



House of Commons  
CANADA

## Legislative Committee on Bill C-38

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CC38 • NUMBER 009 • 1st SESSION • 38th PARLIAMENT

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EVIDENCE

**Wednesday, June 1, 2005**

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**Chair**

**Mr. Marcel Proulx**

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## Legislative Committee on Bill C-38

Wednesday, June 1, 2005

• (1530)

[English]

**The Chair (Mr. Marcel Proulx (Hull—Aylmer, Lib.)):** Good afternoon, and welcome to the legislative committee on Bill C-38.

To the witnesses, I wish you a very cordial welcome to our committee. Thank you very much for accepting our invitation.

We have this afternoon representatives from the World Sikh Organization of Canada, the United Church of Canada, and the Law Commission of Canada.

[Translation]

With your permission, we'll begin.

Each organization has 10 minutes to make a presentation. Then we all move on to a question and answer period.

[English]

We'll start with the World Sikh Organization of Canada, Ms. Lowthian or Mr. Sahota. Welcome.

**Mrs. Anne Lowthian (Executive Director, World Sikh Organization of Canada):** Thank you, Mr. Chairman and members of the committee. It is an honour to appear before the House of Commons legislative committee deliberating Bill C-38, the Civil Marriage Act, on behalf of the World Sikh Organization of Canada.

My name is Anne Lowthian. I have been the executive director of the World Sikh Organization since 1993, and I have with me a founding member of the organization and our current national president, Ajit Singh Sahota.

Fostering goodwill, peace, dignity, and equality in a fragile and contentious world environment, elected representative, volunteers, and staff at the World Sikh Organization have developed and delivered numerous professional briefs to all levels of the judicial, legislative, and executive branches of government in Canada since 1984. The WSO has consistently advocated for the expansion and protection of human rights to all individuals, irrespective of their religious beliefs, social status, cultural background, lifestyle, or sexual orientation.

Perhaps it is because Sikhs have faced so many intrinsic challenges to their visibly distinctive identity that the importance of our faith practice outside the security of our ancestral Punjabi culture has become a source of great inspiration to other Canadians. Our visionary and progressive approach to social issues is based on Sikh teachings, philosophies, and practices that assert the equality of all faiths, all peoples, and all nations and promote the abolishment of

class distinctions, like caste systems of hierarchy. The WSO has sought freedom for the Dalit, or untouchable, populations in India, who have also been treated, according to ancient stereotypes that publicly vilify them, as unnatural aberrations of society instead of the dignified human beings they actually are.

Sikh scripture remains universally unique in that it demonstrated many of the principles of equality five centuries before Canadian John Humphrey put pen to paper and enunciated the articles of the United Nations Universal Declaration of Human Rights. Through the teachings of Guru Nanak, the founder of the Sikh religion—circa 1469—women are given a remarkably significant role in Sikh scriptures, which are written in the feminine voice and reflect a belief in a genderless God, who is referred to as both mother and father. In addition, Sikh institutions were built around this core belief of gender equality as early as the 16th century, when over one-third of the Sikh missionaries were women.

Indeed, the most visible aspect of a Sikh, the turban that partly covers the unshorn hair, comes from this teaching of gender equality. In both the ancient and modern societies in which the Sikh gurus—or spiritual teachers—lived, women were often required to cover their faces before men as a sign of humility and respect for those who were perceived to hold a higher social status. It is the legacy of Sikhism that the first and founding guru, Nanak, rebelled against such misogynist traditions and publicly stated that no women should be required to cover her face before a man, since God had created men and women as equals.

Instead, Sikhs mandated a head covering for both men and women. This head covering was to be worn everywhere, as God was everywhere, and was to be worn by both men and women alike as a sign of equality between the sexes. From the time of Guru Nanak, the turban has been synonymous with the outward identity of a Sikh and since 1699 has continued to stand for the Sikh belief in gender equality, humility, and the supremacy of God.

As many honourable members of the committee are aware, Sikhs have been known since Nanak's time as the world's most visible minority. Apparently Sikhs, like root vegetables, turn up in the world's most remote locations. Wherever we have settled as a community, we have continued to advocate for a more egalitarian society.

The WSO's commitment to the Sikh philosophy of equality of all humanity and our commitment to the Canadian Charter of Rights and Freedoms obligate us to support the Civil Marriage Act. The WSO has been quick to recognize that future generations of all faith communities depend entirely upon the commitment of current religious leaders to honour and respect the individual civil rights of our diverse population.

Since even the preamble of Bill C-38 states that no religious freedoms will be impeded or precluded by the Civil Marriage Act, the World Sikh Organization suggests that it is incumbent upon all religious leaders, as a shared moral imperative, to restrict religious opinions to those issues of law that are of considerable doctrinal import.

• (1535)

Sections 2, 15, and 27 of Canada's Charter of Rights have protected Sikhs' rights to maintain their religious identify, their beliefs, and their dignity, while serving in Canadian institutions like the Royal Canadian Mounted Police and the Canadian Armed Forces, and in Royal Canadian Legions halls. Indeed, the World Sikh Organization proudly intervened in such cases in order to advocate for the rights of Sikhs to wear a turban while being members of such distinctive organizations. Any definition of marriage must therefore accurately reflect the needs and aspirations of those who are most impacted by the prohibition of the civil marriage right. Transgendered, homosexual, and bisexual Canadians deserve no less objective consideration than that which is afforded other minority communities.

The WSO submits that it is the paradox of pluralism that noble efforts to give moral meaning and religious purpose to our institutions and laws might only succeed in prohibiting the free expression of the very beliefs we seek to protect. In the case of civil marriages in Canada, those who do not believe in gay marriages will not be forced to obtain or perform one. It is the duty of Canadian legislators, therefore, to ensure that they do not take positions on religious doctrine or sexual orientation, and consider only the legal issues surrounding the civil marriage act as these issues relate to the practical consequences of these laws on the individual Canadian citizen.

Any definition of marriage must accurately reflect the needs and aspirations of those who are most impacted by the prohibition of that civil marriage right. Clearly, the definition of marriage by any religious standard will only force minority communities and taxpayers to endure more costly court proceedings to challenge policies and laws that are offensive to the notion of equality that is articulated in Canada's Charter of Rights and Freedoms. Ultimately, the only sacrosanct aspect of law-making in a truly secular society involves a tolerant, pluralistic, and broad-minded approach to ensuring our citizens continue to enjoy the freedom to choose and manifest a belief, a lifestyle, or a tradition, without unreasonable intrusion or interference from church or state.

Therefore, it is the recommendation of the World Sikh Organization that Bill C-38, the Civil Marriage Act, should be adopted on the grounds that it is wholly compliant with Canada's charter and Constitution, and appropriately extends equal protection and equal benefit of marriage law to all Canadians without discrimination

based on race, national or ethnic origin, colour, religion, sex, age, gender, sexual orientation, or mental or physical disability.

We thank you for allowing us this opportunity to present the views of the Sikh community.

Thank you.

• (1540)

**The Chair:** Thank you.

Does Mr. Sahota have anything to add?

**Mr. Ajit Singh Sahota (President, World Sikh Organization of Canada):** I would like to say that I am a biologist by profession, and have worked for the Government of Canada for 34 years. I've studied animal and plant life, and anomalies and variations do exist in nature. This is the most natural thing, that there are variations. If God wanted our world to be set in a set manner without variations or anomalies, he would have done so, but he intended it otherwise.

As we know, my community has suffered and has been the target of hate crimes for the last 500 years, most of it by Hindu rulers, Muslim rulers, Christian rulers.... I can give ten types of rulers who have persecuted us, along with torture and death. We know how one feels to be the target of hate and racism. I think the people who are opposing same-sex marriage, if they really believe in God, should know that God did intend to make populations variable and that the people who are different from the majority are part of God's will. Instead of hating them, we should take pity on them and not hate them. If I am a normal person, a staid person, I should thank God for that, and I shouldn't really go against the will of God to think that the other minorities cannot survive.

Thank you.

**The Chair:** Your time has elapsed. Thank you.

And now, from the United Church of Canada, we have Mrs. Squire and Mrs. Okoro.

**Ms. Choice Okoro (Program Officer, Human Rights and Reconciliation Initiatives, The United Church of Canada):** Good afternoon.

On behalf of the United Church of Canada, I bring you greetings. Thank you very much for having us here today.

Representing the United Church here today is Dr. Anne Squire. Dr. Squire was our moderator from 1986 to 1988.

My name is Choice Okoro. I represent the United Church on human rights and reconciliation matters. I will give a brief introduction just to state very clearly our recommendations.

The General Council, on whose behalf we are speaking today, is the national governing body of the United Church of Canada. Decisions taken by people elected to the General Council become the policy of the church in matters relevant to its internal life, as well as on the public policy issues with which it is involved. Since the mid-1970s, General Councils of the church have spoken on the need to achieve equality rights for gays and lesbians within Canadian society.

The General Council supports Bill C-38 and calls for its implementation forthwith because it brings federal marriage laws into compliance with the charter. It extends equal marriage across Canada, recognizes the protection of religious freedom that the charter provides, and harmonizes the laws that now exist across the country with respect to equal civil marriage for same-sex couples. Bill C-38 reflects values in keeping with the United Church's understanding of a strong civil society such as inclusion, diversity, mutual respect, and fairness.

We will not comment on the details of the legislation today but will instead offer a summary of the policies adopted by the General Council that led us to support the legislation.

● (1545)

**Ms. Anne Squire (Former Moderator, The United Church of Canada):** A significant unique contribution that the United Church brings to this conversation is the denomination's own experience of making same-sex marriage ceremonies available to its members and at the same time respecting the rights of those within the denomination who choose not to offer such services.

