

**SUPREME COURT OF CANADA**  
(ON APPEAL FROM THE SASKATCHEWAN COURT OF APPEAL)

BETWEEN:

**SASKATCHEWAN HUMAN RIGHTS COMMISSION**

Appellant

- and -

**WILLIAM WHATCOTT**

Respondent

- and -

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RIGHTS COMMISSION, CANADIAN HUMAN RIGHTS COMMISSION, UNITED  
CHURCH OF CANADA, UNITARIAN CONGREGATION OF SASKATOON, CANADIAN  
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INDIAN NATIONS, METIS-NATION SASKATCHEWAN, CATHOLIC CIVIL RIGHTS  
LEAGUE, FAITH AND FREEDOM ALLIANCE, AFRICAN CANADIAN LEGAL CLINIC,  
and CANADIAN JEWISH CONGRESS**

Interveners

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**FACTUM OF THE INTERVENER  
THE EVANGELICAL FELLOWSHIP OF CANADA**

(Pursuant to Rules 37 and 42 of the *Rules of the Supreme court of Canada*)

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## **PART I – STATEMENT OF FACTS**

1. The Evangelical Fellowship of Canada (“EFC”) was granted leave to intervene in this appeal by the Order of the Honourable Justice Abella on the 10th day of June, 2011. The EFC accepts the facts as set out in the Respondent’s factum.

## **PART II – ISSUES**

2. The public policy questions on this appeal are as follows:
  - a. What role should the state have in monitoring private expression between citizens on questions of public policy and/or morality? Is it constitutionally appropriate for legislation to limit the peaceful expression of controversial or unpopular opinions regarding the behaviour or actions of other citizens?
  - b. Does freedom of religion in Canada protect the right to freely express religious beliefs about the morality of private or personal conduct and the right to freely engage the public on issues of public policy and morality from a religious perspective?
  - c. Does the expression of critical and moral analysis of private or personal conduct with moral connotations promote hatred against an individual or community, or more colloquially stated, is it permissible for religious people to express their view that they “hate the sin” but “love the sinner”?
  - d. If the appellant’s approach to free speech is adopted by this Court, what are the potential implications for secularism, pluralism and tolerance of free thought, opinion and religious expression in Canadian society?

## **PART III – ARGUMENT**

### **A. What is the extent of the state’s role in monitoring public policy dialogue?**

3. World religious freedom experts Brian J. Grim and Roger Finke have noted:

When reviewing human rights throughout European history, Michael Horowitz described Jews as the “canaries in the coal mine”: nations persecuting Jews held less democratic commitment and were more likely to deny other freedoms as well. He later argued that vulnerable Christians are now the canaries, 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.<sup>1</sup>

In this instance, the threat is to the freedom of religious expression.

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<sup>1</sup> Brian J. Grim & Roger Finke, *The Price of Freedom Denied* (New York: Cambridge University Press, 2011) at 202.

4. The EFC respectfully submits that the state's power to monitor or censor public policy debate should be limited. "The guarantee of free expression protects all content of expression but may not protect some forms of expression, for example, violence and threats of violence."<sup>2</sup> The state *protects* the freedom of expression; it does not *grant* the freedom of expression. Fundamental freedoms are inherently the peoples'.
5. McLachlin J. (as she then was) explained in *Taylor* that the first two of three philosophical rationales for the justification of freedom of expression are "instrumental". We should view freedom of expression "firstly as the means of promoting the 'marketplace of ideas' essential to a vibrant society, and secondly as being indispensable to the proper functioning of democratic government."<sup>3</sup> These rationales for fundamental freedoms preserve a healthy society. Freedom of expression and freedom of religion are also fundamental to the self-fulfillment and dignity of each individual.
6. The right to debate moral issues and issues of public policy is foundational in a true democracy. Any limitation or censorship of free expression is a limitation on democracy and undermines the worth of individuals. "Perhaps the most powerful rationale for the constitutional protection of freedom of expression is its role as an instrument of democratic government."<sup>4</sup>
7. Where certain speech is found to be offensive by others, the primary remedy is not censorship by the state, but counter-speech by the citizen.

