

The only Fair, Democratic, Multicultural and Economic Solution is One School System

An Iranian human rights envoy brushed off a Canadian sponsored UN resolution concerning human rights violations in Iran by wondering: "Being charged itself with human rights violations, is Ottawa competent enough to initiate a human rights resolution in the UN against another country?"
-Nov 2, 2005

The source of the problem

The Constitution Act 1867

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions:

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union:

(2) *All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec:*

(3) Where in any Province a System of Separate or Dissident Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education:

(4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section.

93A. Paragraphs (1) to (4) of section 93 do not apply to Quebec.

Quebec's Solution

Senator Gerald-A. Beaudoin presenting his conclusions to the senate
About the Quebec amendment

At the beginning of the hearings, I raised the issue of a bilateral or trilateral amendment. In fact, because subsection 93(2) of the Constitution Act of 1867 refers to Quebec and Ontario, there was some question as to whether the agreement of Ontario was also required in this case. Having given the matter considerable thought and after hearing expert testimony, I have concluded that it is indeed the bilateral formula, and not the trilateral one, that applies.

What will happen in Quebec with this amendment changes nothing in the constitutional situation of denominational rights and privileges in Ontario.

Senate Debate 1st Session, 36th Parliament, Volume 137, Issue 21 Honourable Gerald-A. Beaudoin before granting Quebec's amendment

Newfoundland's Solution

Newfoundland, following Quebec's lead, also passed a Constitutional amendment (1998) leaving Ontario as the only jurisdiction to fund a single religion to the exclusion of all others in the entire western world.

The Effects

Discrimination against students

The publicly funded Catholic schools in Ontario (separate school system) have an absolute right to -and frequently do- deny access to non-Catholic students from kindergarten to grade 8 based solely on the religion of the parents.

Discrimination against teachers

Catholic schools have an absolute right to discriminate against teachers not just on the basis of whether they are Catholic, but on their adherence to the Roman Catholic doctrine. This has resulted in teachers being fired for divorcing or having a child out of Roman Catholic wedlock. These publicly funded teaching positions are preferentially given to Catholics who have a choice between two school systems.

Massive duplication cost

The cost of running two parallel school systems (public and separate) side-by-side serving overlapping jurisdictions amounts to approximately \$460 million dollars per year.

"According to counsel, the additional costs to maintain the separate system next to the public school system have been calculated as amounting to

\$ 200 million a year for secondary schools alone."

-UN CCPR/C/67/D/816/1998 Nov 4, 1999

Ethnic Segregation

Despite Ontario's attempt to foster a multicultural environment, the publicly funded Catholic school system results in de facto racial and ethnic segregation since people from similar ethnic and cultural backgrounds tend to be of the same religious background (Catholic or non-Catholic).

International condemnation

The UN has twice found Canada in violation of the *International Covenant on Civil and Political Rights* (1999, 2005) for Ontario's practice of funding a single religious group.

I share the Prime Minister's hope that China will soon ratify the International Covenant on Civil and Political Rights. The Prime Minister raised these issues because they are important to all Canadians - and because the Government of Canada is responsible for the conduct of foreign policy at the state-to-state level. Respect for the basic rights of our citizens is something that is also very important to me and to my government.

- Dalton McGuinty, Premier of Ontario, in an address to the Tsinghua University Law School, Beijing, China, 7 Nov 2005.

International Covenant on Civil and Political Rights, Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Examples of publicly funded discrimination

Jeff Prentice has accused the Ottawa-Carleton Catholic School Board of discrimination by denying him a teaching position because he is not Roman Catholic.

Grant Tadman also claims discrimination based on faith after he wasn't granted a promotion during his career with the Metropolitan Roman Catholic School Board ever since he was involuntarily transferred to the separate board in 1986. These cases are before the UN human rights committee. -Source: Toronto Sun, Sept. 10, 2006

St. Michael's Catholic Secondary School display links abortion to genocide, by placing holocaust pictures next to fetal pictures.
-Source: London Free Press Sept. 27, 2006

Marc Hall in the Durham Catholic School Board had to fight in court for the right to bring his boyfriend to the prom. Cost to taxpayers: over \$150 000.
-Source: lifesite.net

Common myths

Roman Catholics in Ontario pay for their own school system.

False, if every Roman Catholic stopped checking the separate school support box there would be no change in the school's funding. The amount of funding each Ontario school receives is determined by the funding formula (per capita) not how much is collected from property taxes.

"The provincial share of the education funding for 2006-07 is calculated by deducting each board's revenue from property taxes for 2006-2007 from the total funding allocation determined by the education funding formulas."
"Education funding determines each board's overall funding allocation. Property tax revenue provides a part of the allocation and the Province provides additional funding to the level set by education funding"

-pg 97 Education Funding, Technical paper Spring 2006, Ministry Education (Ontario)

Since property taxes must be paid to either board, all Ontario tax payers pay for the Catholic system, but only Catholics have the privilege of using it.

Non-Catholics can go to Catholic schools if they want to.

False. Although all Ontarians contribute equally to the funding of public Catholic schools through provincial taxation, irrespective of whether or not they elect to be identified as a Catholic school supporter on municipal tax rolls, at the elementary school level up to grade 8, Catholic school boards have absolute control over admission. This has resulted in many documented admission refusals due to candidates not having a Roman Catholic baptismal certificate.

This would be taking away the right of a minority.

Firstly, while the Roman Catholics are not the majority they constitute 33% of the population and so are the largest single religious segment in Ontario. More important is the red herring that this is a right. A right is held by all citizens; this, as the Honourable Gerald-A. Beaudoin says, is a privilege.

Catholic schools are an equal opportunity employer.

False. The Catholic system has the privilege of hiring and firing teachers based on their adherence to Roman Catholic doctrine. Some possible and cited reasons for dismissal have been: homosexuality, out-of-wedlock pregnancy, divorce and attendance of a non-sanctioned Roman Catholic service.

Catholic schools out perform public schools.

False. In Toronto, for instance, neither board out perform the other on EQAO tests. -Years 1998-2005

False Solutions

Publicly Fund every religion

- 1) This would be immensely costly since you would need more buildings, bureaucracies and transportation.
- 2) This would result in ethnic and racial segregation.
- 3) **The core problems remain.**
 - a) Catholic schools would still have the right to refuse admission to non-Catholics.
 - b) Teachers in the Catholic system could still be dismissed on the basis of their religious practice or adherence.
 - c) New faith schools would not have these discriminatory **privileges**.
- 4) Newfoundland dismantled their system of seven types of religious schools due to insurmountable funding pressures.
- 5) Economic and enrollment disparities among faith groups would mean all other religious systems would be inferior to the current Catholic system.
- 6) England's segregated schools are a major cause of alienation.

Tax credit for private schools

- 1) This would make it cheaper to send a child to a private school and would simply result in an exodus at taxpayer expense to private schools.
- 2) **The core problems remain** as mentioned above, but in addition the Catholic system continues to get a free-ride at the expense of all Ontario taxpayers, a **privilege** no other faith group enjoys.
- 3) Non-Catholic Ontarians continue to pay for a system they do not have access to.