The United Church of Canada is committed to equality rights for gays and lesbians within Canadian society and has long supported the civil recognition of same-sex partnerships. In August 2003, the 38th General Council decided to call upon the Government of Canada to recognize same-sex marriages in marriage legislation. In August 2000, the 37th General Council affirmed that human sexual orientations, whether heterosexual or homosexual, are a gift from God and part of the marvellous diversity of creation, and further resolved to advocate for the civil recognition of same-sex marriages. In October 2004, the United Church of Canada appeared before the Supreme Court in support of the right of same-sex couples to be legally married, and also in support of the right of religious officials and congregations to decide for themselves whether they will make religious marriage services available to same-sex couples.

In this statement to the Supreme Court, the United Church of Canada was reiterating its statement to the House of Commons Justice and Human Rights Committee, in February 2003, that the federal government adopt a legislative framework that provides the same civil recognition for heterosexual and homosexual couples.

The United Church of Canada is Canada's largest Protestant denomination, with 2.8 million people identifying as adherents of the United Church in the recent census. The United Church was founded in 1925 through the union of Methodist, Congregationalist, and 70% of the Presbyterian churches in Canada. There are currently more than 3,500 United churches across Canada.

The doctrine of the United Church of Canada is set forth in two documents: "The Basis of Union", from 1925, and the "Statement of Faith", 1940. As well, the United Church's "A New Creed", 1968, is an affirmation of faith used widely in our worship. As members of one body of Christ, we acknowledge our Reformation heritage and the teaching of the creeds of the ancient church, particularly the Apostles' and Nicene creeds. Our membership in the World Council of Churches links us to a worldwide fellowship of churches that confess the Lord Jesus Christ as God and Saviour according to the scriptures.

The "Statement of Faith" of 1940 reminds us that "the church's faith is the unchanging Gospel of God's holy, redeeming love in Jesus Christ." It also declares that each new generation is called to state this gospel afresh "in terms of the thought of their own age and with the emphasis their age needs".

Since the mid-1970s, the general councils of the United Church of Canada have spoken on and acted on the need to achieve equality rights for gays and lesbians within the United Church and the Canadian society. In 1984 the United Church of Canada affirmed our acceptance of all human beings as persons made in the image of God, regardless of their sexual orientation. In 1988, the church affirmed that all persons who profess faith in Jesus Christ, regardless of their sexual orientation, are eligible to be considered for ordered ministry. In 1992, the general council directed that liturgical and pastoral resources for same-sex covenants be made available to congregations.

● (1550)

In 1997 the 37th General Council passed a resolution requesting that United Church regional conferences urge all teachers' unions and associations to provide in-service education on gay, lesbian, and bisexual issues in order to promote tolerance. To this end, the United Church has recently published *Lesbian, Gay and Bisexual Youth Issues in Canada: Action Resources for United Church Congregations*. In 1999 the United Church appeared before the Standing Committee on Justice and Human Rights in support of Bill C-23, the modernization of benefits and obligations, as a tangible expression of the United Church's commitment to the equality of heterosexual and same-sex relationships.

In 2000 the 37th General Council of the United Church affirmed that human sexual orientation, whether heterosexual or homosexual, is a gift from God and part of the marvellous diversity of creation. Each year the United Church blesses over 15,000 marriages in Canada. This figure includes the exchange of vows between same-sex couples. Theologically and liturgically, the United Church understands both opposite and same-sex couples as enjoying the same rights and responsibilities. In 2000 the General Council resolved to work toward civil recognition of same-sex partnerships.

The United Church of Canada has made various statements regarding marriage. Prior to 1980, marriage was named as the union between a man and a woman. Subsequently, it was reported at the 30th General Council in 1984 that the life and ministry of Jesus demonstrated what it means to be a full human being made in the image of God. The essential mark is total self-giving love to the other. There's no genuine humanity apart from relationships and community, but there is more than one way to symbolize and express this reality that is pleasing to God and in keeping with God's intention for humanity.

In 1988 the General Council affirmed that all lifelong relationships—and note the omission of the term “marriage”—need to be faithful, responsible, just, loving, health-giving, healing, and sustaining of community and self. The implication is that these standards apply to both heterosexual and homosexual couples, as the United Church has come to recognize that gay and lesbian members want to make the same lifelong commitments as heterosexual couples and to make their solemn vows with communities of faith who will support them in their commitment.

Consequently, recent United Church resources for marriage preparation, “Passion and Freedom”, 2003, and services, “Celebrate God’s Presence”, 2000, make no distinctions between heterosexuals and homosexuals. As a Protestant denomination the United Church is part of the Christian tradition that does not regard marriage as a sacrament. Procreation is not a defining aspect of marriage in the United Church, nor does the church condemn people who decide divorce is the only option for a marriage that is fraught by unhappiness. Divorced persons receive the communion of the church and may remarry someone else.

Nevertheless, the United Church places an extremely high value on the seriousness of vows taken before God and in the presence of witnesses—

**The Chair:** Excuse me. You might want to get to your recommendations, because we are running out of time.

**Ms. Anne Squire:** Okay.

The United Church of Canada recommends that Bill C-38 be passed into law in its current form. Doing so will bring federal marriage laws into compliance with the charter and will affirm religious freedom by respecting the rights of religious groups, harmonizing the laws that now exist across the country, and bringing to an end this debate on how to treat gay and lesbian Canadians.

**The Chair:** Thank you.

[*Translation*]

It's the Law Commission of Canada's turn.

Ms. Pelot.

•(1555)

[*English*]

**Ms. Lorraine Pelot (Senior Research Officer, Law Commission of Canada):** Hello. My name is Lorraine Pelot. I'm a senior research officer with the Law Commission of Canada. I wanted to thank the committee very much for inviting the Law Commission to present today.

As many of you probably know, in 2002 the Law Commission released a report entitled “Beyond Conjugality”, which was tabled in Parliament and addressed the issue of interdependent adult relationships. Madam Nathalie Des Rosiers, former president of the Law Commission of Canada, who was involved with the project from its inception and is very knowledgeable about all its aspects, will address you today.

[*Translation*]

**Ms. Nathalie Des Rosiers (President, Law Commission of Canada):** Once again, thank you for inviting the Law Commission

of Canada to present its report. It had an opportunity to do so a few years ago. I'll briefly describe what the report originally aimed to do, particularly the most relevant chapter here, the one on the state's obligation to citizens, the state's obligation to create institutions that enable citizens to settle their affairs.

The Commission was established in 1997. At the outset, it conducted consultations to determine the issues of concern to Canadian society, and the question of the diversity of family structures in relation to the legal framework emerged at that time. So, starting in 1997, a lot of remarks were made that encouraged us to reflect on the issue. The Commission decided to do just that and undertook a series of research projects that ran probably from 1998 to 2001. The report submitted to the minister in December 2001 and tabled in the House of Commons in 2002 was the result of those consultations and research that was conducted.

The framework for personal relations was obviously a classic law reform issue, because, everywhere in our law, marriage or conjugality was being used as an indicator of psychological and economic interdependence between persons. We realized that society had evolved. Three aspects were particularly apparent.

For example, when marriage is used as an indicator of interdependence and it doesn't last as long as it used to last, this results in government policy implementation costs. So a number of policies that had been prepared when it was assumed that marriage would last a lifetime were ultimately, now that statistics were showing that marriages lasted an average of seven years, very costly for the government, which constantly had to adapt the implementation of its policies.

Of course, recognition of discrimination based on sexual orientation was a phenomenon that had to be considered.

Lastly, the fact that many Canadians were living outside the institution of marriage also had to be considered.

I therefore invite you not to overlook the first part of the report. Among other things, I would emphasize the fact that the Canada Evidence Act is still unconstitutional because it uses the word “marriage”, without extending its benefits. I believe that has to be addressed at some point.

The Employment Insurance Act is also causing a lot of problems. Recommendations 12 and 15 of the Commission's report are still very important. It's very important that they be implemented.

The first part of the report explains how the state must consider the fact that it uses marriage as an indicator of interdependence, which is no longer sufficient. So we invite the government to review statutes as diverse as the Bankruptcy and Insolvency Act and the Canada Evidence Act.

The second part of the state's obligation is to make available to citizens legal instruments with which they can conduct their business. The state does this in commercial law, but it must also do so in the establishment and regulation of personal relations. The Commission's approach was to determine how the state could best respond to the needs of citizens in this diversity and in their need to organize their personal relations in a way that suited them. We all have an interest in there being an orderly organization of personal relations, since that, in a way, is what prevents disorderly financial exploitation or physical exploitation.

•(1600)

Making available to citizens instruments that actually meet their needs is a legitimate objective. However, the state must obviously be neutral in its approach. Furthermore, it cannot discriminate. If it creates institutions, the state can't offer them in a discriminatory manner.

Chapter 4 of the Commission's report is the one that's relevant today. In that chapter, we assess all the options. We examine the status quo, and the possibility of creating a single registration system that would replace marriage. Should the state withdraw and leave the issue of marriage to the religious communities? We also look at the idea of having a civil marriage and a religious marriage, as well as the option of enabling same-sex spouses to marry. We come to the conclusion that the best thing in the Canadian context is to recognize marriage between persons of the same sex, for the following reasons.

First, if the state withdraws, offers a single registration system and leaves it up to religious groups to concern themselves with marriage, that has a hard impact on people who choose to marry civilly. In our studies, we observed that, in British Columbia, a larger percentage of people opted for civil marriage rather than religious marriage. Thus, if the state withdrew from the marriage issue, that would remove choices from its citizens. The goal is not to remove choices from citizens in the way they conduct their business, but rather to recognize that it is good for them to conduct their business and to have an appropriate legal framework. The option of restricting citizens' choices is thus not accepted as valid.

