



CanadaWatch

CENTRE FOR FAITH & PUBLIC LIFE

The EFC in the courts and on Parliament Hill.

SPOTLIGHT

Spotlight on the Ktunaxa religious freedom case.

EFC RESOURCES

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You are helping protect religious freedom in Canada – defending conscientious objection in court

The EFC is opposing a requirement in Ontario that forces doctors to provide referrals for euthanasia against their conscientious objections. Our action involves seeking to challenge this policy – set out recently by the College of Physicians and Surgeons of Ontario (CPSO) – in a judicial review at the Ontario Divisional Court.

The EFC’s intervention would support the Christian Medical and Dental Society of Canada (CMDs) and two other physician groups who are bringing this challenge. The EFC would speak as a representative of the Christian traditions to which the doctors challenging the policy belong. We’ll be joined by the Assembly of Catholic Bishops of Ontario.

Here are some of the top facts concerned Canadians need to know about this case:

- Federal legislation for assisted suicide stated that no one should be compelled to participate in euthanasia.
- Ontario is choosing to disregard this directive. In Ontario, the CPSO policy requires that doctors actively refer patients who want euthanasia.
- There are alternative ways to ensure timely access to patient services without having to infringe upon the doctors’ freedom of conscience and religion as protected under Canada’s *Charter of Rights and Freedoms*.
- The effect of the CPSO’s current requirement is that doctors who uphold the sanctity and dignity of human life from conception to natural death may face the difficult choice of capitulating or leaving the profession.
- In the background of this issue is an emerging discussion about medical schools and whether or not medical students with personal, moral or religious objections to euthanasia will even be permitted to enter.

Larry Worthen is executive director of the CMDs, an association of medical professionals working diligently to protect the conscience rights of Canadian doctors who have religious objections to physician-assisted suicide.

HOW YOU CAN HELP

- **STAY INFORMED** with regular updates on this case and others involving religious freedom in Canada. Updates are always available at www.TheEFC.ca.
- **PRAY** for the successful outcome of this case in February, that the consciences and religious freedom of physicians will be protected in Ontario and beyond.
- **DONATE** to the EFC to help us be present in this case and others like it. Thanks to you we provide a compassionate, reasoned and respected voice for biblical values in Canada’s highest courts.

UPDATES EVERY TUESDAY

Get the latest EFC news each week in our free email newsletter. Sign up at www.TheEFC.ca/Subscribe.

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“Our doctors are being forced to choose between their career and their conscience,” Worthen said in a recent *Faith Today* interview. “They are unable to refer, yet the CPSO is requiring that. If any of them were to get a complaint from a patient because of this, they could be investigated and disciplined for refusal to comply.

“The average churchgoer in Canada cannot believe this is happening,” says Worthen. “I grew up with the idea we had a Christian country. It has taken us years to realize that no, we don’t. Our perspective is we are living in a pluralistic society where all backgrounds are welcome, and it is inclusive. But there is a secular view of society where people of faith are excluded.” (Read more at www.FaithToday.ca/WorthenInterview.)

Medical professionals and other Canadians also face great uncertainty about what conscience protection will be provided to long term care facilities or nursing homes. The EFC is urging the Ontario government to extend conscience protection to such facilities so they will not be forced to facilitate or allow euthanasia and assisted suicide on their premises.

With enough public support, the provincial government may act to put in place conscience protection. While the current battle is in Ontario, we encourage all Canadians to contact their MPP or MLA to ask them to support the conscience rights of doctors, nurses and healthcare facilities.

The EFC is part of the Coalition for Health-CARE and Conscience, which has developed resources to equip people to contact their MPP or MLA in each province. See the EFC’s website for sample letters and more www.TheEFC.ca/ResourcesOnEuthanasia.

“OUR DOCTORS ARE BEING FORCED TO CHOOSE BETWEEN THEIR CAREER AND THEIR CONSCIENCE,”



Spotlight on the **KTUNAXA RELIGIOUS FREEDOM CASE** (and recent EFC Webinar)



RELIGIOUS FREEDOM IN CANADA

In early December, the EFC and the Christian Legal Fellowship were before the Supreme Court promoting a robust understanding of religious freedom. The *Ktunaxa* case raises critical questions about how religious freedom is understood in the courts and applied in cases. The *Ktunaxa* Nation and other Indigenous nations object to the development of a ski resort on land that has religious significance to them. The EFC co-intervened with Christian Legal Fellowship to argue that when a religious freedom claim is made, the courts have a duty to consider the claim.

Why is the EFC involved with a case involving land in British Columbia and Indigenous religious freedom? To help answer that question, the EFC held a webinar in October. Participants asked tough questions, and Bruce J. Clemenger, President of the EFC, gave the answers. Here’s an edited transcript from a portion of that interview, investigating why religious freedom cases – even those involving other religions – matter so very much

■ WHY DOES THIS CASE MATTER?

The *Ktunaxa* Nation’s ancestral lands are in the Kootenays of B.C. In the late 1980s, a corporation applied to the B.C. government to establish a ski resort, including a 1,000 bed facility for guests. Over the years the Nation grappled with this. They understood there would be economic benefits, but they also came to realize a permanent residence would infringe on their religious expression because of their beliefs around the sacredness of the land. They challenged the government’s permission for the project, on the basis of Section 2(a) of the Canadian Charter.

