



Defend Marriage

COALITION

MEDIA RELEASE

For immediate release
Toronto, Ontario

May 4, 2006

Revisiting the Same-sex Marriage Issue

Twelve pro-family organizations from across Canada have joined together in an association called Defend Marriage Coalition to work toward a winning vote in Parliament in support of traditional marriage. This vote, according to Prime Minister Harper, will take place “sooner rather than later.”

As its first initiative, the Defend Marriage Coalition has written to the leaders of all the individual faiths in Canada requesting that they become actively involved in this vote.

This is important not only for the fact that marriage between a man and a woman protects children, and their families, but it is also important in order to properly protect religious freedoms in Canada.

Contrary to the former Liberal government's assertions, religious groups will be subject to legal challenges if the legal definition of marriage continues to include same-sex partners.

This is based on the fact that the Supreme Court of Canada in the same-sex marriage reference handed down on December 9, 2004, concluded that although the provisions on the Civil Marriage Act passed last year purports to preserve religious rights, this provision, in fact, has no effect, and is superfluous, because the provision deals with provincial rights and is therefore outside the federal government's jurisdiction. The Supreme Court did acknowledge that religious groups would be protected from actually performing same-sex marriages, but the court also stated that in situations where there is a “collision of rights” the courts would be obligated to balance and delineate these colliding rights. This is not reassuring because in most cases in which the courts have adjudicated religious freedoms versus homosexual rights, the latter's rights have trumped religious rights.

Already, in less than a year since the same-sex marriage law was passed, cases have arisen which determinably affects religious rights in Canada:

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- The BC Human Rights Tribunal, in 2005, ordered the payment of a fine for “hurt feelings” caused by members of a Catholic Knights of Columbus Council in Port Coquitlam, BC, when they refused to rent their hall to a lesbian couple who wished to use it for their wedding reception. That is, there was a collision of rights between religious freedom and homosexual rights and the homosexual / lesbian rights triumphed. Although the decision acknowledged the right of the Knights to refuse to rent the hall to the lesbian couple because of their religious beliefs, they nonetheless were fined and had to pay costly legal expenses to defend themselves in this case.
- A Mennonite-owned summer camp was charged with discrimination by a homosexual male choir because the camp refused to rent the camp premises to it. This case is to be argued before the Manitoba Human Rights Tribunal this spring.
- The Canadian Human Rights Commission refused a complaint of a federal employee who wished to have her mandatory union dues diverted to charity because her union was actively supporting same-sex marriages. The federal employee claimed that the use of her union dues contravened her freedom of religion and conscience. The government employee is now seeking a judicial review of the Tribunal's decision.

The Coalition is heartened by the positive response it has received from the religious leaders to its letter.

The Defend Marriage Coalition will be undertaking further initiatives shortly in its effort to restore to Canada the traditional definition of marriage, the union of a man and a woman to the exclusion of all others.

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