mouvement laïque québécois

For immediate release

Supreme Court of Canada Decision on Six Applications for Leave to Appeal

Montréal, January 23, 2025 – The Supreme Court of Canada today rendered its long-awaited decision on six applications for leave to appeal brought by opponents of the secularism of the state and its public institutions.

After the recusal of one of its judges at the initiative of the Mouvement laïque québécois and after a lengthy deliberation, the Supreme Court finally decided to authorize the applications for leave to appeal against the unanimous decision of the Court of Appeal[1] that confirmed that the Act respecting the laicity of the State was in conformity with the public law in force in both Quebec and Canada.

The grounds for the appeals

- English Montreal School Board argued that section 23 of the Charter, guaranteeing the right of the English-speaking linguistic minority to public education in its language, included the right to multi-denominational public schools.
- The Fédération autonome de l'Enseignement (FAE) challenged the use of the Charter's notwithstanding clause to allow its teachers not to respect their duty of discretion in religious matters in public schools
- The National Council of Canadian Muslims invoked unwritten constitutional principles to challenge the use of the Charter's notwithstanding clause to allow state officials to practice their religions in the exercise of their duties.
- The "Lauzon" group of religious challenged Quebec's jurisdiction to ensure that the religious neutrality of the state was respected by its representatives in the exercise of their functions.
- The Lord Reading Law Society argued that the Hart Act of 1832 still applied in Quebec despite the adoption of the Canadian Charter of Rights and Freedoms in 1982.
- The World Sikh Organization of Canada argued that the Rector's Office Act, 1852 still applied in Quebec despite the adoption of the Canadian Charter of Rights and Freedoms in 1982.

[1] World Sikh Organization of Canada v. Attorney General of Quebec, 2024 QCCA 254 (CanLII), <https://canlii.ca/t/k34qq>

CONSIDERED UNFOUNDED, THESE GROUNDS OF CHALLENGE TO THE LAW WERE ALL REJECTED BY THE COURT OF APPEAL AND THE MOUVEMENT LAÏQUE QUÉBÉCOIS WILL HAVE THE OPPORTUNITY TO DEMONSTRATE THIS ONE LAST TIME AT THE SUPREME COURT OF CANADA.

Conclusion

The Supreme Court of Canada, by granting these six applications for leave to appeal, will therefore have the opportunity to remind all of Canada that the Court of Appeal was not wrong in stating that the Act respecting the laicity of the State is consistent with the public law in force in Quebec and in Canada, and regardless of the use of the notwithstanding clause.

The Supreme Court will also be able to reiterate, in the public interest in Canada, that the principles of the religious neutrality of the state, which it defined in its 2015 decision at the request of the Mouvement laïque québécois, require the state and its representatives to respect, in fact and in appearance, the religious neutrality of public institutions.[2]

In 2015, the Court had unanimously prohibited state officials from engaging in religious practices in the exercise of their duties.

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FYI:

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[2] Mouvement laïque québécois v. Saguenay (City), 2015 SCC 16 (CanLII), [2015] 2 SCR 3, <https://canlii.ca/t/gh67d>