**B. Does freedom of religion include the right to publish controversial or offensive views regarding the behaviour of others?**

Religious Freedom

8. Freedom of religion necessarily includes the free expression of religion and of religious beliefs.<sup>5</sup>
9. This Court has stated that "[t]he protection of freedom of religion afforded by s. 2(a) of the Canadian *Charter of Rights and Freedoms* is broad and jealously guarded in our *Charter* jurisprudence"<sup>6</sup> and that "human rights codes must be interpreted and applied in a manner that respects [this] broad protection granted to religious freedom".<sup>7</sup>

<sup>2</sup> *Canada (Human Rights Commission) v. Taylor*, [1990] 3 S.C.R. 892 at para. 120 [*Taylor*].

<sup>3</sup> *Ibid.*, at para. 116.

<sup>4</sup> Peter W. Hogg, *Constitutional Law of Canada*, looseleaf, 5<sup>th</sup> ed. (Toronto: Carswell, 2007) vol. 2 at 43-7

<sup>5</sup> *R. v. Big M Drug Mart*, [1985] 1 S.C.R. 295 at para. 94 [*Big M*].

<sup>6</sup> *Reference re Same-Sex Marriage*, [2004] 3 S.C.R. 698, at para. 53 [*Re Same-Sex Marriage*].

<sup>7</sup> *Ibid.*, at para. 55.

10. In *R. v. Big M Drug Mart* Dickson J. (as he then was) held that our fundamental freedoms are founded on “respect for the inherent dignity and the inviolable rights of the human person.”<sup>8</sup>
11. This Court has confirmed the centrality of religious freedom in our society, and its existence prior to the *Charter* and independent of positive law. In *Saumur v. Québec (City)*<sup>9</sup> this Court found religious freedom to be an original and foundational component of Canadian society.<sup>10</sup> The *Charter* guarantees the pre-existing rights and freedoms in Canada.<sup>11</sup>
12. Decisions made after enactment of the *Charter* underscore that the *Charter* protects these freedoms, and reinforce the importance of protecting religious expression.
13. When a Christian shares personal religious beliefs and does not coerce compliance with religious views, then the state, by virtue of s. 2(a) of the *Charter*, must allow and even protect this dissemination of religious opinion, not censor it.

#### Religious Engagement with the Public

14. Evangelical Christians hold that the Bible is the infallible and inspired Word of God<sup>12</sup> and sincerely believe that they are compelled to share the tenets of their Evangelical Christian faith with the community by both acts and words.<sup>13</sup> This requires engaging in public dialogue, and sometimes debate, regarding a number of different issues.<sup>14</sup> Section 2(a) protects this engagement, even when some find these opinions offensive.
15. The freedoms of religion and expression are closely linked when dealing with the religiously informed and their engagement in public debate. Often, the religious citizen holds, or is represented as holding, differing views from others. Some hold that these views are increasingly a minority view in Canadian culture. The less mainstream these religious views may be, the more important it is to protect them against the silencing voices of the majority in accord with *Charter* values.

<sup>8</sup> *R. v. Big M. Drug Mart*, [1985] 1 S.C.R. 295 [*Big M*] at para. 94.

<sup>9</sup> *Saumur v. Québec (City)* [1953] 2 S.C.R. 299 [*Saumur*].

<sup>10</sup> *Ibid.* at p. 327, 329. See also *Syndicat Northcrest v. Amselem* [2004] 2 S.C.R. 551, [*Amselem*], at para. 40.

<sup>11</sup> Section 26 of the *Charter* reads: “The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.”

<sup>12</sup> The Evangelical Fellowship of Canada’s Statement of Faith online: The Evangelical Fellowship of Canada <<http://www.evangelicalfellowship.ca/netcommunity/page.aspx?pid=265>>.

<sup>13</sup> Bruce J. Clemenger, “Evangelicalism and the Advancement of Religion” *Church & Faith Trends*, 2:2 (January 2009). See also *Holy Bible, New International Version*, (Grand Rapids, Michigan: The Zondervan Corporation, 2001), Micah 6:8; Matthew 28:18-19; Romans 12:1-17; James 2:14-17 [*Holy Bible*]. See also *Christian Witness in a Multi-Religious World* (July 2011).

<sup>14</sup> A sampling of cases in which the EFC has intervened before this court provides an example of the broad range of issues that Evangelicals engage in: end of life issues (*Rodriguez v. British Columbia (Attorney General)*); care for the unborn (*Dobson v. Dobson*); mercy killing (*R. v. Latimer*); education (*Trinity Western University v. B.C. College of Teachers and Chamberlain v. Surrey School District No. 36*); reproductive technologies (*Reference Re Assisted Human Reproduction Act*); parental authority (*S.L., et al. v. Commission scolaire des Chenes, et al.*); in addition to public policy initiatives on poverty, homelessness, international aid, child pornography, human trafficking, etc.

