

**BRIEF to the National Assembly of Quebec,
Committee on Institutions**

to provide

**General Consultation on Bill 94 – An Act to establish guidelines governing
accommodation requests within the Administration and certain institutions**

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Submitted by: **The Canadian Council of Muslim Women**

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General Consultation Brief from the Canadian Council of Muslim Women

SUBJECT: Bill 94, An Act to establish guidelines governing accommodation requests within the Administration and certain institutions.

Author: Canadian Council of Muslim Women (CCMW)

The Canadian Council of Muslim Women is a national, non-profit, volunteer organization, founded in Winnipeg, Manitoba in 1982. The Council was established to assist Muslim women in participating effectively in Canadian society and to promote mutual understanding with other faiths. Our goals are equity, equality and empowerment.

As Canadians, we abide by the Charter of Rights and Freedoms and the laws of Canada. We believe in the universality of human rights which means equality and social justice, with no restrictions or discrimination based on gender or race.

The CCMW values a pluralistic society and fosters the goal of strength and diversity within a unifying vision and the values of Canada. As Muslims, we believe in the plurality that the Quran stresses.

We are an inclusive organization of Muslim women of diverse ethnicity, race and schools of thought. We do not speak for all Muslim women.

CCMW Chapters exist across Canada, including two in Quebec (Montreal, and West Island). The National Board works to further CCMW's vision and objectives countrywide, while local chapters are active in their communities.

Summary:

The CCMW has stated that the face coverings (face veil or niqab), though not a religious requirement in Islam, is worn by some individual women who have decided that the face covering is an expression of their faith. We are concerned that those women who want to wear the face covering will become further isolated and marginalized if they are refused services. Their active role as parents may also be restricted and this will harm their children. This does not bode well for integration and participation for women and their children.

We acknowledge that it is reasonable to expect an individual to show the face for identification, health, safety and security purposes when accessing services. This can be accomplished by a well thought-out accommodation policy. There is no need for legislation or regulation. Therefore, CCMW does not support Bill 94 - *An Act to establish guidelines governing accommodation requests within the Administration and certain institutions*, introduced by the Quebec government in March 2010.

We are concerned that State interference in this issue may open the possibility of further restrictions and that these restrictions will be based on racism and prejudice against one group of citizens, that is, Muslims.

General Presentation:

The face coverings or niqab worn by some Muslim women are controversial and sensitive subjects. They arouse strong emotions and opinions in everyone, in Muslims and non-Muslims alike. The CCMW's presentation to the Quebec National Assembly will focus on three key areas for consideration: face covering as a religious requirement; governance; and sustainable civic engagement. It is our hope that the members of the Assembly consider these points carefully, that this legislation is neither expedited with a focus only on the current atmosphere of heightened fear and security, nor influenced by the political movements based more upon circumstances in Europe than in Canada. It is imperative that the Assembly consider the right of a woman to dress as she feels comfortable, including those who use a face covering to access their rights to services in Quebec, and indeed any public administration. Ultimately, these women are taxpayers like other citizens of Quebec and have the same right to access services as would any other citizen of Quebec.

The Face Covering or Niqab and Religious Requirement

The CCMW is guided by the Quranic message of God's mercy and justice, the equality of all persons, and the fact that each person is directly answerable to God. We aim to be actively inclusive and accepting of diversity among ourselves, as Muslim women.

The Quran speaks of modesty for both men and women. We believe that this can be achieved by various forms of clothing and is not limited to one specific garb.

The face covering is not mentioned in the Quran and it is widely believed that it is not a religious requirement. However, the Quran, like any religious text, is open to interpretation and scholars and individuals have interpreted verses concerning women's and men's covering of the body in different ways. We acknowledge the basic right of believers to adhere to their own interpretations of the religious text.

Nevertheless, the CCMW believes that the face covering is part of a conservative, political movement. At the same time, we are reluctant to assume that banning the face covering will curb this movement.

It is the decision of the individual woman to interpret the requirements of her faith and her decision as to what she wears. The understanding and rationale varies for each woman. It is therefore not up to us, as women, to tell another woman how to clothe herself, just as it is not any man's prerogative to instruct women about any covering or dress. We also believe that no State or government has the right to tell a woman what to wear or how to dress.