■ CAN YOU EXPLAIN THE BALANCING THAT IS PART OF PROTECTING RELIGIOUS FREEDOM?

No freedom is absolute. Once religious freedom is understood to be in play, there is a process of balancing. What is a reasonable accommodation between the two groups? The issue with this case is it never got to the balancing part. The government ignored the religious freedom aspect from the beginning. We want to ensure that religious freedom claims are not ignored.



■ HOW DOES THE EFC CHOOSE WHICH CASES TO INTERVENE IN?

When a case about religious freedom comes to a lower court, or particularly to the Supreme Court, it's important to be present if at all possible. The courts will be looking at how religious freedom is balanced with other freedoms under the Charter. We don't want to be absent from the conversation. When they're having a conversation about religious freedom, we want to be there to continue to push for a robust and expansive understanding of what religious freedom is.

We've often engaged before the courts on other areas of concern such as the sanctity of human life, issues of euthanasia and assisted suicide, and issues concerning vulnerable people. We look for those principles, and for cases that could be precedent setting, and that impact how we as a society will live together.

>> **REMEMBER, EFC WEBINARS ARE FOR YOU!** They are designed to be easy to participate in and be a source of updates and encouragement for us all to be involved in the issues that matter the most and that impact our country. View webinar archives anytime and find out about upcoming webinars at www.TheEFC.ca/Webinars.

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On Parliament Hill



Updating you on Canada's most immediate issues

◆ **Religious freedom:** The BC Court of Appeal strongly affirmed religious freedom in its unanimous November ruling in favour of Trinity Western University. The Law Society of British Columbia had opposed the Christian university's proposed law school because of TWU's community covenant limiting sexual intimacy to heterosexual marriage. The EFC intervened with Christian Higher Education Canada on TWU's behalf and is pleased with the Court of Appeal's robust affirmation of religious freedom of all Canadians. The law society has announced its intention to appeal.

Meanwhile TWU is appealing to the Supreme Court in a related case in Ontario.

◆ **Pornography:** The EFC is raising awareness of the impact of violent and degrading sexual images online. In November the EFC, along with partner organization Defend Dignity, brought in an American expert on the public health impact of pornography, so she could speak at meetings and events with MPs and Senators.

MP Arnold Viersen's motion M-47 calls on the parliamentary Health Committee to study the public health impact of online violent sexual images. The motion is

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expected to be voted on before Christmas. Encourage your MP to support motion M-47 using EFC's sample letter at www.TheEFC.ca/M47.

◆ Euthanasia and conscience

protection: The EFC has applied to intervene in a court case on conscience protection for doctors. The College of Physicians and Surgeons of Ontario has a policy that doctors must provide a direct referral for procedures that go against their deeply held beliefs, such as euthanasia or assisted suicide. The EFC is working with the Assembly of Catholic Bishops of Ontario to argue for freedom of conscience.

The EFC is asking the Ontario government to provide conscience protection for doctors, nurse practitioners and facilities. We are urging Ontario residents to contact their MPP and the Minister of Health. Get details at www.TheEFC.ca/ResourcesOnEuthanasia.

◆ **Palliative Care:** The EFC supports private member's bill C-277 which calls for development of a palliative care framework. Palliative care is a compassionate way to support those at the end of life. Consider becoming involved in palliative care services in your community. Encourage your MP to support bill C-277. See the EFC's sample letter at www.TheEFC.ca/PalliativeCare.



The *Faith Today* blog posts exclusive new material several times per week, following up on important issues raised in Canada's Christian magazine. Visit Blog.FaithToday.ca



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www.Facebook.com/TheEFC

A word from the President, Bruce J. Clemenger



In one of our most recent EFC webinars, a viewer asked what I was hearing from Canadian pastors about the state of religious freedom in our country. I'm hearing the same dual message, I answered, from coast to coast.

On one hand, church leaders and individual Christians are grateful for the religious freedom we do have in Canada, especially compared to other parts of the world where it might be illegal to form a church and hold services, or have educational institutions that are faith-based. We appreciate our religious freedom, we cherish it in fact, and it is right that we do. But we also must be conscientious caretakers of it. What you cherish, you protect. That is what you allow us to do when you support the work of the EFC, prayerfully and financially. So, thank you for joining with us once again. We are stronger together.

Warm words from donors We love to hear from you.

We love to hear back from you. We are partners together in the EFC's mission to "...bless Canada in the name of Jesus."

Every Thursday morning at our staff devotions we share your prayer requests and also the warm words of encouragement you send to us. Here's one of the latest:



I have read a great deal of your online information and am so encouraged by what you are doing, what you stand for, someone to confront the machinations of government interference in our supposed religious freedom, as it affects everything else. Win or lose we will at least have tried. Thank you for standing in the gap helping the Christian voice be heard again.



EFC

The Evangelical Fellowship of Canada

Box 5885 West Beaver Creek Post Office, Richmond Hill, ON L4B 0B8
Tel: 905.479.5885 • Toll Free: 1.866.302.3362 • Fax: 905.479.4742
Email: EFC@TheEFC.ca • www.TheEFC.ca



The Evangelical Fellowship of Canada (Alliance évangélique du Canada) is the national association "uniting Evangelicals to bless Canada in the name of Jesus." Since 1964 the EFC has provided a national forum for Evangelicals, fostered ministry partnerships, conducted research on religious and social trends and provided a constructive voice for biblical principles in life and society.