

Freedom of Religion 101

Canadian Charter of Rights and Freedoms

2. Everyone has the following fundamental freedoms:
(a) freedom of conscience and religion;

What does it mean?

The protection of freedom of religion under s. 2(a) of the *Charter* protects both freedom of religion and conscience.

The following are three BIG IDEAS that came out of three important Supreme Court of Canada cases and help clarify the concept of freedom of religion in Canada.

1) Freedom of religion protects:

- a) your right to choose your religious beliefs and practices, to exhibit those beliefs publicly without fear of punishment, and to share and spread those beliefs to others;
- b) your right to be free from being forced into practicing or believing in something you don't want to (you shouldn't be forced to act in a way that goes against your beliefs or conscience);

Case: R. v. Big M Drug Mart Ltd., [1985] 1 SCR 295

2) Freedom of religion includes both individual and collective aspects of religion.

In order for an individual to enjoy freedom of religion, there should also be some protections for the religious institutions that enable that individual to practice their religious traditions with others who share their beliefs.

Case: Loyola High School v. Quebec (Attorney General), 2015 SCC 12

3) A belief does not have to be considered “mandatory” or “required” by religious doctrine, authority, or religious community to receive protection under s.2(a) of the *Charter*.

Freedom of religion allows individuals to make a personal choice about how interpret and practice their religion. You don't have to demonstrate the validity of your belief to seek protection for that belief under s.2(a) of the *Charter*; only that your spiritual belief is **sincere**.

Case: Syndicat Northcrest v. Amselem, 2004 SCC 47

Why is it important?

Freedom of religion is protected because of its deep connection to individual liberty and self-fulfillment. For many people, religion plays a key role in how they choose to live their lives, perceive the world, and interact with others.

Freedom of religion is also related to the guarantee of equality since many religious freedom cases involve attempts to protect a minority group.

Historically, many of Canada's laws have been based on the majority Christian beliefs of those in positions of power. Freedom of religion protects individuals from having beliefs imposed on them or from having their own beliefs restricted simply because they are a religious minority.

Limits to Freedom of Religion

Even if a religious belief or practice is sincerely held, it would not automatically be protected under *Charter* s. 2(b) if that belief or practice could cause harm to or interfere with the rights and freedoms of others in society.

In a situation where freedom of religion may conflict with other rights and freedoms, a s. 1 analysis would be used to determine what limits on freedom of religion are reasonable (see section 1 and the Acorn Test).