

For Immediate Release

## COURT OF APPEAL HEARING OF CHARTER CHALLENGE TO OATH TO QUEEN

This Tuesday (April 08, 2014) the long-standing Charter challenge to the requirement of taking an oath of allegiance to the Queen in order to obtain Canadian citizenship will be argued at the Court of Appeal for Ontario at 10:30 a.m. in a courtroom at 130 Queen St. W. in Toronto.

The Citizenship Act requires applicants for citizenship to swear or affirm that they will bear true allegiance to Queen Elizabeth the Second and her Heirs and Successors. Many people who feel that the monarchy is an anti-democratic relic of the past conscientiously object to taking such an oath and feel that it should suffice to take an oath to Canada.

Twenty years ago, the late civil rights lawyer Charles Roach launched a Charter challenge to this oath in the Federal Court; he lost. In 2005, Mr. Roach started a similar case in Ontario's Superior Court. The Attorney General of Canada argued that this case should not be heard because of the earlier dismissal by the Federal Court. However, it was ruled that, as a result of changes in Charter jurisprudence in the past twenty years, the case could go ahead.

Mr. Roach died on October 2, 2012. The case is now proceeding on behalf of three new applicants: Michael McAteer (retired former journalist for the Toronto Star), Simone Topey (of the Black Action Defence Committee) and Dror Bar-Natan (Professor of Mathematics at the University of Toronto). They are appealing the dismissal of their application by the Superior Court of Justice.

For reasons of conscience and/or religion, the applicants feel that they cannot take the oath. They are arguing that the oath requirement violates their rights to freedom of religion and conscience pursuant to section 2(a) of the Charter, their right to freedom of expression provided by section 2(b) of the Charter, and their equality rights guaranteed by section 15(1) of the Charter. The Attorney General of Canada maintains that "The inability to enjoy the benefits of citizenship - to hold a Canadian passport and to vote - are amongst the costs reasonably borne by individuals whose personal beliefs run counter to Canada's foundational heritage."

Peter Rosenthal, one of the lawyers representing the applicants, said:

Like the present applicants, Charles Roach really wanted to become a citizen of Canada but his conscience would not allow him to take an oath to a person that symbolized inequality. I hope that that this case will vindicate Mr. Roach's extraordinary efforts to promote equal dignity of all human beings."

For more information, contact any of the applicants or Peter Rosenthal :

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