this Court said that the freedom of religion is "broad" and "jealously guarded" in *Charter* jurisprudence and human rights codes must be interpreted and applied in a manner "that respects the broad protection" granted to religious freedom.[6]

9. The purpose of the freedom of conscience and religion is "clear": the values that underlie our democracy demand that every person be free "to hold and to manifest" whatever "beliefs and opinions his or her conscience dictates". Religious beliefs and practices are "historically prototypical" and "paradigmatic" of conscientiously held beliefs and manifestations.[7]

10. For religion to be understood and shared, religious speech must be protected. Religious individuals depend on conversations, presentations, publications, film and music to explain and share their perspectives. By vocalizing one's faith, the speaker is making an exclusive claim about the truth of his or her religion and, implicitly, the contradictions in other faiths (for example, "Muhammad is God's prophet" versus "Muhammad is not God's prophet"). Religions may also engage in internal theological debates (*e.g.*, should women be ordained as priests or required to wear *hijabs*). Both forms of expression, especially if put forward forcefully and unambiguously, may be interpreted as violating the impugned legislation. Nonetheless, the speech must be protected to both guard Canadians' religious

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[3] Statistics Canada, "2001 Census: analysis series – Religions in Canada" (Ottawa: StatCan, 2003) at 5, CLF's Book of Authorities, Tab 2.

[4] *Canadian Charter of Rights and Freedoms*, s 2(b), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

[5] *Supra* note 1, s 4.

[6] *Reference re Same-Sex Marriage*, [2004] 3 SCJ no 75 (QL) (SCC) at para 53, CLF's Book of Authorities, Tab 3.

[7] *R v Big M Drug Mart Ltd.*, [1985] SCJ No 17 (QL) (SCC) at para 123, Appellant's Book of Authorities, Tab 16.

freedom and to promote our democratic ideals. Religious speech is protected in international law for this reason.[8]

11. Given religion's important role in Canadian society and in defining the essence of human existence, our political and social debate is necessarily informed by religious views. Public dialogue is influenced and enhanced by religious speech: citizens may express their beliefs through voting, churches may share their perspectives through an awareness campaign and religious advocacy organizations may make parliamentary submissions based on their beliefs. Religious expression is an important part of speech in Canada.

12. The respondent shared his perspective, which was grounded in his religious beliefs, by engaging in a social debate on sexuality. Punishing him for this speech limits the free expression of every religious adherent whose beliefs on sexuality or other controversial topics do not conform to those of mainstream society and allows those with minority views to be silenced through the operation of law.

13. Parliament has considered the risk that religious speech might be characterized as hate speech, especially in the context of sexual orientation.[9] Section 319(3)(b) of the *Criminal Code* states: "No person shall be convicted of an offence under subsection (2)...if, in good faith, he expressed or attempted to establish by argument an opinion on a religious subject or an opinion based on a belief in a religious text."[10]

14. Similarly, the *Civil Marriage Act* protects the "freedom of conscience and religion" for individuals and organizations who express the belief in "marriage as the union of man and woman to the exclusion of all others".[11]

15. Section 14(1)(b) of *The Saskatchewan Human Rights Code* provides *no defence* for religious speech, even if that speech is made in good faith and is based on the speaker's

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[8] See *e.g. International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, arts 18-19, 25-27, Can TS 1976 No 47, 6 ILM 368 (entered into force 23 March 1976, accession by Canada 19 May 1976); *Universal Declaration of Human Rights*, GA Res 217(III), UNGAOR, 3d Sess, Supp No 13, UN Doc A/810, (1948) 71. See also *Ake Green*, Högstra Domstolen [HD] [Supreme Court] 29 November 2005 (Swed.) (acquitting Pastor Green of hate speech under similar legislation).

[9] Bill C-250, *An Act to amend the Criminal Code (hate propaganda)*, 3rd Sess, 37th Parl, 2004 (assented to 29 April 2004), SC 2004, c 14, CLF's Book of Authorities, Tab 4.

[10] *Criminal Code*, RSC 1985, c C-46, s 319(3)(b).