The second option considered was based on what exists in France: a clearly determined civil marriage and a religious marriage. This amounts to "taking religion out of marriage", if I may use that expression. Religious marriage may exist, but the state is not concerned with it, and it has no legal value. The only way to have a legal marriage is to have a civil marriage. In Canada, in view of our history and social organization, this is a possible option, but one that would require removing a very deeply rooted organization. It would also be quite costly because infrastructure for civil marriage would have to be established. So town halls and a registration system would be needed. The consultation also showed that, addressing a minor issue would really affect many Canadians. So it appeared to be a solution that was not commensurate with the problem.

**The Chair:** You have one minute left.

**Mme Nathalie Des Rosiers:** I'm closing.

The last option seemed to be less dramatic. In fact, the idea was to extend access to marriage to same-sex spouses. This solution, which I'm submitting to you, is still the best. It meets the objectives of a secular state, since a secular state does not view marriage as the only

institution in which there can be procreation. A secular state recognizes that commitment between two persons is a benefit for society, even when one is 70 years old or not even old enough to have children. So we could no longer justify restricting marriage to heterosexual spouses for reasons of procreation, since that wasn't an objective of the state.

In concluding, the Commission recommended that freedom of religion be protected, which has been done.

I'm ready to answer your questions, if you have any. Thank you very much.

•(1605)

**The Chair:** Thank you, Mesdames.

We'll now move on to the question and answer period. In the first round, each of the parties will have seven minutes at its disposal, which will include answers.

[English]

For the Conservative Party, Mr. Jean.

**Mr. Brian Jean (Fort McMurray—Athabasca, CPC):** Thank you very much, Mr. Chair. And thank you to the presenters today.

First of all, Mr. Chair, I want to put on the record how discouraging I found this entire process to be of coming to these meetings and receiving no advance paperwork, receiving no information in advance at all, and, quite frankly, having the meetings shoved into two days. I've never seen anything like this in my past history as a solicitor or barrister. How we can come to these meetings and be at all effective is beyond me, based upon what we're receiving. I want to put that on the record, because I've never seen it before and I can't imagine any parliamentary committee doing this if we're supposed to represent Canadians properly. I just can't imagine how anybody can do it properly.

Thank you, guests, for this. Obviously we have competing priorities of two or three groups of Canadians. I can't tell you how important it is from my personal perspective and our party's perspective to ensure that equal rights flow to all Canadians.

We've heard from the Sikh organization, and I am curious. First of all, I have done some reading and I understand the spiritual leader of the Sikhs does not agree with your position. I would like to hear about that, but very briefly if I could, because I'm limited with questions.

**Mrs. Anne Lowthian:** In answer to your question, Sikhs receive religious guidance from three specific areas: the *Guru Granth Sahib*, which is Sikh scripture; the Sikh code of ethics, which is the code of conduct that also requires the five articles of faith; and from the Akal Takht, which is the seat of temporal authority for Sikhs.

The Akal Takht is the highest authority in Sikhism and it has a specific set mechanism for discussing issues of modern controversy, be it stem cell research or same-sex marriage. Those mechanisms were not employed in the discussion of these issues. An individual voiced a personal opinion, and they voiced it publicly. While they are certainly entitled to that, we suggest to the committee that this is all you could hope to get until such time as the Akal Takht issues a Hukamnama directly and specifically related to the issue of same-sex marriage or a variety of other issues before Canadian Sikhs right now.

**Mr. Brian Jean:** So it hasn't been done yet, but the religious leader, or the Akal Takht, has taken a position against this?

**Mrs. Anne Lowthian:** No. The individual who took the position was a Jathedar from the politically appointed administrative body known as the SGPC, Shiromani Gurdwara Parbandhak Committee, and it is a politically appointed position. It is not representative; it's a personal opinion.

**Mr. Ajit Singh Sahota:** If I can further explain that, there are five members of that Jathedar committee, and they all have to sit and discuss and have a unanimous decision based on Sikh scripture. That was not done. The Hukamnama, which we call edict, is not an edict; it's just a personal opinion that was expressed by some vested interest who went there and gave limited information on the basis of which the Jathedar expressed his opinion.

• (1610)

**Mr. Brian Jean:** If I'm to understand this, the actual Sikh organization internationally has not made yea or nay, either pro or con, for this. They haven't had the discussion yet.

**Mrs. Anne Lowthian:** That's correct. It usually requires something called the Guru Khalsa Panth, which involves the entire Sikh diaspora in the consideration of these issues. That meeting has not been held. There hasn't been one for quite a number of years.

**Mr. Brian Jean:** Thanks very much.

**Mrs. Anne Lowthian:** You're welcome.

**Mr. Brian Jean:** My next question.... I've heard from all of the witnesses, and, except for Ms. Des Rosiers, I believe that all have suggested—from my hearing anyway—that there should be in fact a religious marriage and a civil marriage, that we should have two distinct marriages.

Mr. Sahota is agreeing to that. So is that correct, Mr. Sahota?

**Mr. Ajit Singh Sahota:** That's what the Supreme Court has recommended, and that's what I think it should be. There's a civil marriage, and religious people should not be forced to conduct those marriages.

**Mr. Brian Jean:** I understand that. But are you saying today, sir, that you support two distinct marriages, with the same rights and obligations? I want to establish that—the same identical rights and obligations, but have two different marriages in essence. Is that what you're saying?

**Mrs. Anne Lowthian:** That has not been the World Sikh Organization's position. The position has been that this particular marriage act wholly coincides with Canada's charter, which also protects religious freedoms. There are no impositions. There is no abrogation of religious freedom. There are no preventions to religion whatsoever.

So each religion has the right to choose whether it will administer a same-sex marriage or not, and that right has not been compromised by this particular legislation.

**Mr. Brian Jean:** Ms. Squire, would you mind answering that question? You alluded to the same sort of thing, and I'm curious about that.

**Ms. Anne Squire:** I'm sorry, I didn't hear the question.

**Mr. Brian Jean:** I'm sorry, I'll repeat myself.

In your summary, you mentioned a religious marriage and a civil marriage. You seemed to indicate that there should be two types of marriage, or at least a recognition of two types of ceremonies, in essence.

**Ms. Anne Squire:** No, each individual congregation will decide whether or not it marries a gay or lesbian couple, but in a church where the minister does not choose or the congregation does not choose to allow this, then they would either have to go to a congregation that did allow it or have a civil marriage.

We don't recommend that.

**Mr. Brian Jean:** I'm told I only have one minute left, so I will try to—

**Ms. Choice Okoro:** Sorry.

Actually, what we're calling for is the extension of what exists. What we have currently is that religious denominations have always had the right to decide who to marry. We are calling for an extension of the marriage laws that we have currently. We're calling for them to be extended to same-sex couples. So it's a human rights issue, an equality issue. That's what we're calling for.

**Mr. Brian Jean:** You want an expansion of the current definition.

**Ms. Choice Okoro:** Not an expansion of the definition; an extension of the current marriage laws to same-sex couples. So we're calling for the inclusion of same-sex couples in what exists currently. Religious denominations, the way we currently have it, have always had the right to choose who to marry. If they choose to marry divorced couples, whoever.... That's what we're calling for, because we've had that practice in the United Church for a number of years.

**Mr. Brian Jean:** I understand. I do believe you can have the same rights and obligations with two separate definitions, and that's something I believe.

**Ms. Choice Okoro:** I disagree.

**Mr. Brian Jean:** I understand that you disagree.

**The Chair:** Thank you.

**Mr. Brian Jean:** I do have one final question for Ms. Des Rosiers.

**The Chair:** I'm sorry.

**Mr. Brian Jean:** It deals with something she said in this committee before, sir. It will be very quick.

**The Chair:** It has to be very quick, because you're already at eight minutes, sir.

**Mr. Brian Jean:** Thank you, sir.

Ms. Des Rosiers, it was very interesting, I have to say. Common law and polygamy are two things you've talked about in this committee before. Could you just give us a very brief description of what you believe should happen in those particular areas?

**Ms. Nathalie Des Rosiers:** The common.... I'm sorry.

**Mr. Brian Jean:** My French is very bad.

**Ms. Nathalie Des Rosiers:** I know you have only 30 seconds, but you want to know what the commission's position is—

**Mr. Brian Jean:** On common-law relationships and polygamy.

**Ms. Nathalie Des Rosiers:** The common-law position is that those relationships should continue to be regulated as they are, which is with attribution rules, you know, with a presumption of support after a certain period of time. We recommend that there be an extension of some registration system to cover people who have forms of dependency that are not covered presently. So that's for common-law relationships.

For polygamy it's a different issue, actually. Polygamy, as we discussed, depends a little bit on the study that should be done on the equality of women, and the report suggests that up to now we do not know enough about the experience of polygamy as an equality issue for women to decide whether or not it should be changed.

**Mr. Brian Jean:** I'll pass it on to my associate.

• (1615)

[Translation]

**The Chair:** Thank you.

Mr. Marceau.

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ):** I want to thank the witnesses for coming here today to make their respective presentations, which moreover were very interesting.

Ms. Des Rosiers, I'm going to start with you.

We've often heard it said in this debate that it's false to say that the traditional definition of marriage, that is to say the union between a man and a woman to the exclusion of all other, for life, has been declared unconstitutional.

By your own calculation, how many courts have ruled the traditional definition unconstitutional?

