



# **DISCUSSION PAPER ON RELIGIOUS INTOLERANCE**

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# Introduction

The ability of an individual to freely practice their religion is a fundamental human right. It is enshrined in both international and domestic law, including in: the Canadian Charter of Rights and Freedoms; the Universal Declaration of Human Rights; the International Covenant of Civil and Political Rights; the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; and the United Nations Declaration on the Rights of Indigenous Peoples — the latter of which has also been brought into Canadian law.

Religious intolerance impedes the ability of Canadian society to be democratic, welcoming, open-minded, and accepting. Only through understanding and acknowledging the existence of religious intolerance in Canada can we begin to address it and work towards its eradication.

As has often been said, no one is free until we are all free. Many societies, including our own, have been constructed in a way that places value on certain traits or identities to the exclusion of others — for example, white, male, Christian, English-speaking, thin/fit, not having a disability, heterosexual, gender conforming. Because of this, many people and communities are facing various forms of discrimination, including intersecting forms of discrimination. To address religious intolerance, it is critical to raise awareness and understanding about the various forms it takes in Canada.

The purpose of this discussion paper is to explore the concept of religious intolerance, its history in Canada, and the mechanisms that perpetuate it.

## What is religion?

Though listed as a prohibited ground of discrimination, religion is not defined in the Canadian Human Rights Act. The Supreme Court of Canada has indicated that religion typically involves: “a particular and comprehensive system of faith and worship; a belief in a divine, superhuman or controlling power; and/or a personal conviction or belief that fosters a connection with the divine or with the subject or object of that spiritual faith.”<sup>1</sup> Freedom of religion has been defined as “the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practise or by teaching and dissemination.”<sup>2</sup>

In 2019, just over two-thirds (68%) of Canadians reported having a religious affiliation, and over half (54%) said their religious or spiritual beliefs were somewhat or very important to the way they live their lives.<sup>3</sup>

## What is religious intolerance?

Religious intolerance can be understood as an intolerance of a person’s religion, religious beliefs or practices. It is rooted in the negative attitudes, values, and beliefs held towards those of a particular religion. While attitudes of religious intolerance can be very difficult to measure and quantify, actions are more recognizable.

Religious intolerance can materialize in many ways, from microaggressions, to lack of accommodation and acceptance of religious practices, to vandalism of religious buildings, hate speech, and physical violence. All acts of religious intolerance are forms of discrimination on the basis of religion. The psychological, economic, and societal impacts these intolerant behaviours and attitudes have on people can be very detrimental and long lasting.

A definition of microaggressions is outlined later in this document.

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<sup>1</sup> Syndicat Northcrest v. Amselem, [2004] 2 S.C.R. 551, available at <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2161/index.do>

<sup>2</sup> Justice Canada, “The Charter of Rights and Freedoms: Section 2(a) – Freedom of religion”. Available at <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art2a.html>

<sup>3</sup> Statistics Canada. (2021). Study: Religiosity in Canada and its evolution from 1985 to 2019. Available at <https://www150.statcan.gc.ca/n1/daily-quotidien/211028/dq211028b-eng.htm>

# Religious intolerance as a form of discrimination in Canada

Acknowledging that religious intolerance not only exists but results in real harm to people and communities is key to removing barriers in Canada, and to seeing and understanding the disadvantages that many communities suffer. Only through better understanding of how religious intolerance takes place in Canada can our legislation, policies and programs be crafted to address the causes and consequences of this intolerance.