[11] *Civil Marriage Act*, SC 2005, c 33, s 3.1.

religious beliefs. Though *The Saskatchewan Human Rights Code*[12] protects the freedom of religion, this provision has not been given independent operative force or made a defence to a hate speech complaint. At its highest, the speaker's freedom of religion is to be "carefully considered" in deciding whether someone has breached the impugned law.[13]

B. The Impugned Law is Unconstitutional

16. In *Canada (Human Rights Commission) v Taylor*, Justice McLachlin (writing for herself and two others members of the Court) found that the hate speech prohibition in the *Canada Human Rights Act* was unconstitutional.[14] The law was, in the dissent's opinion, disproportionate to its objectives.

17. For the same reasons articulated by Justice McLachlin, the impugned law is also unconstitutional:

(a) The impugned law is overbroad: (i) the legislation is vague and subjective in that it prohibits mere insults; and (ii) it prohibits speech that "tends" to expose a person to hatred—it catches any such speech, even if it is was never intended or calculated to foster discrimination.

(b) The impugned law does not minimally impair the freedom of speech: it has a chilling effect on religious speech, which deserves heightened constitutional protection.

1. The Impugned Law is Overbroad

(a) The legislation is vague and subjective

18. The purpose of *The Saskatchewan Human Rights Code* is to "promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family" and to "further public policy in Saskatchewan that every person is free and equal in dignity

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[12] *Supra* note 1, s 4.

[13] *Whatcott v Saskatchewan (Human Rights Tribunal)*, [2010] SJ no 108 (QL) (Sask CA) at para 52, Appellant's Record, Tab 5; *Owens v Saskatchewan (Human Rights Commission)*, [2006] SJ no 221 (QL) (Sask CA) at para 44, Appellant's Book of Authorities, Tab 14.

[14] *Canada (Human Rights Commission) v Taylor*, [1990] SCJ no 129 (QL) (SCC) at para 169, Appellant's Book of Authorities, Tab 5.

and rights and to discourage and eliminate discrimination."[15] The purpose of the impugned law is to discourage the underlying causes of discriminatory practices prohibited by *The Saskatchewan Human Rights Code*.[16]

19. The impugned law and its practical effects are not rationally connected to these purposes. The legislation prohibits speech that "ridicules, belittles or otherwise affronts the dignity of any person or class of persons". The meaning of the terms "ridicule", "belittle" and "affronts the dignity" are far broader than "hatred":

- to "ridicule" is derision or mockery or to make fun of or subject to ridicule
- to "belittle" is to make a person seem unimportant or worthless
- to "affront" someone's "dignity" is to openly insult his or her honour or respect[17]

20. To paraphrase *Taylor*, where does derision or an open insult leave off and hatred begin? The terms are vague and subjective, and open to interpretation by the investigator, commissioner, tribunal or court charged with deciding whether the alleged speech does, in fact, constitute discrimination and undermine equality.

21. The practical result is that the Saskatchewan Human Rights Commission is empowered to investigate complaints that may have nothing to do with discouraging discrimination. Instead, the Commission has the power to inquire into any conduct that it or its investigators find to be mocking or insulting.

22. In *obiter dicta*, the Court of Appeal for Saskatchewan has suggested that the impugned law be read down to make the words "ridicules, belittles or affronts the dignity of" to be of no force and effect.[18] Nonetheless, the legislation has never been amended, and no declaration has ever been made to read down the impugned law.

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[15] *Supra* note 1, s 3.

[16] *Saskatchewan (Human Rights Commission) v Engineering Students' Society, University of Saskatchewan*, 1989 CarswellSask 627 (WL Can) (Sask CA) at para 28, CLF's Book of Authorities, Tab 5.

[17] *The Canadian Oxford Dictionary*, 2nd ed, sub verbo "ridicule", "belittle", "affront", "dignity", CLF's Book of Authorities, Tab 6.

[18] *Saskatchewan (Human Rights Commission) v Bell (cob Chop Shop Motorcycle Parts)*, 1994 CarswellSask 196 (WL Can) (Sask CA) at para 39, Appellant's Book of Authorities, Tab 24.

