

*Government Orders*

• (1320)

Second, I am concerned about protecting the integrity of the Divorce Act and preventing persons from avoiding the application of the principles contained in the act. For example, a wife may feel compelled to agree to custody arrangements which are not truly in the best interests of a couple's child in order to obtain a Get.

I want to take a few minutes to describe briefly the dilemma certain Jewish persons face because of their religious divorce procedures. In the Jewish religion divorce is accomplished by the delivery of a Get from the husband and its acceptance by the wife in the presence of a Rabbinical Court. According to the Jewish religious traditions, the procedure cannot be changed. Without a Get, a Jewish woman cannot remarry in her own faith. Children of a subsequent civil marriage suffer religious disabilities. While difficult remarriage within the Jewish faith for a man in the same circumstances is not impossible.

In a study conducted by B'nai Brith, husbands were twice as likely as wives to refuse to participate in the Get procedure in order to obtain concessions in a civil divorce. The Jewish community has attempted to solve this problem, but unfortunately they have not been successful.

I just want to say in response to earlier comments by my honourable friend—and I appreciate his comments and compliments—that the government is moving where it can and where it is brought to the government's attention to eliminate sexism and gender bias in the law. I think we have to do it not only in the stated law but in the way the law is applied. It is not perfect.

I say to you as the Minister of Justice and Attorney General of Canada that I think the attention focused on the bias when found in the application of the law is important. That helps us to bring forward changes not only in laws but in people's attitudes, and that is important. While it may be difficult to get the questions in the House, I think it is helpful in that it focuses attention on the issue. I welcome the assistance of all members in dealing with that very important problem.

In preparing for Bill C-61 I had two major concerns to resolve. First, the impact on other religious groups and,

second, the consistency of the amendment with the Canadian Charter of Rights and Freedoms.

[*Translation*]

I did not wish this Bill to affect unintentionally the rules pertaining to religious remarriage of other remarriage of other religious groups in Canada.

Thus, I consulted the leaders of fifty religious groups in Canada, described the elements of the proposed amendment and solicited their comments on the impact of the bill on their respective religious practices. Of the fifty religious groups consulted, nineteen responded with substantive comments.

Mr. Speaker, this consultation process was extremely valuable. It provided us with the opportunity to carefully consider and discuss a number of the important issues this proposed legislation raised.

You will be interested to know the Roman Catholic, Presbyterian and Anglican churches agree with the purpose of this legislation.

[*English*]

I believe that Bill C-61 is consistent with the guarantees of freedom of religion and equality contained in the Canadian Charter of Rights and Freedoms for three reasons.

First, pursuant to the case law developed by the Supreme Court of Canada, subsection 2(a) of the Charter respecting freedom of religion is not necessarily infringed by a law that has a religious dimension, if that law does not interfere with the freedom of individuals affected by it to act on conscientious or religious grounds. The proposed amendment will apply only to the situation where a Get is being refused in order to give the party to a divorce an additional bargaining tool for the civil divorce, not because the person is refusing on religious or conscientious grounds. In Judaism there are no religious grounds to refuse the Get.

Second, Section 15 guaranteeing equality of persons does not require that all members of society be treated identically if their needs require otherwise. In the present circumstances, although the Jewish community is the group primarily affected by the proposed amendment, this is because of the particular problems that it has experienced. Specifically, it has no recourse to a