**Ms. Nathalie Des Rosiers:** I couldn't guarantee that my figures are up to date. However, the appeal courts of British Columbia, Quebec and Ontario, as well as the Supreme Court of Canada and the lower courts have their opinions. The Commission's report was obviously written before the courts had ruled.

We assume that this is an issue of good public policy. Why are we doing this? We definitely don't want any discrimination. But regardless of what the courts would have decided, the Commission said that it was in the best interests of Canada's social organization at the time to recognize it.

**Mr. Richard Marceau:** So you weren't forced to say that.

**Ms. Nathalie Des Rosiers:** No, we weren't forced.

**Mr. Richard Marceau:** You're saying that it should be done, not only for equality rights reasons, which are referred to in section 15 of the Charter, but merely for good public policy reasons.

I'm taking advantage of the fact that you're the Dean of the Faculty of Law at the University of Ottawa, Civil Law Section—it's quite a prestigious position—to ask you a few somewhat more detailed questions on clause 3 of Bill C-38. According to the Minister of Justice, the clause is declaratory and reaffirms freedom of religion, according to which no religious organization can be forced to marry same-sex spouses.

In your view, is this an encroachment on areas of provincial jurisdiction, or do you agree with the Minister of Justice, Mr. Cotler, who says it's not an intrusion into areas of provincial jurisdiction, that it merely reaffirms a fact and that it's perfectly constitutional?

• (1620)

**Ms. Nathalie Des Rosiers:** The first time we came before the committee, in my presentation, I cited the Civil Code of Quebec, which obviously recognizes that no religious minister can be compelled to perform a marriage where, according to his or her religion, there is a reason preventing it, suggesting that this approach, which consists in reaffirming freedom of religion, was an appropriate approach.

I don't think it's necessary, but, to the extent it's reassuring to do so... It may make it possible to reassure the public that the interaction between freedom of religion and the extension of marriage has been carefully evaluated.

**Mr. Richard Marceau:** Thank you very much.

Moderator Squire and Ms. Lowthian, the freedom of religion argument can also be reversed. You aren't unaware that the main objections to the bill come from religious groups concerned about their freedom of religion.

Can't it be said that, if it's possible within a faith or a Church to marry same-sex spouses, and that faith or Church is located in a province where, to date, same-sex marriage has not been permitted, such as in New Brunswick or Alberta, that constitutes an infringement of the freedom of religion of those organizations, which would like to marry same-sex spouses?

[English]

**Ms. Anne Squire:** I don't think that's so. The United Church submits that protection for conscientious objection to performing same-sex marriage, which is provided by the charter and affirmed in the proposed legislation, does not conflict with the right of same-sex couples to marry. Freedom of religion does not trump equality, and vice versa.

[Translation]

**Mr. Richard Marceau:** Ms. Lowthian.

[English]

**Mrs. Anne Lowthian:** I would use the example from Sikh history in Canada of the RCMP turban case. The retired RCMP officers who appealed the dress code amendments that allowed Sikhs into the federal police force argued that to allow a Sikh in was to impose Sikhism on the majority population of Canadians. Fortunately for us, their argument was unsuccessful.

I would suggest to you that this type of fear-mongering is precisely the same. It's a little like switching seats on the Titanic. It's just changing groups.

[Translation]

**Mr. Richard Marceau:** Thank you very much, Mr. Chairman.

[English]

**The Chair:** Now, for the New Democratic Party, Mr. Siksay.

**Mr. Bill Siksay (Burnaby—Douglas):** Thank you, Mr. Chair, and thank you to all the witnesses for coming today.

I want to start with a few comments. First of all, I want to express some solidarity with the Sikh community in Canada today, especially after a terrible and seemingly hate-motivated attack in British Columbia yesterday, where a young Sikh man was assaulted and hurt very badly, his turban was knocked off and his hair shorn by a number of attackers. It seems very clear, at least at this point, that this looks like a hate-motivated crime. I know the police are pursuing it with all the effort they can muster. I just want to say that we certainly stand in solidarity with the victim of that attack and with the Sikh community. That kind of attack can't be tolerated here in Canada. I think it dramatizes where.... You began your remarks about the Sikh community being a very visible minority in Canada, and I certainly want to note that terrible occurrence today.

I also want to say that as a member of the United Church and as an activist in the United Church, Anne Squire is one of my heroes. I call her one of the heroes of the transformation, because Anne led the United Church at a very difficult point in our history and did that with incredible grace and wisdom. It was a very difficult time for the United Church, and through that period, probably more so than many Canadians, and even more so than many gay and lesbian Canadians, Anne suffered the sting of homophobia and attack in that period and did so with grace and with compassion. She showed true leadership through that period. I just want to say how proud I am that she's here today and speaking for the United Church on this issue.

I wanted to ask Anne and Choice about the United Church's understanding of the definition of marriage. On page four of your brief, you talk about how previous to 1980 marriage was named as a union between a man and a woman. We often hear that kind of definition repeated in the debate we have today, but the United Church seems to have moved to a different place and a different way of defining or describing marriage. I'm wondering if you can talk a little bit more about what the understanding of marriage is in the United Church right now and why that movement happened.

**Ms. Anne Squire:** The United Church of Canada recognizes that there are very different forms of relationships for people and that not all people fall in love with the opposite sex. So when two people express a desire to live together in that marriage relationship, the church will do everything it can to help them do that. It accepts those kinds of relationships. Just as there are so many varieties of families and commitments, so it is in marriage.

There hasn't been an attempt to redefine marriage per se, but I will say that in 1988, when I moderated the general council, which said that people with a homosexual orientation could be ordained in the United Church of Canada, there was a tremendous amount of opposition at that point.

Over the years a lot of education has gone on, and the church has tried to help people see how important those relationships are. So when the vote was taken in 2003 about same-sex marriage, there was

only a handful of people in opposition. We feel that society itself has accepted this and there isn't any need for the church to come out with a particular definition.

• (1625)

**Mr. Bill Siksay:** I note in your brief, too, that you mention that the United Church's resource for marriage preparation and the actual service book now make no distinction between heterosexual and homosexual couples.

**Ms. Anne Squire:** That's right.

**Mr. Bill Siksay:** We've heard from other people that getting rid of gender designations in the marriage process will somehow lead to confusion and that kind of thing. Has that caused any problems for the United Church in how that resource is used, or how people prepare or actually solemnize some marriages?

**Ms. Anne Squire:** No. I think the churches that have involved themselves and the studies that are available are very clear about what the church is saying. It's the people who have not done the study and who just speak out of their own ideas where there may still be some difficulty.

I stood as a witness for lesbian friends at a marriage quite recently, and it was one of the most beautiful marriage ceremonies I've ever attended.

I'm not sure that answers your question. Maybe Choice wants to say something.

**Mr. Bill Siksay:** Has there been any confusion on how to use that resource?

**Ms. Anne Squire:** No.

**Mr. Bill Siksay:** Were husband and wife, or bride and groom, or those kinds of designations removed from the resource?

**Ms. Anne Squire:** No, not at all.

**Mr. Bill Siksay:** Okay.

I don't know how much time I have left, Mr. Chair.

**The Chair:** You have a special time of one minute and 15 seconds.

**Mr. Bill Siksay:** I'll ask Madam Des Rosiers another quick question.

At the end of your remarks, you were talking about the issue of procreation and how it factored into the question of marriage and civil law. Could you expand on that a little? I don't think you quite said everything that you might have wanted to.

**Ms. Nathalie Des Rosiers:** At the time, I think the question was on whether or not there was any justification for a discriminatory practice, such as restricting marriage to heterosexual couples. We examined all the arguments.

One argument that had been put forward was that marriage was reserved for procreation. We concluded that is not the case. In fact, people who are beyond the age of procreation are certainly allowed to marry. People welcome that, because the role of marriage is to regulate the relationship of a commitment, voluntarily accepting a duty of support towards another human being.

It's a good thing. It's a good thing for our society to allow people to do that. It allows for some stability. It also allows for some reciprocity that is very helpful in society. It's in that context that we looked at this issue.

**Mr. Bill Siksay:** Thank you, Mr. Chair.

**The Chair:** Thank you.

[Translation]

It's the turn of Ms. Boivin, from the Liberal Party.

**Ms. Françoise Boivin (Gatineau, Lib.):** Thank you very much, Mr. Chairman.

Welcome and thank you for being with us.

I like to recall that we are a legislative committee, and after two votes in favour of Bill C-38, we are at the stage where we must consider the text of the bill itself and determine whether there are any reasons to amend it, whether there are any requests for amendment and whether any of the text is deficient. This is the last opportunity to do so before the bill returns to the House for third reading, which will be followed by a vote.

In the circumstances, I would like to know whether you have any suggested amendments.

**Ms. Nathalie Des Rosiers:** No.

**Ms. Françoise Boivin:** You have no suggestions to make.

Ms. Okoro, would you like to have an amendment made to the text of the bill?

[English]

**Ms. Choice Okoro:** Thank you.

We explored the option at the first hearing with the human rights committee. We are clear. We read Bill C-38 the way it came, and, as we said in our recommendations, we support it the way it is.

• (1630)

[Translation]

**Ms. Françoise Boivin:** Thank you.

As by Bloc colleague said, we're fortunate to have with us the dean of my *alma mater*. So my question is for you, Ms. Des Rosiers. We're hearing a lot of witnesses and receiving a lot of briefs from across Canada on Bill C-38. Many fears are related to freedom of religion. I'll overlook matters pertaining to natural law and procreation, but do you believe that Bill C-38, as currently drafted, threatens freedom of religion?