16. Neither the EFC nor this Court need agree with or condone the words used by Mr. Whatcott. However, the principle remains: every individual in Canada should feel free to openly bring their conscientious and/or religious convictions to bear on their opinions and on their engagement in public policy debate.<sup>15</sup>

### Coercion

17. In *Big M*, Dickson J. noted the importance of freedom of religion in Canadian society, and specifically, the relationship between freedom and the absence of coercion.<sup>16</sup>

18. To compel tolerance is to dispense with it and is, in effect, coercive. Every religion is, in essence, exclusive in its beliefs and its requirements of its followers. Compelling tolerance by state-mandated parameters for acceptable speech in public debate can only be accomplished by violating the freedom of religion and freedom of conscience of each religiously devout individual who wishes to bring their religious perspective to the public square.

19. Section 14 of the *Saskatchewan Human Rights Code* imposes a course of conduct onto the citizen body with direct commands to refrain from acting in certain ways on pain of sanction. This fits the definition of coercion as defined by this Court.<sup>17</sup>

20. Religious (or non-religious) views inform morality claims and morality claims inform public policy decisions. Public policy decisions are ultimately made by government, which can only thrive if there is a robust dialogue within its citizenry. Public policy decisions will inevitably involve morality. However, if the state determines what a religion or what religiously (or non-religiously) informed individuals can or cannot do or say, it is in effect violating the principle against coercion, and censoring the voices of an identifiable community from participation in the discussion.

### Evangelical Christian Beliefs of Ethics and Morality

21. Ethics and morality are core components of the Christian faith. What might be referred to as the personal or individual morality or ethics of an Evangelical Christian (or a Christian community) is, in effect, determined by their Christian faith.

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<sup>15</sup> See Gonthier J's discussion on this point in *Chamberlain v. Surrey School District No. 36*, [2002] 4 S.C.R. 710 [*Chamberlain*], generally, and specifically at para. 135 where he states that "the essence of freedom of religion or conscience and...freedom of expression more generally" is violated "if a person is compelled by the state... to a course of action or inaction which he would not otherwise have chosen..."

<sup>16</sup> *Big M*, *supra* note 8 at para. 94.

<sup>17</sup> *The Saskatchewan Human Rights Code*, S.S. 1979, c. S-241 [*Code*]. See *Big M*, *supra* note 8 at para. 94; *Trinity Western University v. British Columbia Council of Teachers* [2001] 1 S.C.R. 772 [*Trinity Western*] at para. 28.

### Effect on Religious Participation

22. Legislation that violates fundamental *Charter* rights of individuals such as the legislation in question cannot be considered to minimally impair the rights in question. Nor does it have the proportionality between the effects of the limiting measure and the objective of the legislation required to meet the *Oakes* test.
23. The effect Mr. Whatcott’s prosecution has on the average religiously informed individual in Canada is the creation of a sense that religious perspectives on morality in Canada are impermissible, and could very well result in legal entanglement, with untold financial and reputational costs.
24. The matter before this Honourable Court is much broader than simply the topics Mr. Whatcott chose to address in his pamphlets. The issue of free religious expression is important; any Evangelical Christian Canadian may be adversely affected by the fear that he or she might be prosecuted for entertaining “such religious beliefs as a person chooses” or for declaring their “religious beliefs openly” or manifesting “religious belief by worship and practice or by teaching and dissemination”. Such an individual would thus be “forced to act in a way that is contrary to his beliefs or conscience”. No longer would she or he enjoy the “right of every Canadian to work out for himself or herself what his or her religious obligations, if any, should be”. This possibility is in direct contradiction to the oft-quoted reflection on our free and democratic society of Justice Dickson in *Big M Drug Mart*.<sup>18</sup>

### Concluding Thoughts on Religious Freedom

25. Following this Court’s reasoning in *Multani v. Commission scolaire Marguerite-Bourgeois*,<sup>19</sup> *Young v. Young*,<sup>20</sup> and *Trinity Western University v. British Columbia College of Teachers*,<sup>21</sup> this Court should not conclude that religiously motivated participation of an individual in a public debate will harm the state’s interest in creating or maintaining a tolerant society.
26. The state, through the Appellant and interveners, has failed to demonstrate that the overbroad prohibition of any publication that “exposes or tends to expose to hatred, ridicules, belittles or otherwise affronts the dignity of any person” is minimally impairing to freedom of

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<sup>18</sup> *Big M*, *supra* note 8 at para. 94.

