

About the authors

This brief was written by Dr. Adriana Decker on behalf of the “Women’s welcome group – Quebec” (WWGQ).

Women’s welcome group – Quebec is a volunteer organization whose objective is to provide tools, resources and general support for newcomers to Quebec. It was devised as a group for women by women. Currently, the over 80 volunteers donate variable amounts of their time to meet with newcomers and help in their integration process. Our group is varied, comprised of women of all ethnicities, languages and spiritual orientations.

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Introduction

It was with great surprise that we received the news of Bill 94 being introduced for consideration. As women who work tirelessly on women’s rights, and who are very much aware of the delicate economic situation our province is facing, we were puzzled as to why the provincial government would introduce a bill and spend time and taxpayers’ money discussing an issue that affects such a small group of people.

In a time where women are still earning less than men, are asked specific, female-targeted questions (“Are you planning on getting pregnant within the next 2 years?”) during job interviews, it seems that the government could really spend more of its valuable time on real measures and real bills that would really improve the situation of the vast majority of women in our province and would provide with real equality.

In addition, given the provincial economic situation, it seems that getting our budget straightened out and devising novel strategies to improve our overall condition should definitely take priority over discussing a bill which is irrelevant for most of Quebec citizens and especially regarding an issue that has been, in the past, successfully solved by our court system.

As we took the time to review the bill and its wording, we couldn’t help but notice its substantive emptiness and its several flawed assumptions. Overall, the bill does nothing to expand on what courts have already determined and all it achieves is legitimize prejudice. Therefore, it is with the strongest emphasis that we hope that this bill will not be adopted and Quebec will stay true to its values of freedom, tolerance and equality.

In the next few pages we will outline some of the concerns we have regarding this Bill proposal hoping it will be a source of reflection.

On gender equality and religious neutrality

The explanatory notes on Bill 94 state:

To that end, the notion of accommodation is defined, all accommodations are made subject to the Charter of human rights and freedoms, in particular as concerns the right to gender equality and the principle of religious neutrality of the State, and it is provided that an accommodation may only be made if it is reasonable, that is, if it does not create any undue hardship.

Much has been said about gender equality and the veiling of the face. Throughout the media, some academics, politicians and public in general have stated that the veiling of the face is an oppressive practice that targets women and that banning the face veil will liberate them. There are several problems with this belief:

a. It assumes certain that women who wear the face veil do so under external compulsion. We took the time to speak with 10 women who wear the face veil in Quebec and heard their different stories. All of them were university graduates, all of them had chosen to wear the face veil out of sincere religious conviction. In fact, most of them were Canadian converts to Islam.

b. Once the government sets foot on people's closet... where is it going to end? Some religions prohibit women from wearing pants and thus women are obliged to wear skirts. Is the government also going to ban skirts then to liberate these women? Other religious practices prohibit women from showing their hair and thus those women wear wigs. Society in general puts pressure on women to undergo dangerous plastic surgeries to alter their appearance. Will the government extend the ban to wigs and breast implants?

We would hope that the government would view gender equality not as a paradigm where men and women make necessarily the same choices of clothing but a paradigm in which women possess the same autonomy and power as men to choose freely what they want to wear, without the government infringing upon that right. The United Nations Population Fund (UNFPA) states: "A critical aspect of promoting gender equality is the empowerment of women, with a focus on identifying and redressing power imbalances and giving women more autonomy to manage their own lives. Women's empowerment is vital to sustainable development and the realization of human rights for all." It is quite ironic that Bill 94 is actually denying women's autonomy to decide what is preferable for them. In addition, the fact that Bill 94 basically proposes to deny women of important tools of empowerment – namely education, access to health care and social services – based on their choice of dress, defeats logic.

Denying access to health care to women based on their choice of dress is not only clearly against the "Convention on the Elimination of All Forms of Discrimination against Women" of which Canada is a signatory but actually dangerous. In a time where preventive medicine is deemed essential for individuals' health and quality of life, it seems anachronistic that the government, through legislation, would actually discourage

women to get their regular health check-ups. Cervix carcinoma was the first cause of death in women before Pap test screening. One cannot help but be bewildered at thinking that the government would actually put an impediment to women getting a Pap test and risk women's lives due to a flawed concept of equality, or to a false necessity of "identification and communication".

Regarding the religious neutrality of the state, the bill as well as politicians' statements, seem to perpetuate the false divide between the public and the private sphere. If there is a government, if there are government services, it is only due to the citizens' participation and taxes. There is no divide; the government and its constituents are intimately linked. Thus, given that taxes come from people with a vast array of beliefs, the government has a duty to welcome and allow any expression of religious belief or disbelief without favoring any, as long as it does not cause undue hardship.

On face "unveiling"

It is stated that the practice whereby a personnel member of the Administration or an institution and a person to whom services are being provided by the Administration or the institution show their face during the delivery of services is a general practice...

This piece of information, stated on the introduction of Bill 94, is quite disconcerting. It seems the author is unfamiliar with the vast amount of services that the government provides over the phone, mail and internet.