**Ms. Nathalie Des Rosiers:** It must be clearly understood that one of the aspects of this evolution was that the state delegated to a religious authority the power to conduct a transaction which is essentially secular. Marriage is a secular institution, and religious authorities are allowed to conduct that transaction, as anyone would be allowed to do.

The concern stemmed from the fact that this is a delegation made by the state. So could one, overnight, prevent marriage between Francophones, for example? That's why we had to clarify a certain conception of freedom of religion, which came, among other things,

from the Quebec Civil Code. We had to reassure people so that they knew we understood freedom of religion was part of the debate.

Divorce has been legal in Canada for years now. We know that the Catholic religion does not allow divorced persons to remarry, unless they have obtained an annulment of their marriage. The question arose in that context. So exploring this question was not something new. It's been around in Canada for a long time.

**Ms. Lorraine Pelot:** I'd simply like to add that the status quo indeed creates inequality between religions, since it doesn't allow the officiating clergy of the various religions who want to marry people to have such marriages legally recognized in the state.

**Ms. Françoise Boivin:** That's a good point.

I'd like to look at that a bit closer because we heard some things again in certain presentations made yesterday.

How would you answer those who would say they represent a Catholic school and don't want to be compelled to change the content of their books? How would you answer that kind of argument?

**Ms. Nathalie Des Rosiers:** We always conduct an assessment of the law. For example, will we have a different conception of freedom of religion and the delegation of state power in respect to the celebration of marriage in 50 years?

It will still be possible to have a civil marriage and a religious marriage. Nothing is changing in that regard.

Even if some people say they no longer want that delegation because they want to officiate outside the state, that will still be possible. If they don't want the delegation from the state, they'll have an obligation to tell people they have to go before a judge, before a prothonotary, if they want to marry civilly.

To the extent they feel threatened, the officiating clergy of religions that decide to withdraw from this agreement with the state would still have this way out.

• (1635)

**Ms. Françoise Boivin:** If I still have a little time...

**The Chair:** You officially have one minute left.

**Ms. Françoise Boivin:** Excellent. I'll probably get an extra minute so my speaking time is equivalent to that of my colleague.

**The Chair:** We'll see. That's at the Chair's discretion.

**Ms. Françoise Boivin:** Pardon me. I've just lost 20 seconds.

I imagine you've had occasion to read the Supreme Court of Canada's decision on the reference. One of the arguments often heard concerns the Supreme Court's refusal to answer question 4 of the reference.

How do you interpret that? My question is similar to that of my colleague, but in a different form. Does that mean that the Supreme Court of Canada has left the door open—they're going this far in certain circles—to the idea of considering marriage between a man and a woman constitutional as well?

**Ms. Nathalie Des Rosiers:** I'm not going to answer in my capacity as President of the Law Commission of Canada, but rather as an individual. All opinions are good opinions, when you try to see just how far the law can go. That's not my reading of the decision by the Supreme Court of Canada.

**Ms. Françoise Boivin:** All right. Thank you.

**The Chair:** Is that all right? Thank you.

We'll now have a second round. Speaking time will be five minutes.

[English]

We're back to the Conservative Party. Mr. Moore.

**Mr. Rob Moore (Fundy Royal, CPC):** Thank you.

This is to Ms. Des Rosiers. I know the Law Commission has studied this issue. I'm wondering whether you have looked at the impacts.

There is a very high threshold that the Supreme Court of Canada has already said is unconstitutional. It has said it is outside the jurisdiction of Parliament to even say this act does not require a person of faith to marry people if it's not according to their faith. But what about some of the issues we're seeing...? I'll use the example of British Columbia, or the case in Calgary now with Bishop Henry, who has a human rights complaint against him for speaking out on this issue. In the last election he was threatened by a CCRA official for expressing his views on this issue. Also, in British Columbia, the Knights of Columbus, who as you know are a Catholic order, have been brought before a human rights commission. I should add that every time one of these things happens, it's at considerable expense. These things aren't free, as you know, of cost to defend yourself.

You mention that this is the approach that would cause the fewest problems. I would submit that this is the approach that would cause the most problems, because we're talking about civil marriages. If there's some distinction in Canada, historically and across cultures—and I'm sure you've studied other jurisdictions—there is only one definition of marriage in our country, and it is the union of one man and one woman. There was not a “civil” marriage or a “religious” marriage; it's just marriage. This law changes what the word marriage means in the Canadian context.

So I have a few questions. Have you looked at those other issues that will flow from this—not simply whether someone will be required to marry people when to do so is not according to their faith, but at other impacts on freedom of religion? Also, have you looked at the international context? My understanding is that no national court, no court at the highest level, including our own, and no international body has said that changing the definition of marriage is required as a fundamental right.

Could you comment on those things?

**Ms. Choice Okoro:** I want to alert you that the United Church was contacted by the CCRA, and I think it had to do with being involved as a religious community in partisan politics. I just want to alert you to that.

**Ms. Nathalie Des Rosiers:** The first question is whether we looked at the impact of extending the marriage institution to couples

of same sex in terms of the impact on other types of litigation that would involve freedom of religion.

There is no doubt in our society that there will continue to be litigation. When there are conflicts of values, they tend to end up at some point in litigation. When I said it's the least difficult extension, it was in the context of what the choices are in front of us. There's the status quo, which was not working out. There was getting the state out of religion, having only registration, only *union civile*. That was going to diminish the choices of some Canadians, and certainly it would impact upon a lot of people. There was getting religion out of marriage, making it clearer to Canadians that it's a civil marriage; that if you want to be married legally, you have to come to the court house, and if you want to get married religiously, then go ahead. That again would be a significant change.

It's in that context that I said, when you looked at the options, the one that had the least impact in terms of changing, for the vast majority of people, was probably this one. It's in that context I made that comment.

• (1640)

**Mr. Rob Moore:** When we talk about impact, if we look at any poll, and there are all kinds of polls out there, generally we find that Canadians are divided on this issue—that is fair to say, I would think—and approximately fifty-fifty on the question, “Do you wish to change?” Oftentimes it's even down to language. I just heard you say “extend” marriage, but what the bill does is change what the word “marriage” means.

I want you to comment also on the Supreme—

**Ms. Nathalie Des Rosiers:** Do you want me to comment on *internationalisation*, the international movement, or not?

**Mr. Rob Moore:** Sure, and I'll just add one other thing. Yes, please comment on the international context, what other jurisdictions have done. We know that there have been two that have a different definition, that have changed the definition of marriage, but there are others that haven't, and I'd like to know whether you've studied that. Also on the issue of the particular reference in which the court found that it was outside the jurisdiction of the federal government to protect religious freedoms, protect people who did not choose to marry same-sex couples, I guess I haven't heard from you yet. Have you studied the impact of where this could go vis-à-vis the Catholic Church, the Knights of Columbus, and the charitable status of different organizations?

**The Chair:** Mr. Moore, I'd just like to let you know that we're now into discretionary time. So we'll use a minute.

Thank you.

**Ms. Nathalie Des Rosiers:** I'll comment first on the *internationalisation*. As I said, the position of the commission is that it's not necessary to wait for the court to tell you to do it. So we looked certainly at the impact, for example, of recognizing it or not recognizing it in terms of portability of the status. Certainly I think that's a very important issue in terms of the legal infrastructure that we have.

When we did our report, it was before the Supreme Court decision, so I don't feel comfortable saying what the commission's position is on the interpretation of the Supreme Court.

To the extent that you want to say are there some issues that will be fought within...? We saw when we were doing our consultations within different organizations that they had to come to grips with it, so it was not an easy process for many organizations that had to decide and reflect on that. And this process will continue.

In a society, when people have disagreements, they need to express, reflect, and challenge each other to reflect better on this issue, and that I think is the process that was going on as we were doing our consultation.

[*Translation*]

**The Chair:** Thank you. We're back to the Liberal Party.

Mr. Savage.

[*English*]

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Thank you very much, Mr. Chair.

I'd like to welcome our panellists today. It's very nice to have you here.

I'd like to pick up on something that Mr. Siksay said. The United Church has earned my admiration over the years, and you in particular have been a real leader, Ms. Squire, of moderation, diversity, acceptance of people as they are, and I'd like to congratulate you on that. I'd also like to say that there was never any doubt in my heart or in my head about how I felt about this issue, but it wasn't until I saw the letter that Dr. Short had sent to MPs that this issue was really crystallized in words for me. He spoke of this legislation being not an abandonment of faith but an embracement of faith, and I think that's very important, because as important to me as the Charter of Rights is on the legal side of this, there is the spiritual side to this that I thought was getting lost among those who supported Bill C-38.

So I think that the United Church has done a great service and shown a lot of leadership. And I know I say that because I agree with you, and it's easy to commend those with whom you agree, but I do believe that, and I want to commend you for that.

You mentioned in the background piece to your presentation today that the

Statement of Faith of 1940 reminds us that, "the church's faith is the unchanging Gospel of God's holy, redeeming love in Jesus Christ." It also declares that each new generation is called to state this gospel afresh, "in terms of the thought of their own age and with the emphasis their age needs".

There's been a concept in the Catholic Church since Vatican II of informed conscience that I think is somewhat similar to this and that I've reflected on over the past number of months as well, and I think that's very good.

I also note—and I want to ask you a question about this—that the United Church has officially recognized the role of the congregations and ministers in supporting and celebrating same-sex unions if they have chosen to do so. I think Monsieur Marceau had asked you some questions. Let me just follow up on that, perhaps to either Ms. Squire or Ms. Okoro. If somebody wants to get married in the United Church, to have a religious marriage, their local congregation has the option of not sanctifying that marriage in the church. Is that correct?