(b) The legislation has no requirement of intent

23. The impugned law prohibits speech that tends to or might expose a person to hatred, ridicule or belittlement. If a person makes a public statement not knowing or not intending to cause harm to someone else, he or she risks being investigated or prosecuted under *The Saskatchewan Human Rights Code* even though no harm was intended and no harm was suffered.

24. The overbreadth of the legislation is demonstrated by legitimate religious speech. For example, consider:

- The man who makes a blog posting criticizing the ordination of women as against Church teachings. A reader might view this blog post as belittling her as a woman and promoting inequality. The blogger may have no such intention: he may simply want to engage in an academic debate about his religion's policies and practices.
- The speakers at a public forum on wearing religious headscarves in schools or other public institutions. Some listeners may view proponents of headscarves as belittling women; other listeners may view opponents of headscarves as ridiculing the Islamic faith. In fact, the speakers may be engaging in a public debate to bring attention to the issue.

25. The *Criminal Code* offers some protection to the speaker from prosecution if he or she acted in good faith. The impugned law offers no such protection—in each case, the speaker may be liable to an investigation by the Saskatchewan Human Rights Commission and a court hearing.

26. The fact that the Saskatchewan Human Rights Commission acts as a gatekeeper for human rights complaints is no answer to the problem of overbreadth: the court should not assume that administrative officials will exercise their discretion in a manner consistent with the *Charter*.[19]

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[19] *Supra* note 14 at para 91, Appellant's Book of Authorities, Tab 5.

2. The Impugned Law Seriously Infringes Freedom of Speech

(a) The legislation creates a chilling effect on religious speech

27. The impugned law makes no serious attempt to balance equality rights with the freedom of speech. *The Saskatchewan Human Rights Code* includes *none* of the defences found in the *Civil Marriage Act* or in the *Criminal Code*, such as the defence of truth, the defence of good faith religious belief or the defence of public interest.[20] As Justice McLachlin noted in *Taylor*, the absence of the defence of truth alone seriously increases the degree of infringement.[21]

28. Though *The Saskatchewan Human Rights Code* does admonish decision-makers to consider the speaker's freedom of speech and freedom of religion rights, neither provision provides a defence to a hate speech allegation.

29. The imbalance in the impugned law, combined with its overbreadth, risks creating a chilling effect on expression, and religious speech in particular. The risk of a chilling effect is a valid consideration when determining if a law minimally impairs the freedom of expression.[22]

30. The chilling effect on religious speech is especially concerning. Professor Douglas Laycock explains the importance of religious institutions to social cohesion: "Churches are disproportionate creators of social capital—of the networks of relationships and mutual trust among people that are prerequisite to social cooperation."[23] In order for religious organizations to be effective, they must be allowed to speak freely about their doctrines and beliefs.

31. The chill on religious speech seriously endangers Canada's moral, political and social fabric. Religious individuals, organizations and churches who fear violating human rights law hesitate to engage in public discussions on social policy, especially where their religious beliefs conflict with mainstream views. Allowing religious voices to be heard is essential to

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[20] *Supra* note 10, s 319(3)(a), (b), (c).
[21] *Supra* note 14 at para 158, Appellant's Book of Authorities, Tab 5.
[22] *R v Keegstra*, [1990] SCJ no 131 (QL) (SCC) at para 105, Appellant's Book of Authorities, Tab 19; *Supra* note 14 at para 139, Appellant's Book of Authorities, Tab 5.
[23] Douglas Laycock, "Freedom of Speech That Is Both Religious and Political" (1995) 29 UC Davis LR 801 at 802, CLF's Book of Authorities, Tab 7.

ensuring that Canadian society remains tolerant of varying perspectives and open to creative ideas. It also encourages individuals to take part in our civic process. By chilling some speech, we undermine both human rights and democratic liberalism.

(b) Religious speech deserves heightened protection

32. Not all speech is equal. Hate speech in particular is of "limited importance".[24] Religious speech, on the other hand, lies close to the core values of the freedom of expression and should be accorded higher protections.

33. *First*, religious speech informs our political debate. "Questions of morality, of right conduct, of proper treatment of our fellow humans" are questions in the jurisdiction of both the state and religion.[25] Religious individuals and organizations assist the state in answering these questions by sharing their perspectives to political and social institutions. The freedom of expression is crucial to this process—religious speech encourages active participation by fostering social cohesion and creating a space for social debate.