<sup>19</sup> *Multani v. Commission scolaire Marguerite-Bourgeois*, [2006] 1 S.C.R. 256.

<sup>20</sup> *Young v. Young*, [1993] 4 S.C.R. 3.

<sup>21</sup> *Trinity Western*.

conscience and religion, and the free religious expression guaranteed by both the *Charter* and this Court.

27. Freedom of religion must include, by necessity, the freedom to publish, in print or speech, material that “declare[s] religious beliefs openly” or is “teaching and dissemination” that may be deemed offensive by some. Sacred texts such as the Bible or other religious texts contain many prohibitions against or criticisms of certain behaviours that may relate to the practices of identifiable groups, but for Christians all are couched in the context of love for one’s neighbour.<sup>22</sup>
28. The religious denunciation of certain behaviours cannot constitute hate speech or speech otherwise prohibited by the *Code*. Speech anchored in sacred text, religious belief and expression should not be required to conform to drifting societal values. This would place an unreasonable restriction on freedom of religion.
29. Applying the principles enunciated above, the state has not demonstrated that denying religious participation in public dialogue where the participation might be offensive to some is a reasonable means to achieve tolerance. Such a broad violation of the freedom of religious expression undermines the values of freedom, democracy and Christianity and is incompatible with Canadian goals of diversity and multiculturalism.

**C. Is it permissible to morally criticise sinful behaviour while respecting the person? Are Christians able to “hate the sin and love the sinner” in accordance with their religious beliefs?**

30. Evangelical Christianity calls for the imperatives of love for God and one’s neighbour as demonstrated in a religious faith that is integrated, active and holistic.<sup>23</sup> Evangelical Christians practice and manifest their faith not only through religious worship, prayer, and doctrinal teaching, but also through activities of social service, charitable work, social activism and through participation in public dialogue “for the good of their neighbour”, and for the benefit of their society,<sup>24</sup> all of which constitute a manifestation and exercise of their religious beliefs and values.
31. For Evangelical Christians, social engagement within and outside one’s religious community is part of an outward expression of faith, obedience to and worship of God. The imperative to

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<sup>22</sup> *Holy Bible, supra* note 13, Matthew 22:39 – “Love your neighbour as yourself.”

<sup>23</sup> *Ibid.*, Matthew 22:36-40: “Teacher, which is the greatest commandment in the Law?” Jesus replied: “Love the Lord your God with all your heart and with all your soul and with all your mind.’ This is the first and greatest commandment. And the second is like it: ‘Love your neighbor as yourself.’ All the Law and the Prophets hang on these two commandments.”

<sup>24</sup> *Ibid.*, Jeremiah 29:7.

love goes beyond the confines of the Church. The Christian is compelled to love her neighbour as herself. Jesus taught that “neighbour” is anyone with whom a person comes into contact, and that “love” includes sharing the truth, as understood from Scripture, out of a genuine concern for the wellbeing of the neighbour.<sup>25</sup>

32. The famous magician and atheist Penn Jillette, after being presented with a Bible by an audience member who admitted he was proselytizing, described how much he valued this man’s concern for him:

I don’t respect people who don’t proselytize, [who] believe that there is a heaven and hell and people could be going to hell (or not getting eternal life or whatever) and you think that, well it’s not really worth telling them this because it would make it socially awkward. And atheists who think that people should not proselytize – “Just leave me alone, keep your religion to yourself” ...How much do you have to hate somebody to not proselytize? How much do you have to hate somebody to believe that everlasting life is possible and not tell them that?<sup>26</sup>

33. It is not only possible to criticize certain behaviour without hating those exhibiting that behaviour, but criticizing such behaviour is often an expression of love. Evangelical Christians hold the belief in redemption as foundational to our existence. This is a context for interpretation of expression in which a distinction is made between acceptance and approval, agreement and tolerance. All people are fallen. All people can be redeemed. Thus all people are accepted in their personhood, for their inestimable worth. However, not all activity is acceptable; thus, while accepting the person, the Christian is called by Christ to disapprove of certain actions.
34. Criticism can take place from a number of different perspectives and can be expressed in a number of different ways. By its very nature, criticism is often confrontational, even offensive at times.
35. An Evangelical Christian should be able to engage in discussions of a moral nature outside of his or her Christian community in the pluralist, free and democratic society in which we find ourselves. Evangelical Christians have shown a high tolerance for comment, critique and even ridicule of their sincerely held beliefs. This is part of the cost of living in an open, democratic and free society.