• (1645)

**Ms. Anne Squire:** I'm having a little bit of difficulty hearing, so I hope I have the essence of your question.

The option has always been there for people in the United Church to be married either in the congregation or in a civil marriage. It's up to the person. Once the person comes to the congregation and says they would like to be married, it is up to the minister and the official board of that congregation to make decisions. Normally there's no question about it. But through the years there have been questions about divorced people. Yes, we will marry divorced people. Now the question is, will they marry same-sex people?

**Mr. Michael Savage:** So the choice is up to the local congregation.

**Ms. Anne Squire:** Yes.

**Mr. Michael Savage:** If the local congregation of the gay or lesbian couple declined to do the service, there would be some recourse. What would be the recourse?

**Ms. Anne Squire:** In almost every area there will be a church that will perform that ceremony for people who are not members of their congregation. We do not have the parish system that some other churches do. We don't have to be married within our own congregation.

Here in Ottawa, for example, there are several churches where both the minister and the congregation are quite willing to do that. In fact, we were extraordinarily busy for a while because of the numbers who were requesting it.

**Mr. Michael Savage:** So there is not really much possibility that a gay or lesbian United Church couple would not be able to find a church where they could be married.

**Ms. Choice Okoro:** They will always find a church. We have congregations that offer same-sex marriage, and we have congregations that have chosen not to.

I think the important issue for us is religious freedom, religious rights. It's what Ms. Lorraine Pelot mentioned. Since 2000, congregations have been blessing same-sex unions that were recorded in their church books. Now we're looking at rights, religious freedom rights, and extending those rights. Ministers who support same-sex marriage should be able to perform them.

**Mr. Michael Savage:** The United Church does not regard marriage as a sacrament.

Are things like baptism and the right to take communion openly available to gay and lesbian couples in the United Church?

**Ms. Choice Okoro:** Yes.

**Mr. Michael Savage:** So you're baptizing children of same-sex marriages all the time?

• (1650)

**Ms. Choice Okoro:** Yes.

**Mr. Michael Savage:** Very good.

Thank you, Mr. Chair.

**The Chair:** Thank you.

We'll now go back to Monsieur Marceau.

[Translation]

**Mr. Richard Marceau:** Thank you, Mr. Chairman.

It's hard for me to resist the temptation to question and somewhat cross-examine—rather than the reverse—one of the former professors of my *alma mater*, the University of Western Ontario. So I'll take a little advantage of the situation before me.

Ms. Des Rosiers, in this debate, it's often been said, as my Conservative Party colleagues did a little earlier, that the definition of marriage—I'd even say its concept—is somewhat immutable. I'd like to hear what you have to say on the subject, in light of Quebec's experience, which is not unique in Canada, where, in marrying, a woman lost certain rights and was somewhat placed under the responsibility of her husband, of whom she became an “accessory”.

Am I right in saying that this vision of marriage has changed and that it's proof in itself that the theory of the immutability of the concept of marriage is false?

**Ms. Nathalie Des Rosiers:** One of the parts of the report traces the evolution and history of certain attributes of marriage. I would emphasize that the Canada Evidence Act still prevents a wife from testifying against her husband; that stems from the concept that the wife lost her legal personality at the time of marriage. Since an accused couldn't testify against himself, a wife couldn't testify either. This is a vestigial feature of a certain conception of marriage.

I'll recall a little of the history of the institution, a history, as you can see, in which the necessary attributes of marriage... The issue of age has also evolved a great deal. That entire evolution is well outlined, and reveals a lot of diversity, among other things.

I agree: we draw this conclusion to the extent that it's a legal concept of the state and that it must obviously be adapted to a modern conception. That's already been done and it will continue to be done.

**Mr. Richard Marceau:** Thank you very much.

One of the points raised—and not in the context of religious organizations—concerns marriage commissioners. We've been told this makes no sense: a marriage commissioner, and thus an employee of the secular state, would be compelled to marry same-sex spouses, thus violating his religious freedom and religious conscience.

Since Canadian law now views sexual orientation on the same footing as race, it wouldn't be any more acceptable, for example, for a government employee to refuse to marry same-sex spouses out of religious conviction or to refuse to marry a black person and a white person for the same reasons. Is my reasoning false?

**Ms. Nathalie Des Rosiers:** The question was raised in British Columbia in the terms you outlined. Are religious accommodations made in a work context made for others...? We've seen people refuse to work on Saturday or Sunday. How do you conceptualize that kind of refusal? Personally, I agree with your interpretation, but I can't predict how a human rights commission will view the matter. For example, can you propose to someone, on a religious basis, that you will do more on one day and less on another, in the same way you deal with all religious objections? I believe that, in this context, matters will be resolved like that. This isn't the first time we've tried

to deal with diversity of opinion with regard to all kinds of aspects of a job.

• (1655)

**Mr. Richard Marceau:** Indeed. Thank you.

**The Chair:** Is that all right, Mr. Marceau?

**Mr. Richard Marceau:** Thank you.

**The Chair:** All right.

Mr. Boudria, from the Liberal Party.

[English]

**Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Merci.

I was listening to what Mr. Moore said a while ago, and I don't agree with his view that between civil and religious marriage there is no distinction. At the time when I was married, in 1971, in my Roman Catholic church in Sarsfield, I'm sure that if my wife had been Protestant we wouldn't have been married. Yet I could have gone to a civil authority and we would have been married. So there would have been, obviously, two distinct instruments there, very different from one another. They were not the same thing. There would have been, clearly in mind, a difference. Of course, it didn't apply because we were of the same faith and still are.

[Translation]

My question concerns clause 3, but it may take a somewhat different line from that of Ms. Boivin or that of Mr. Marceau. Ms. Des Rosiers, I'd like to know whether you think the protection afforded religious ministers is sufficient in this clause, as it is drafted, or whether it could be drafted better. I'm a practising Catholic, and yesterday I put the question to representatives of a Catholic group who were here. I asked them whether the language could be improved. The answer was that, yes, we couldn't pass the bill. That helps me a lot!

So I'd like to know whether, based on your knowledge, this is the best possible way to draft it, or whether it can be improved. After all, we're here to make technical amendments to improve this bill, if possible. As a person who supports the bill, but who wants it to be drafted in the best way possible, I'd like to hear your instructions.

**Ms. Nathalie Des Rosiers:** I don't feel prepared to tell you what language could be used. I think this is sufficient. It seems to me we have to realize that there will be conflict; that's inevitable. We know that the “metamessage” is recognized in the interpretation of statutes. The “metamessage”, which is the theological interpretation of Ruth Sullivan, is very clear here. How do you interpret a statute? You consider the text, the words that are used, but also the preamble, and you ask yourself the question: what was the mischief to be corrected?

The attempt to protect values that must be protected is very clear here. So it's in that context that it has to be agreed that there's a limit to fine-tuning.

[English]

**Hon. Don Boudria:** Could I ask, Mr. Chairman, do the other two groups agree as well? Do they think the ministers are protected?

I know that, for instance, in your group, Dr. Squire, some ministers can and some perhaps won't. Does this language protect sufficiently those who won't perform the marriages?

And I'll ask the same question of the Sikh organization as well. Is this the best language we could have to protect the officials of churches and religious groups who perform marriages, and if it isn't, do you have improvements that you can help us with?

**Ms. Anne Squire:** The people who drafted this document felt very strongly that it was strong enough as it stood and that it was acceptable to us as a denomination.

**Hon. Don Boudria:** Thank you.

**Mrs. Anne Lowthian:** The World Sikh Organization feels that the language is appropriate, for it favours no specific religion and treats all religions equally.

• (1700)

**Hon. Don Boudria:** Thank you.

No further questions.

**The Chair:** New Democratic Party, Mr. Siksay.

**Mr. Bill Siksay:** Thank you, Mr. Chair.

I wanted to come back to the intervention that Ms. Okoro made to Mr. Moore's question. He mentioned that Bishop Henry had received a call from the Canada Customs and Revenue Agency during the election, and you mentioned that the United Church had received a call as well. I wonder if you could tell us a bit about what that was about and how the church understood it.

**Ms. Choice Okoro:** It was basically around the issue of faith communities with charitable status being involved in partisan politics. The line, of course, as you would know, can be very fine, and we had to explain what our actions were.

I wanted him to understand that for us—and I think it might be the case, too, for the reference he made—it wasn't an issue of partisan politics. And many other denominations, those in support and those in opposition, were being contacted by Canada Revenue.

So we explained our actions, very respectfully. It was a very supportive and clear call; it wasn't aggressive. They wanted us to understand the laws under which we had charitable status. It was a very good communication, very fairly done. We explained our actions, and it was fine.

**Mr. Bill Siksay:** And was this seen as something unusual or extraordinary, that CCRA would contact the United Church? I know from my own volunteer work with the United Church, particularly around the employment of ministers, that there was often contact between CCRA and the church around the particular tax benefits that ministers enjoy and that there were often particular surveys of how ministers fill out their tax forms.

I don't know if anyone ever understood that as a particular attack on the church or a particular threat of review because CCRA had a mandate to ensure that this was done properly. But was there any perception of that?

**Ms. Choice Okoro:** No, we didn't perceive it as an attack. It was a very fair, just relationship. I think you're right. There's ongoing communication in terms of managing our charitable status. There's

an ongoing relationship with CCRA in that sense, a communication relationship, and it was well done. We understood why it happened and we knew that we had a responsibility to explain our actions and we did that and it was accepted.