Responsible Governance in Quebec

In March, 2010, the Quebec government tabled Bill 94 - *An Act to establish guidelines governing accommodation requests within the Administration and certain institutions*. The Bill assumes the norm is for the individual's face to be seen and therefore the accommodation is for any deviation from this norm.

The Bill's guidelines apply to any personnel providing services, as well as any person receiving services of the Administration or certain institutions. This covers almost all services provided directly by the government and by any institutions funded by the Quebec government and includes essential services such as educational facilities, health and social services, and services for children. This means that a woman wearing a face covering will be refused services and employment till she shows her face.

These accommodations will be made subject to the Charter – Quebec and Canadian – with particular attention to “gender equality and the principle of religious neutrality of the State.” Accommodation will only be made if it does not “create any undue hardship” nor jeopardizes “security, communication or identification.”

The Bill is, at best, problematic in attempting to achieve its stated objectives – equality rights of women under a State which prides itself on its neutrality.

Although the Bill uses careful language and focuses on the face covering, it obviously affects only Muslim women. Whether one tolerates or opposes the face covering, the rationale of equating equality with clothing is too simplistic. CCMW cannot see what this Bill will accomplish towards equality of women if it dictates their choice of clothing, denies them essential services or employment opportunities, and undermines their role as parents in their children's education.

One can easily forecast an increase in racism, religious intolerance and discrimination because this gives license to any public administration employee to decide how a woman should dress and how to use the guidelines of reasonable accommodation.

The statement of State neutrality rings false as this is obviously the State interfering in women's choice of clothing, and not about the protection of women's fundamental human rights. As we strongly oppose to definitions of modesty as practiced in Iran, Saudi Arabia and among the Taliban in Afghanistan and their intrusive rulings on women's clothing, we object to Quebec's edicts as well.

What will be next? Will the State's arm reach to other definitions of modesty for all Canadian women or will the focus continue on Muslim women only? On the grounds of equality, will the dress codes of others who may not meet a State-defined norm be questioned as well? For example, will the long dresses and bonnets worn by non-Muslim, religious-based communities in Canada be questioned? Surely these too restrict the physical freedom of young girls and women and may hinder their full participation?

Sustainable Governance and Civic Engagement

Canada's, and Quebec's demographics are shifting dramatically. These changes are expected to continue well into the next decades. Some members of Quebec society are strongly resistant to these inevitable changes, and this resistance may result in actions that are due to the high anxiety being felt by the “native” populations of Europe as newer immigrants become part of their citizenry. Here again, the focus is on Muslims, not on any other group. Muslims are seen as non-European, as alien to the cultures of Europe and

therefore not only challenging the status quo, but wanting to change the cultures.

Governance decisions should not be targeted to any particular group of citizens. Nor should the State contribute to thinking and behaviour that entrenches notions that are too strident and rigid.

The CCMW understands that it is much easier to see a person's face for interactive relationships and communication; for reasons of security and safety; for impinging on the rights of others; or undue hardship of accommodation on organizations and institutions.

However, in a civil society there must be other ways of dealing with differences and what is reasonable. Regardless of divergent opinions regarding whether the face covering is religious or cultural, the CCMW believes there would be room for negotiations without both sides getting entrenched in the legitimacy of their positions.

Conclusion

CCMW acknowledges that it does not speak for all Muslim women. We are one voice amongst many who speak on behalf of Muslim women. Our identity as Muslim women of diverse ethnicity and race is integral to being Canadian, and being residents of Quebec. We are vigilant in safeguarding and enhancing our identity and our rights to make informed choices amongst a variety of options.

We acknowledge that it is reasonable to expect an individual to show the face for identification, health, safety and security purposes when accessing services. This can be accomplished by a well thought-out accommodation policy with clear, consistent guidelines to staff. There is no need for legislation or regulation. Therefore, CCMW does not support Bill 94 - *An Act to establish guidelines governing accommodation requests within the Administration and certain institutions*, introduced by the Quebec government in March 2010.

We are concerned that those women who want to wear the face covering will become further isolated and marginalized if they are refused services. Their active role as parents may also be restricted and this will harm their children. This does not bode well for integration and participation for women and their children.

We are concerned that State interference in this issue may open the possibility of further restrictions and that these restrictions will be based on racism and prejudice against one group of citizens, that is, Muslims.

We remain committed to equity, equality and empowerment of Muslim women. For more information visit our website at www.ccmw.com.