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<sup>25</sup> *Ibid.*, Parable of the Good Samaritan, Luke 10:29-37.

<sup>26</sup> As quoted by Ed Stetzer in “Proselytizing in a Multi-Faith World: Why Mutual Respect and Tolerance Requires Us to Witness for Christ” *Christianity Today* (April 2011) at page 25.

36. To argue otherwise is to stand for the proposition that the religious Canadian's views on morality are only acceptable for expression in the public sphere when those views already accord with the current state of Canadian law. However, such a proposition is preposterous: for example, can an Evangelical Christian denounce child pornography because it is, at the moment, illegal but should have held his tongue instead of advocating for inclusion of child pornography in the *Criminal Code* prior to Parliament's decision to do so in 1993?
37. The religiously informed do comment on a broad range of moral issues: the protection and wellbeing of children; human trafficking; poverty and homelessness in Canada and abroad; and, the protection of vulnerable citizens at both ends of the age spectrum, to name only a few.
38. All of these issues have a moral element to them that benefits from the participation of all citizens, including Christian and other religious Canadians. As stated by this Court, "No one has a monopoly on truth, and our system is predicated on the faith that in the marketplace of ideas, the best solutions to public problems will rise to the top."<sup>27</sup>

**D. What philosophy of society should the Court adopt when dealing with issues of religion, expression and human rights?**

39. The notions of "non-religious" and "secular" are often misunderstood or misapplied. In *Chamberlain v. Surrey School District No. 36* this Court found that the common usage of "secular" to mean "non-religious" is erroneous.<sup>28</sup>
40. Proponents of a theoretically non-religious form of secularism (which will be referred to as "non-inclusive secularism" to distinguish it from the "inclusive secularism" described by Gonthier J.) suggest that non-inclusive secularism ensures freedom of religion for every religious individual and group by recognizing an "equality" of all religions and denying the unique and exclusive claims of any religious belief. They posit that this non-inclusive secularism addresses the issue of not imperilling community living, as referred to by Gonthier J.
41. By eliminating speech (religious or otherwise) that may be deemed offensive by some, the *Code* does not promote recognition of the dignity and equal rights of all citizens, further the public policy that all citizens are free and equal, or discourage or eliminate discrimination.<sup>29</sup>

<sup>27</sup> *Reference re Secession of Quebec*, [1998] 2 S.C.R. 217 at para. 68.

<sup>28</sup> *Chamberlain*, *supra* note 15 at para 137 per Gonthier J. Concurred on this point: McLachlin C.J. for the majority at para. 3 and LeBel J. at paras. 208 and 209.

<sup>29</sup> The objectives of the *Code*, *supra* note 17, are set out in section 3:

(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

Rather, if the approach proposed by the state is accepted, the *Code* will limit public disagreement, and thereby impose a new philosophy of non-inclusive secularism. This undermines a pluralist, free and democratic society that is accepting of others and tolerant of beliefs and lifestyles with which one might disagree or disapprove. It rather creates a form of non-inclusive secularist indoctrination that imperils the very standard of community living it claims to protect.

42. Canada's development in the realms of policy and law, influenced heavily by a Judaeo-Christian tradition, has bred a vibrant, multicultural nation of acceptance of others' beliefs and, at least, tolerance when there has been disagreement with or disapproval of those beliefs. The idea that to achieve tolerance, the non-violent and peaceful views of a religious minority, even if offensive to some, must be censored and punished with a hefty fine is unjustified and legally unsupportable in a society that is constitutionally pluralist, multicultural and guarantees freedom of religion and conscience.<sup>30</sup>
43. Gonthier J. summarized this point well in *Chamberlain*, a point on which the majority concurred:<sup>31</sup>