34. *Second*, religious speech assists in attaining truth and the common good. The free exchange of ideas ensures that society has access to multiple viewpoints in the marketplace of ideas. That debate can promote progress both within religions and in society at large. In the same way that William Wilberforce's movement to abolish slavery, which was grounded in religious speech, changed society's view on slavery, religious speech in public debate can encourage positive change in Canadian society today.

35. *Third*, religious speech promotes self-actualization.[26] In *Trinity Western University v British Columbia College of Teachers*, this Court held that the B.C. College of Teachers' decision to reject the university's teacher education program because its "Community Standards" condemned same-sex relationship placed a "burden" on Evangelical Christians. It prevented them "from expressing freely their religious beliefs".[27]

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[24] *Supra* note 22 at para 86, Appellant's Book of Authorities, Tab 19.
[25] Douglas Laycock, "The Benefits of the Establishment Clause" (1993) 42 DePaul LR 373 at 381, CLF's Book of Authorities, Tab 8.
[26] *Supra* note 22 at para 181.
[27] *Trinity Western University v British Columbia College of Teachers*, [2001] SCJ No 32 (QL) (SCC) at para 32, Appellant's Book of Authorities, Tab 27.

C. Conclusion

36. Because the impugned law is overbroad in its application and seriously infringes the freedom of speech, and religious speech in particular, it is an untenable interference "with profoundly personal beliefs that govern one's perception of oneself, human kind, nature, and in some cases, a higher or different order of being" and cannot be justified as a reasonable limit on expression.[28]

PART IV: SUBMISSIONS CONCERNING COSTS

37. CLF does not seek its costs, and submits that no order for costs should be made against it.

PART V: ORDER REQUESTED

38. CLF submits that the appeal be dismissed and section 14(1)(b) of *The Saskatchewan Human Rights Code* is inconsistent with section 2(b) of the *Charter* in a manner that cannot be justified under section 1 and is thus null and void under section 52 of the *Constitution Act, 1982*.

39. CLF requests permission to present oral argument at the hearing of this appeal.

ALL OF WHICH IS RESPECTFULLY SUBMITTED,
THIS 4th DAY OF AUGUST, 2011

Robert W. Staley
Derek J. Bell
Ranjan K. Agarwal

[28] *R v Edwards Books and Art Limited*, [1986] 2 SCR 713 at 759, CLF's Book of Authorities, Tab 9.

PART VI: TABLE OF AUTHORITIES

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Douglas Laycock, "Freedom of speech that is both religious and political" (1995) 29 UC Davis LR 801 30

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Statistics Canada, "2001 Census: analysis series–Religions in Canada" (Ottawa: StatCan, 2003) 7

The Canadian Oxford Dictionary, 2nd ed, sub verbo "affront", "belittle", "dignity", "ridicule" 19

PART VII: STATUTES

The Saskatchewan Human Rights Code, SS 1979, c S-24.1

OBJECTS

Objects

3 The objects of this Act are:

(a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and

(b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

1979, c.S-24.1, s.3.

PART I
BILL OF RIGHTS

Right to freedom of conscience

4 Every person and every class of persons shall enjoy the right to freedom of conscience, opinion and belief and freedom of religious association, teaching, practice and worship.

1979, c.S-24.1, s.4.

Prohibitions against publications

14(1) No person shall publish or display, or cause or permit to be published or displayed, on any lands or premises or in a newspaper, through a television or radio broadcasting station or any other broadcasting device, or in any printed matter or publication or by means of any other medium that the person owns, controls, distributes or sells, any representation, including any notice, sign, symbol, emblem, article, statement or other representation:

(a) tending or likely to tend to deprive, abridge or otherwise restrict the enjoyment by any person or class of persons, on the basis of a prohibited ground, of any right to which that person or class of persons is entitled under law; or

(b) that exposes or tends to expose to hatred, ridicules, belittles or otherwise affronts the dignity of any person or class of persons on the basis of a prohibited ground.

(2) Nothing in subsection (1) restricts the right to freedom of expression under the law upon any subject.