**Mr. Bill Siksay:** Okay, thank you.

There have been other suggestions around the table about the whole issue of trying to increase the comfort level, particularly of religious organizations, with this legislation. The question was asked about clause 3. Madam Des Rosiers, you mentioned that you saw that as something that could contribute to increasing the comfort level and reminding people of the freedom of religion in Canada. There's been a suggestion, for instance, on the whole issue of charitable status, that an amendment might be made that would say in this legislation that no church could lose its status for having a different opinion on same-sex marriage.

I'm uncomfortable with going that route. It seems to call into question the protection that I believe exists for religious organizations, but it also seems to be getting to a level of detail that I think isn't very helpful in the long run. I wonder if you might comment on that kind of approach, if not on the specific example.

**Ms. Nathalie Des Rosiers:** The reaction also presumes that charitable status, the way in which it is understood, will stay the same. It's a tax question. We're getting pretty far away from.... What I was trying to say is that you could try to add a comma here and remove a comma there, but when we're 10 or 15 years down the road, what tools will the court have to interpret that bill? The language. It will have access to the context in which it was passed. It will have access to the mischief it was supposed to resolve—and I think we know what that is—the context of the judicial opinions. In my view, in the context in which it is passed, it's clear.

Maybe we should have a debate on charitable status and what exactly is its role. People might have some improvements to make to the way in which it's done. I think the volunteer organizations throughout Canada have some ideas about that, I'm sure, about the 10% rule and so on. Maybe in that context it should be brought up. Do a clear review of the tool we're trying to use. Now we're trying to blend too many issues.

• (1705)

[Translation]

I'm simply speaking on behalf of Nathalie Des Rosiers.

[English]

**Mr. Bill Siksay:** Okay, thank you.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Siksay.

We're back to the Liberal Party.

[Translation]

Mr. Boivin.

**Ms. Françoise Boivin:** I have a very brief question, but the answer may not be as brief.

The other day, in my riding, I had a discussion about Bill C-38. The comments were similar to those we hear here. I was asked why we couldn't choose another name to describe the same thing. The claim was made that that would solve a lot of problems. I was also asked how using the word "civil union" to describe one type of marriage and the words "civil marriage" to describe the other type of marriage could constitute such major discrimination.

I'm going to see what answer you give, and I'll compare it with the one I've given. I'm curious to hear your answer.

[English]

**Ms. Nathalie Des Rosiers:** I think it's an argument that everybody has heard, and I think we all have some wisdom to contribute to this.

[Translation]

This is obviously an argument that was raised very often in the context of our proceedings, because we were recommended expanding a registration method. The question concerned the well-know expression "separate but equal". When you create two institutions to achieve a single purpose, you create a hierarchy, whether you like it or not. This expression comes to us from an understanding of the notion of equality in the treatment of blacks in the United States. That's my answer.

[English]

**Ms. Françoise Boivin:** Is it the same answer for the other groups, or is it different?

**Ms. Anne Squire:** I would certainly say that equality is equality, and to make a difference between the marriages of one group and another is not equality.

**Mrs. Anne Lowthian:** The World Sikh Organization would concur and say that the segregation of different definitions for different marriages would serve to direct hatred towards specific groups, and unjustly so.

**Ms. Françoise Boivin:** Thank you for the answer.

I hope my constituents are listening. It sounds a lot like what I said.

Thank you. Nothing else.

**The Chair:** You still have three minutes left for the Liberal Party.

**Ms. Françoise Boivin:** That's it.

**The Chair:** Maybe Ms. Neville, who just dropped in now....

**Ms. Anita Neville (Winnipeg South Centre, Lib.):** She's catching her breath. I was at another committee. Give me a minute, thank you.

**The Chair:** We're back to the Conservatives. Mr. Brown.

**Mr. Gord Brown (Leeds—Grenville, CPC):** Thank you, Mr. Chair. I'd like to thank you witnesses for coming.

I'll start with the World Sikh Organization. Maybe you can tell us a little more about your organization, how many members you have, and whether you receive any federal government funding.

**Mrs. Anne Lowthian:** The World Sikh Organization has been operating since 1984. It is self-supporting through its own contributions. It has never received government funding from any level of government in any country where it operates. We try to

maintain our non-partisan position and maintain our credibility by being self-supporting.

Across Canada, there are approximately 100 Gurdwaras, which are Sikh churches. Of those 100, most of them have charitable status. So for the most part, individual churches have charitable status.

**Mr. Gord Brown:** I'm much more familiar with the work of the Law Commission, as it deals with electoral reform. I spent quite a bit of time learning about their advocacy. Maybe you can just tell us about your membership and whether you receive federal government funding.

**Ms. Nathalie Des Rosiers:** The Law Commission obviously receives federal funding. It was created by an act of Parliament, the Law Commission Act. In its mandate it says that its duty is to evaluate, on a constant basis, the necessity to amend or adapt the law to changing ideas and circumstances.

I'll paraphrase my statutes, which I used to know by heart. But it's been six months....

Its work must be open, inclusive, accessible to all. It must view the law and the legal system in the broad social and economic context. It must be responsive and work in partnership.

A lot of the research money comes from the federal government. We were able to do partnerships with other institutions to conduct research, particularly empirical research, which is so expensive.

It must be innovative and must take account of the impact of the law on different groups in society.

The mission that we had given ourselves was to engage Canadians in a reflection about the law, so that it becomes just for all and accessible to all.

It functions in large part by consultation. As I said, "What's wrong with the law?" We have a long list, but we couldn't do it all. Then, by law, we have an advisory committee—25 Canadians, all walks of life—that gives advice on which projects continue to be of importance.

The Department of Justice, the Minister of Justice, can give work to the commission. This was not a reference from the Minister of Justice. It came, as I explained, from the commission's early consultation in 1997, where the diversity of familial organizations was raised as an issue that warranted study. It started its work on this in 1998, and gave its report in 2001. It was made public in 2002.

• (1710)

**Mr. Gord Brown:** Thank you very much.

I will move on to the United Church. I would be one of those 2.8 million Canadians who consider themselves to be part of the United Church of Canada and have regularly attended since I did Sunday school when I was seven, eight, or nine years old. I have watched with interest over the last few years the debate within the church, especially on social issues.

Maybe you can tell us a little bit about the people, the 2.8 million, according to the census, which is where you got it. Has that been growing or has it been decreasing over the last number of years because of this debate?

I will add as well, is there a sort of local option to not perform same-sex marriages? Give us a little more background on that.

Also, I'm interested in what the United Church of Canada has to say about charitable status, allowing it for other denominations that continue to advocate on behalf of the traditional definition of marriage.

I've probably run out of time, but I'll throw those out, and fire away.

**Ms. Anne Squire:** As a member of the United Church of Canada all my life—and I'm older than the United Church of Canada, which celebrates its eightieth birthday on June 10—I can say it has never been my experience that the United Church has directly received any funds for its work.

You asked about the membership. The membership did drop slightly at the time of the secular orientation debate in 1986 to 1988, but it is on a par with all other congregations. The churches all across the board, for the most part, especially the mainline churches, have been losing some members, and the United Church system is no different from any other in that regard.

I think what it is interesting is that the level of debate within the church certainly has increased over the years in terms of the social issues, and more and more people are becoming engaged with the big questions that are in front of the church.

I didn't make notes, so I'm not sure whether I answered all your questions or not.

**Mr. Gord Brown:** Is there a local option to not perform same-sex marriages if the particular church opts not to?

• (1715)

**Ms. Anne Squire:** Oh, yes. It is the local congregation—that is, the minister along with the session of the church—that makes those kinds of decisions. In some cases the whole congregation is involved, but that doesn't mean the people cannot find someone who would do those marriages.

**Mr. Gord Brown:** I'm probably running out of time, but I did want to ask the question about continued charitable status for other denominations that choose to continue to advocate on behalf of traditional marriage. Do you have any problem with that?

**Ms. Anne Squire:** No.

**Mr. Gord Brown:** Thank you.

**The Chair:** Thank you.

Mr. Macklin.

**Hon. Paul Harold Macklin (Northumberland—Quinte West, Lib.):** Thank you, Chair. Thank you, witnesses, for appearing today.

First of all, I'd just like to clarify something, if I missed it, for the record. You represent the World Sikh Organization. Can you give me some indication—we just heard there are approximately 2.8 million adherents or members of the United Church—of what you would represent in your organization?

**Ms. Anne Lowthian:** The population of Sikhs in Canada right now we estimate at between 300,000 and 400,000. There are approximately 300,000 in the United States and 500,000 in the U.K. Of that population, we suspect 35% is a safe number for us to

estimate as people who would be onside with the WSO approach to this issue, if that's what you're looking for.

**Hon. Paul Harold Macklin:** Thank you. I just wanted to get some sense of clarification.

Now, both of you have adherents or members within the province of Ontario. Within the province of Ontario we are almost coming up on the second anniversary of when the law changed in Ontario. Have either of you as churches experienced any difficulties as a result of that change in definition?

**Mr. Ajit Singh Sahota:** No, we never experienced any change at all in the gurdwaras, as we call them, the Sikh churches across Canada. The fact is that normally no one ever asked for a same-sex marriage. So there is no problem.

**Mrs. Anne Lowthian:** It hasn't come up yet.

**Hon. Paul Harold Macklin:** All right. Thank you.

What about the United Church?

**Ms. Anne Squire:** There have been no problems that couldn't be settled within the congregations or within the denomination.

**Hon. Paul Harold Macklin:** I guess the second question is this. We've heard a great deal about what you might call a chill or a fear within religious organizations that they might find themselves in a position where some religious officials might be subject to some type of legal enforcement process to marry when they don't wish to. I know that in the Sikh belief you obviously don't have that difficulty. But when you have a situation, as in the United Church, where you're allowing a local option, does that give you any fear or concern for your clergy, where they would in fact choose not to perform a same-sex marriage?