Discrimination against religious minorities in Canada is grounded in Canada's history of colonialism. This history manifests itself in present-day systemic religious discrimination. An obvious example is statutory holidays in Canada. Statutory holidays related to Christianity, including Christmas and Easter, are the only Canadian statutory holidays linked to religious holy days. As a result, non-Christians may need to request special accommodations to observe their holy days and other times of the year where their religion requires them to abstain from work.<sup>4</sup>

Canada's history with religious intolerance is deeply rooted in our identity as a settler colonial state. A key example, of which we still see the effects today, was the systematic effort to delegitimize and eradicate Indigenous spirituality and ways of life through the use of residential schools. Throughout the 1900s, more than 150,000 Indigenous children were forced to attend residential schools, a network of compulsory boarding schools funded by the Canadian government and administered by Christian churches.<sup>5</sup> At these schools, Indigenous children were subjected to forceful conversion to Christianity as their spirituality was framed as being superstitious or a form of witchcraft. They were depicted as inferior beings to justify the violence and discrimination brought against them by colonizers.<sup>6</sup> The loss of culture, languages, spirituality, and community resulted in the marginalization, oppression, and damage to Indigenous peoples' own unique religions and spiritual practices.<sup>7</sup>

Indigenous peoples in Canada continue to face racism and intolerance of their spiritual practices to this day. The ongoing discrimination against Indigenous peoples and their cultures is an example of how religious intolerance and racial discrimination can intertwine.

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<sup>4</sup> Ontario Human Rights Commission, "Policy on preventing discrimination based on creed", available at <https://www.ohrc.on.ca/en/policy-preventing-discrimination-based-creed/3-background>

<sup>5</sup> Truth and Reconciliation Commission of Canada, 2015[30], available at [https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive\\_Summary\\_English\\_Web.pdf](https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Executive_Summary_English_Web.pdf)

<sup>6</sup> United Nations Human Rights Office of the High Commissioner, 2022[5] "A/77/514: Interim report of the Special Rapporteur on freedom of religion or belief (Advance unedited version)," available at <https://www.ohchr.org/en/documents/thematic-reports/a77514-interim-report-special-rapporteur-freedom-religion-or-belief>

<sup>7</sup> Ibid

Throughout history, this intertwining of religion and culture has led to instances of the racialization of religious minorities. An example of this is antisemitism, often referred to as the world's oldest hatred, and which has been acknowledged as both a racial as well as religious form of discrimination.<sup>8</sup> This broad and inclusive understanding of what constitutes race and racism is seen in the Government of Canada's 2019–2022 Anti-Racism Strategy, which includes antisemitism, as well Islamophobia, in its annex of terminology.

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### **Intersectional discrimination/intersectionality**

Intersectionality is a concept that recognizes that different kinds of discrimination reinforce and influence each other. The various social categories a person belongs to, such as their religion, race, class, gender, physical or mental ability, or sexual orientation, can shape the nature of the discrimination they face in their lives.

Kimberlé Crenshaw, the scholar who coined the term intersectionality, describes this concept by explaining that a Black woman, who experiences both racism and sexism, experiences different racism than a Black man, and different sexism than a white woman, because her two identities intersect (hence intersectionality). The two identities compound upon each other in the face of discrimination. It means the woman faces stereotyping and harassment that is exclusive to Black women. Applying an **intersectional approach** means taking into account that a person has more than one social category or identity, and that their experiences and lives are influenced by those other categories or identities.<sup>9</sup>

It is important to acknowledge that the combined effects of multiple grounds of discrimination can have a greater impact than discrimination based on a single ground.

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### **Hate speech and violence**

Hateful, racist, xenophobic and violent incidents have been rising year after year, and the COVID-19 crisis made things even worse. Online hate has become more prevalent as hateful rhetoric has spread and made its way into the mainstream. According to the B'nai Brith 2021 annual audit of antisemitic incidents, 2,093 incidents of online hate were recorded in that year alone. That is double the amount over the last five years — making online hate the main method of targeting Jewish communities.<sup>10</sup> Online hate essentially refers to the posting and circulation of content that is prejudiced and hateful about a specific individual, group and or community based on one or more of their identity markers i.e., race, gender identity, religious affiliation, sexual orientation, and many more.