1979, c.S-24.1, s.14; 1989-90, c.23, s.10; 1993, c.61, s.9; 2000, c.26, s.10.

International Covenant on Civil and Political Rights, 19 December 1966, 999 UNTS 171, arts 18-19, 25-27, Can TS 1976 No 47, 6 ILM 368 (entered into force 23 March 1976, accession by Canada 19 May 1976)

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

International Covenant on Civil and Political Rights, 19 December 1966, 999 UNTS 171, arts 18-19, 25-27, Can TS 1976 No 47, 6 ILM 368 (entered into force 23 March 1976, accession by Canada 19 May 1976)

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Defences

(3) No person shall be convicted of an offence under subsection (2)

(*a*) if he establishes that the statements communicated were true;

(*b*) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text;

(*c*) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds he believed them to be true; or

(*d*) if, in good faith, he intended to point out, for the purpose of removal, matters producing or tending to produce feelings of hatred toward an identifiable group in Canada.

Défenses

(3) Nul ne peut être déclaré coupable d'une infraction prévue au paragraphe (2) dans les cas suivants :

a) il établit que les déclarations communiquées étaient vraies;

b) il a, de bonne foi, exprimé une opinion sur un sujet religieux ou une opinion fondée sur un texte religieux auquel il croit, ou a tenté d'en établir le bien-fondé par argument;

c) les déclarations se rapportaient à une question d'intérêt public dont l'examen était fait dans l'intérêt du public et, pour des motifs raisonnables, il les croyait vraies;

d) de bonne foi, il voulait attirer l'attention, afin qu'il y soit remédié, sur des questions provoquant ou de nature à provoquer des sentiments de haine à l'égard d'un groupe identifiable au Canada.

Freedom of conscience and religion and expression of beliefs

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.

3.1 Il est entendu que nul ne peut être privé des avantages qu'offrent les lois fédérales ni se voir imposer des obligations ou des sanctions au titre de ces lois pour la seule raison qu'il exerce, à l'égard du mariage entre personnes de même sexe, la liberté de conscience et de religion garantie par la *Charte canadienne des droits et libertés*, ou qu'il exprime, sur la base de cette liberté, ses convictions à l'égard du mariage comme étant l'union entre un homme et une femme à l'exclusion de toute autre personne.

Liberté de conscience et de religion et expression d'opinions

File Number: 33676

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN)

BETWEEN:

THE SASKATCHEWAN HUMAN RIGHTS COMMISSION
Appellant
(Respondent)

and

WILLIAM WHATCOTT
Respondent
(Appellant)

and

ATTORNEY GENERAL FOR SASKATCHEWAN
Intervener
(Intervener)

and

ATTORNEY GENERAL FOR CANADA and ATTORNEY GENERAL FOR ALBERTA, ALBERTA HUMAN RIGHTS COMMISSION, EGALE CANADA INC., ONTARIO HUMAN RIGHTS COMMISSION, CANADIAN HUMAN RIGHTS COMMISSION, UNITED CHURCH OF CANADA, UNITARIAN CONGREGATION OF SASKATOON AND CANADIAN UNITARIAN COUNCIL, WOMEN'S LEGAL EDUCATION AND ACTION FUND, CANADIAN JOURNALISTS FOR FREE EXPRESSION, CANADIAN BAR ASSOCIATION, NORTHWEST TERRITORIES HUMAN RIGHTS COMMISSION AND YUKON HUMAN RIGHTS COMMISSION, CHRISTIAN LEGAL FELLOWSHIP, LEAGUE FOR HUMAN RIGHTS OF B'NAI BIRTH CANADA, EVANGELICAL FELLOWSHIP OF CANADA, CANADIAN CIVIL LIBERTIES ASSOCIATION, CANADIAN CONSTITUTION FOUNDATION, ASSEMBLY OF FIRST NATIONS, FEDERATION OF SASKATCHEWAN INDIAN NATIONS AND MÉTIS NATION-SASKATCHEWAN, CATHOLIC CIVIL RIGHTS LEAGUE AND FAITH AND FREEDOM ALLIANCE, AFRICAN CANADIAN LEGAL CLINIC,
and CANADIAN JEWISH CONGRESS
Interveners

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