**Ms. Anne Squire:** No. I think it simply gives them the freedom to opt out if their convictions make them feel that way. I have talked to many of the ministers on both sides of this question. I've never heard them express any fear about it.

**Mrs. Anne Lowthian:** It's the same for us. There's no fear of enforcement precisely because the Civil Marriage Act is equal to all religions. It treats all religions with the same respect, in that they can determine for themselves how to administer the law in this case.

**Hon. Paul Harold Macklin:** Yes. Thank you.

Ms. Des Rosiers, with respect to some of the problems that we've been hearing from other religious groups, sometimes it's hard to understand exactly what the details are. There has been a failure, it seems, of some type of accommodation at the local level, and I say "local" meaning the provincial level. In fact, it appears that some of the human rights tribunals, I would suggest, seem to be having difficulty in adapting to this change. Was this something that the Law Commission foresaw? If so, what did you see as a possible resolution to this?

• (1720)

**Ms. Nathalie Des Rosiers:** I think that change causes difficulties all the time. All institutions need to adapt and grapple with how they are going to respond. Reflecting on how people can in fact be tolerant in all of their expressions is something that Canada is all about. So you can predict that conflict will arise.

My sense would be to go either way. It's inevitable that people have to adapt to it. There will be a period of conflict when people will make mistakes. We expect mistakes, as a human endeavour, in the justice system.

I think we're trying to express the way in which we looked at the options that were available. I think where we are today is where we thought we should go in 2002. There's nothing that indicates to us that it doesn't continue to be the right solution.

**The Chair:** Be very brief.

**Hon. Paul Harold Macklin:** Am I out of time?

**The Chair:** You're out of official time.

**Hon. Paul Harold Macklin:** On unofficial time, I was curious about the Law Commission's point of view. For the record, because we are recognizing it under the heading of marriage, do you believe that there are any international implications we should be concerned about in terms of recognition elsewhere?

**Ms. Nathalie Des Rosiers:** We've done the study of the portability of the status. That's one of the reasons, in fact, to choose marriage as opposed to something else, that marriage...

Now, can I guarantee today that there won't be some difficulty in some country? No. I think it's a safer vehicle to use "marriage", as opposed to *«union civile»*, *par exemple*, because it's something that has recognition. But in the same way, all enforcement of foreign judgments at times creates some issues in Canada and elsewhere. There will certainly be litigation in different places to argue about this, but it's a better vehicle than having a different name for it, for sure.

**Hon. Paul Harold Macklin:** Thank you.

**The Chair:** Thank you.

[Translation]

Mr. Marceau, do you want to speak?

**Mr. Richard Marceau:** No, Mr. Chairman. I've already asked the questions I wanted to ask.

[English]

**The Chair:** Mr. Jean.

**Mr. Brian Jean:** Thank you, Mr. Chair.

I would like to refer to that last comment. I have studied international law as well. As you're aware, in Australia, for instance, and I believe other European jurisdictions, they specifically exclude same-sex marriages, so of course there would be some difficulty transferring it. They recognize a civil union, much the same as the Conservative proposal, in most countries in the world, as you're aware.

My question, though, is in relation to something that was said earlier. I've always felt there has been a difficulty in Canadian law with common-law relationships. Of course, in some provinces we recognize common-law marriages, after a certain period of time, that have the same rights and obligations—called something different—as a marriage: under the Parentage and Maintenance Act or under the Domestic Relations Act in Alberta, for instance, and in other jurisdictions we have a different name, with the same rights and obligations.

I'd like to hear your comments on that, because of course it has been a huge difficulty with litigation. It's probably one of the primary problems we have in Canada, because common-law relationships—people aren't getting married—in my opinion should be recognized the same as marriage after a certain period of time.

**Ms. Nathalie Des Rosiers:** I think one of the big issues is the issue of volition, the will. One of the fundamental issues we have to decide, and there are two ways of looking at this, is that in the context of marriage or registration there is an act of will: people decide. There is a way—and I think this report supports this—in which one of the roles of government is to give the tools to its citizenry to organize their affairs, and they should have the tools to make their commitments clear to one another.

In the context of common-law union, there hasn't been this expression of will—sometimes on purpose; sometimes we don't know. That's why the tool is different. We call it the tool of *attribution*. We attribute some—not all, depending on jurisdiction—of the obligations, because, for example of longevity. We presume, for example, an obligation of support. Not often do we presume an obligation of sharing property assets. It depends on the jurisdiction. Certainly I think there's a dramatic difference between, for example, Quebec and others on this issue.

How far can government go in imposing? There's a long part in the report that talks about this, because it's a very serious issue, about how we.... There is financial exploitation—you know, people saying "tomorrow I'll marry you, don't worry"—and then people are caught in a web of interdependency that changes over time.

So the idea of recognizing that in fact it's a different tool—it's not will.... We're not looking at the way in which people organize their affairs, but we're trying to palliate or respond to the potential for exploitation. It's in that context that the imposition of rules by the state arises, to say, "I don't care whether you want to have an obligation to this person or not. We will impose it, because of the pattern of dependency that has developed."

It's clear that we make distinctions where the presence of children is involved, because the patterns of dependency are accentuated where there are children involved.

It's an area that warrants further law reform, I agree, and it may be a good project for another report of the Law Commission.

● (1725)

**Mr. Brian Jean:** I can tell you that my leader is aware of it, and it greatly concerns him as well. We have a situation; I've done many cases like this, and quite frankly women are discriminated against in this particular situation. It's unnecessary and shouldn't happen. But my point was that we have two distinct terms with the same obligations and the same rights. You made that distinction before, saying it wasn't the case, but it is the case.

I think there is an act of will there. You move into a house; you pack your bags and you move in and you're living with somebody. I think, quite frankly, there should be some recognition in law for this, for certain, and it certainly speaks, in my opinion, to the Conservative position on this.

My next question, though, is this. I would like to discern, because it's very important for me here as a member making decisions on this particular issue, how many actual members—not Sikhs but members of the organization—are there in Canada?

**Mr. Ajit Singh Sahota:** There are a hundred gurdwara societies and 42 of them are actual member societies, and then we have individual members. There are chapters, and in each region there are widespread.... There's a 31-member executive of the organization in Canada that manages all the affairs in Canada, and it is democratically elected. Every two years there's a convention, and in the convention a new executive is elected.

**Mr. Brian Jean:** How many members do you have in your organization—individual members, people?

**Mrs. Anne Lowthian:** We don't generally publish our membership lists or divulge numbers. We do indicate through gurdwara membership or church membership the type of representation we try....

**Mr. Brian Jean:** Do you have a mailing list of members?

**Mr. Ajit Singh Sahota:** Yes, we have a mailing list, but—

**Mr. Brian Jean:** Can I ask how many people are on that mailing list in Canada?

**Mr. Ajit Singh Sahota:** There are about 3,000 individuals on the mailing list.

**Mr. Brian Jean:** Thank you very much, sir.

I'm going to pass the rest of my time to Mr. Toews.

**The Chair:** You have about thirty seconds.

**Mr. Vic Toews (Provencher, CPC):** Well, thank you.

**Some hon. members:** Oh, oh!

**Mr. Vic Toews:** I appreciate that.

I was just struck by the comment of the Law Reform Commission that one of the reasons we want to have same-sex marriage as “marriage” is to have it all under one term because internationally it simplifies matters. Now, I find that very difficult to believe, given that the United Nations Human Rights Commission has stated that marriage is between a man and a woman. In fact, all international organizations of that type specifically recognize marriage in a specific way, and I would suggest that by confusing the definition of marriage by including same-sex marriage, you're going to create very substantive legal problems.

One of the issues that was raised by the Evangelical Fellowship of Canada was that because no residency is required in Canada, a same-sex couple can come here, get married, and leave, but then, if they want a divorce, they can't get a divorce in the country they're from and they need one year's domicile in Canada in order to get a divorce. It creates tremendous difficulties, because if they then remarry in their home country and come back here, they are bigamists here. In fact, what we're doing is creating quite a lot of international problems rather than simplifying them.

• (1730)

**Ms. Nathalie Des Rosiers:** I think my point was simply that for a same-sex couple, if they have a *union civile*, which is a new concept, and if they go to a jurisdiction that does not have a domestic partnership regime, certainly they will have to have recognition if they want to divorce. I'm not saying there's a guarantee or they won't have any trouble, but it's easier because the marriage is recognized there as opposed to a new concept that does not have as much of a.... So it's in that context, and I'm not saying I think—

**Mr. Vic Toews:** Are you saying, then, that because it's called a marriage, a domestic jurisdiction outside of Canada will grant a divorce to same-sex couples?

[*Translation*]

**Ms. Nathalie Des Rosiers:** That's entirely likely.

[*English*]

**Mr. Vic Toews:** Do you have any evidence of that?

**Ms. Nathalie Des Rosiers:** There's no doubt, and I think I've said it several times, that there are a variety of jurisdictions around the world that have different understandings that will—

**Mr. Vic Toews:** Let me just—

**The Chair:** Excuse me, Mr. Toews. It is 5:30.

**Mr. Vic Toews:** We're at the end. I suggest to you that there is absolutely no evidence of a domestic jurisdiction that does not recognize same-sex marriage granting divorce to a same-sex couple married in Canada—absolutely none. If you can find some, please bring it.

**The Chair:** Thank you very much.

I want to thank the witnesses for attending today.

Members, don't forget that tomorrow there are two meetings, one at 3:30 and one at six o'clock.

The meeting is now adjourned.





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**Publié en conformité de l'autorité du Président de la Chambre des communes**

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