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<sup>8</sup> Moerdler, Z. (2017). "Racializing antisemitism: The development of racist antisemitism and its current manifestations", 40 Fordham Int'l L.J. 1281. Available at <https://ir.lawnet.fordham.edu/ilj/vol40/iss4/5/>

<sup>9</sup> Crenshaw, Kimberlé. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" available at <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>

<sup>10</sup> B'nai Brith Canada, "Annual Audit of Antisemitic Incidents 2021". Available at <https://www.bnaibrith.ca/antisemitic-incidents/>

Hate is also a precursor to violence. Online hate has led to threats, violence, murders and massacres. There have been instances where perpetrators of violent intolerance and hate were inspired and emboldened by hateful content online. According to the National Council on Canadian Muslims, more Muslims have been killed in targeted hate-attacks in Canada because of Islamophobia and anti-Muslim hate between 2016 and 2021 than in any other G-7 country.<sup>11</sup> In 2017, a mass shooting at the Islamic Cultural Centre of Quebec City killed six individuals and wounded many others. In 2021, a Muslim family in London, Ontario was attacked and killed in a hate-motivated crime. These attacks, the desecration and vandalism of synagogues and storefront windows with antisemitic graffiti, and hateful rallies in front of synagogues and mosques are just a few examples of the hateful religious intolerance and violence present in Canada.

Many people choose to wear religious symbols such as hijabs, turbans, and kippahs. When these symbols are attacked — whether physically or verbally — the violence and trauma is the same. It is a compounded trauma resulting from the attack itself that is in addition to the fear of being able to openly practice and represent one’s religion.

Even when hate does not end in physical violence, it is still deeply harmful to victims and society.

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### **Reported vs. unreported hate crimes**

Annual data released by Statistics Canada in August 2022 show a 27% increase in hate crimes targeting various communities in 2021.<sup>12</sup> Police-reported hate crimes rose by 72% over a two-year period between 2019 and 2021. Of note, hate-motivated crimes targeting religion increased by 67% (884 incidents) in this period, the highest percentage increase of any type of hate-motivated crime.

That said, it is important to note that these statistics are police-reported and do not include the many hate-related incidents and crimes that frequently go unreported. In fact, according to Canada’s 2019 General Social Survey, nearly 80% of hate crime incidents are unreported. In addition, the lack of confidence in police forces and the justice system as well as previous negative experiences with police are key to preventing victims of hate crimes from reporting incidents.

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<sup>11</sup> National Council on Canadian Muslims, “National Action Summit on Islamophobia”. Available at [https://www.nccm.ca/wp-content/uploads/2021/06/Policy-Recommendations\\_NCCM.pdf](https://www.nccm.ca/wp-content/uploads/2021/06/Policy-Recommendations_NCCM.pdf)

<sup>12</sup> <https://www150.statcan.gc.ca/n1/daily-quotidien/220802/dq220802a-eng.htm>



## **Failure to accommodate religious practices**

Canadian employers and service providers have a legal obligation or duty to accommodate in many situations that engage the various grounds, including religion, which are protected by the Canadian Human Rights Act as well as by provincial and territorial human rights codes. Failure to accommodate religious requirements of employees and service clients to the point of undue hardship<sup>13</sup> is a form of religious intolerance that perpetuates discrimination and violates human rights.

Organizations have a duty to accommodate an employee's or client's religious practices to the point of undue hardship. For example, if taking part in an activity violates an employee's belief but is a requirement of the job, the employer is still required to accommodate to the point of undue hardship if the employee cannot participate. Or if the position requires an employee to wear a hard hat but they cannot because their religion requires them to wear a turban, the organization needs to look at whether accommodation is possible. Perhaps the individual can be assigned to alternative tasks where a helmet is not a requirement.

As an example of where a federally regulated service needs to accommodate religious practices, the federal prison system has often failed to create a space where inmates can practice religion freely and without harm. Challenges faced by inmates include failing to accommodate religious practices, diets, and the lack of access to religious supports.