“language espousing “tolerance” ought not be employed as a cloak for the means of obliterating disagreement... Language appealing to “respect”, “tolerance”, “recognition” or “dignity”, however, must reflect a two-way street in the context of conflicting beliefs, as to do otherwise fails to appreciate and respect the dignity of each person involved in any disagreement, and runs the risk of escaping the collision of dignities by saying “pick one”. But this cannot be the answer. In my view, the relationship between s. 2 and s. 15 of the *Charter*, in a truly free society, must permit persons who respect the fundamental and inherent dignity of others and who do not discriminate, to still disagree with others and even disapprove of the conduct or beliefs of others. Otherwise, claims for “respect” or “recognition” or “tolerance”, where such language becomes a constitutionally mandated proxy for “acceptance”, tend to obliterate disagreement.”<sup>32</sup>

44. In the case at bar, the issue is not how to balance a conflict between religious rights and equality rights. Rather, this case is an example of straight state violation of religious freedom and freedom of expression.<sup>33</sup>

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eliminate discrimination.

<sup>30</sup> In fact, this Court has described Canada as a “diverse and multicultural society, bound together by the values of accommodation, tolerance and respect for diversity.” *Chamberlain*, *supra* note 15 at para. 21.

<sup>31</sup> *Ibid.* at para. 3 and 208-9.

<sup>32</sup> *Ibid.* at para. 134. Although Gonthier J was in dissent, McLachlin C.J. for the majority did not disagree with Gonthier's statement.

<sup>33</sup> See also *Chamberlain*, *ibid.* at para. 132.

45. A pluralist society is one in which there may be sharp disagreements on issues of morality and behaviour. This is a distinctly different society from the one promoted by the Appellant. The Appellant wishes to change Canada from a pluralist society into a restrictive and homogeneous one – a society in which every view is held in equal respect without disagreement, and where any disagreement is marginalized, censored or even prosecuted as “intolerant.”
46. Voltaire is often attributed as saying, “I disapprove of what you say, but I will defend to the death your right to say it.” This is a maxim of a truly free and democratic society, a society that embraces a plurality of ideas in the marketplace of ideas, where more than the state product is available for trade.

#### **PART IV: COSTS**

47. The EFC does not seek costs, and asks that no costs be awarded against it.

#### **PART V: ORDER SOUGHT**

48. The EFC requests that this appeal be denied. The EFC further submits that the interpretation given to the *Saskatchewan Human Rights Code* s. 14(1)(b) by the Tribunal and the Appellant infringe the *Charter* and that the violation does not minimally impair the *Charter* rights of religious individuals.<sup>34</sup> Accordingly, the legislation itself is in jeopardy and cannot be saved under section 1 of the *Charter*.
49. The EFC seeks leave to present oral argument at the hearing of the Appeal, and requests 10 minutes for this purpose.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**, this 4<sup>th</sup> day of August, 2011.

SIGNED: \_\_\_\_\_

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<sup>34</sup> *R. v. Oakes*, [1986] 1 S.C.R. 103 [*Oakes*].

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## **PART VII: RELEVANT STATUTORY PROVISIONS**

Relevant Provisions of:

*Canadian Charter of Rights and Freedoms as found in the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11*

### ***Fundamental freedoms***

**2.** Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

[...]

### ***Other rights and freedoms not affected by Charter***

**26.** The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

**Charte Canadienne des droits et libertés, Partie I de la Loi constitutionnelle de 1982 constituant l'annexe B de la Loi de 1982 sur le Canada (R-U), 1982, c. 11**

### ***Libertés fondamentales***

**2.** Chacun a les libertés fondamentales suivantes :

- a) liberté de conscience et de religion;
- b) liberté de pensée, de croyance, d'opinion et d'expression, y compris la liberté de la presse et des autres moyens de communication;
- c) liberté de réunion pacifique;
- d) liberté d'association.

### **Maintien des autres droits et libertés**

**26.** Le fait que la présente charte garantit certains droits et libertés ne constitue pas une négation des autres droits ou libertés qui existent au Canada.

Relevant Provisions of:

***The Saskatchewan Human Rights Code, being Chapter S-24.1 of the Statutes of Saskatchewan, 1979 (effective August 7, 1979) as amended by the Statutes of Saskatchewan, 1980-81, c. 41 and 81; 1989-90, c. 23; 1993, c.55 and 61; 2000, c.26; 2007, c.39; and 2011, c.17***

### ***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.

[...]

### ***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