People can vote by mail, file their taxes online, pay them online, receive refunds by direct deposit, and get tax advice over the phone. People can sign up for courses and take courses online; people can call nurses and get health advice. People can call the police to register a complaint, or to "tip" the police regarding a particular case. People can get into university, apply for and get student loans and scholarships without ever showing their face.

In fact, taking into account all the services that the government provides, showing the face for delivery of services is by large not the rule.

On communication

Yes, the face veil is an impediment to communication. The impediment is not only because of the physical barrier caused by the fabric but due to psychological barriers we also have. The face veil is something foreign to our culture; it is usually dark and, let's be honest, scary. However, is it an impediment that cannot be overcome, and is it correct to legitimize our fears?

Surgeons, skiers and snowboarders frequently cover their faces. In all these situations, people seem to not have a problem





communicating, even in the context of important and delicate situations such as surgery. In the era of internet, where one is able to even get university degrees through online courses, it seems startling that someone would consider seeing someone's face as an obligatory element of communication. In fact, the author of this brief has learned four languages as second language and is currently studying French as a fifth. In the 20+ years learning foreign languages, she has yet to

find one instance in which a teacher looked at a student's mouth and told him/her to move it differently to do some word or pronunciation. In addition, most university courses base their evaluations on written homework and written tests.

Impediments in communication have existed for a long time. Thankfully, long gone are the days were people with speech or hearing impediments were discriminated against and the government actually protects the right of people with communication impediments. It is natural that the government would, in this case, extend the same protection it extends to other situations.



Finally it is a worthy exercise to look at pictures of people covering their faces and evaluate the reaction we get. Do we get a visceral reaction of rejection due to the communication difficulties or due to a deep-seated prejudice of something that is foreign to us? We should not legitimize prejudice but we should fight it. And by fighting it and accepting other people's beliefs and choices we are actually helping Quebec embody and apply its own national principles of tolerance and freedom. In short, we will be helping Quebec be more Quebec-like.

On security and identification

The use of the face as an identification method is, understandably, being opted out as a security method. There are many ways, including hair cuts and hair dyes, contact lenses, prosthetic accessories, and make-up, by which a person can conceal his or her identity. Banks rely on PIN numbers to secure transactions, the US Border Agency relies on biometric profiles and fingerprints.

In reality, most of the time we are interacting with people whose face we can't see and we still feel a sense of security. It is very difficult to identify drivers passing by in their cars yet we interact with them every time we cross the street and feel secure even though theoretically they could run us over. We go inside planes and we rarely see the faces of the pilots and co-pilots.

When thinking about the extent of reasonable accommodation, we can see, upon careful analysis, that there are few instances in which there is a real need to show one's face for identification purposes. In the context of Bill 94, two examples have been frequently cited: classrooms and health care services. We believe that with good will and creativity, these two apparent difficulties can be easily solved.

In classrooms usually teachers interact with students and their identity is not known only because of the face, but also due to the voice, attitude and even style of speech. Thus a student taking a test at an exam will be easily recognized by their teacher even if she is covering her face. We would think that this is the same way a legally blind teacher would recognize its students and we are confident that the government would never deny a teacher of his/her job because he/she cannot recognize his/her students' faces. In addition, we have all heard anecdotes of identical twins and we see that schools are able to easily solve issues that arise regarding their similarity. Women using face veil in Quebec are so few that it seems unreasonable to think that they would not be recognized in a classroom context. In addition, it absolutely necessary, there should be no problem in a female professor or TA seeing the face of the female wearing a face veil.

In the case of health services, we need to remember that children under 14 and men and women over 75 years of age are not required to provide their photo and signature. In addition, most of the times when a person feels sick and goes to a CLSC or hospital, is it their friend/relative who goes to the counter to register the person. The clerk does not usually see the patient in question and then the medical doctor does not see the RAMQ card, so one usually takes the identity of the patient for granted. And this is how it has worked for years and there have been no problems so the need to suddenly require people to show their faces seems unwarranted.

Surprisingly in banks, which are private entities where security is of outmost importance, have not reported problems with face veils, requiring women to show their faces only in very limited occasions. It seems that they have been able to positively negotiate security standards for women using face veil. It would be refreshing news if the government could follow suit.

Conclusion

Bill 94 is, unfortunately, a poorly written document based on flawed assumption and making vague assertions. In fact, we believe its overly broad and vague characteristics make it unconstitutional.

We truly hope it will not be adopted and that our nation will continue to be true to itself and be a nation of people who love and respect each other and work towards common good. And we hope that this love for each other, this sense of big family, will be the one that will propel us to accommodate for other people's requirements, to accommodate even when we don't understand, when it's inconvenient, when we don't agree, even when we dislike. Yes, it is inconvenient to accommodate the request of a woman who wants

her picture be taken by another woman, but is it that undue hardship? We surely accommodate a lot more for our friends and family and we believe that nothing short of that should be the basis for a strong society where solidarity, freedom and respect are core values.