## **Everyday manifestations of religious intolerance**

Religious intolerance and racism often manifest in less obvious, subtler acts of exclusion referred to as microaggressions. Microaggressions are defined as brief, indirect, and everyday slights, indignities, put-downs, and insults that communicate discriminatory attitudes towards members of equity-deserving groups. These slights can be behavioural, verbal, or environmental, and can be intentional or unintentional. Some examples may include but are not limited to: assuming that a Muslim person is new to Canada, making antisemitic or Islamophobic jokes, scheduling team meetings on Jewish or Muslim holy days, or getting up from one's seat on a park bench or train the moment a person wearing a hijab or turban sits next to you.

Microaggressions can leave those subjected to them feeling uncomfortable, unwelcome, insulted, othered, and painfully reminded of stereotypes associated to their identities. While there may be no harm consciously intended, microaggressions nevertheless cause harm. The harmful impact is cumulative as people of various religious and racial backgrounds experience these microaggressions frequently in their day-to-day lives.

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<sup>13</sup> Undue hardship is where it can be demonstrated through evidence that the accommodation required would cost too much, or create health or safety risks.

## What can we do?

The freedom to practice one's religion or belief without fear of any kind is a fundamental right that all people in Canada should enjoy. If we want to end religious intolerance, it is important that we understand it. We need to understand how it persists, in what kinds of structures or practices it shows up, and how it affects people's lives. Most importantly, we need to listen to and amplify the voices of people with lived experience. They are the ones who have been fighting the longest for systemic change. They are the ones who can best describe what is needed to achieve lasting change.

When it comes to real, concrete actions that we can all take, there are many resources to turn to. These actions apply to everyone — from individuals and families, to institutions and governments. This section provides just a few examples, but there are so many others. Think about what you can do!

- **Committing to self-learning is a powerful way to combat religious intolerance.** Misinformation and limited knowledge about different religious and spiritual communities can lead to religious intolerance. Learning about our biases and about other cultures helps us understand the prejudices and stereotypes we hold in our minds, often without realizing it. This awareness will help us recognize our biases in our views, behaviours, and beliefs. A simple place to start can be familiarizing ourselves with diverse religious days, or cultural days of significance, that go beyond those linked to statutory holidays.
- **Engaging with community religious and spiritual leaders is a good way to expand our knowledge.** Our communities are full of diverse religious leaders and organizations we can reach out to. They can answer questions, or direct us to helpful resources about their religion and the issues they experience. When we make these kinds of connections, we can learn how to be a better ally in the fight against religious discrimination and violence. But the key is to start from a place of self-learning. The onus is on us to learn, not others to teach us.
- **Ensuring a diverse and inclusive organization is key.** Employees from a wide range of backgrounds bring unique perspectives that foster innovation and creativity, and also allow organizations to better understand the community that they serve. But representation is only a first step. Employers should also ensure that people from diverse religious and spiritual communities have the tools, support, and opportunities to succeed within their organizations.
- **Collecting meaningful data matters.** Sometimes a challenge is that employees' experiences with religious discrimination and intolerance go unreported. This is why employers should make it a priority to regularly collect and analyse employee data. This will help organizations to understand where the gaps lie, who is being impacted and how, and what policies or measures are needed to address religious discrimination and intolerance in the workplace. Remember, it is always a good practice to include employees of diverse religious backgrounds in the creation of these types of policies or measures.

## Conclusion

Everyone has the right to live without the fear, isolation, and physical violence that religious intolerance can cause. No one should have to live with xenophobia<sup>14</sup> and discrimination based on their religious beliefs and practices.

Canada has both domestic and international obligations to protect Canadians from individual and systemic actions committed because of religious intolerance. In order to move forward towards sustainable change, all Canadians must first acknowledge Canada's history of religious intolerance, and more importantly, its existence today. It is imperative that individuals and organizations promote education, dialogue, tolerance, and diversity to spur cultural and societal change with the goal of making Canada more inclusive and accepting.

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<sup>14</sup> **Xenophobia** is described as “attitudes, prejudices and behavior that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.” (United Nations, Guidance on Racism and Xenophobia, 2021, available at <https://www.unhcr.org/5f7c860f4.pdf>)