

Canadian court strikes down niqab ban for new citizens

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([The Christian Science Monitor](#)) A controversial Canadian ban on wearing face veils during citizenship swearing-in ceremonies tested the limits of restricting freedom of religion to promote “Canadian values.” On Friday, a judge ruled the government went too far.

The ban, introduced in 2011, was “unlawful” because it interfered with a citizenship judge’s legal obligation to ensure the “greatest possible freedom” is provided to people who are taking the oath of citizenship, a court determined.

The government said face veils, like the niqab—which covers the entire face except the eyes and is worn by some Muslim women—prohibited judges from verifying that citizenship candidates were actually reciting the oath. Its statements suggested this policy was also an attempt to force new citizens to assimilate to Canadian norms and adopt Canadian values, as the government defined them.

The ban was challenged by Zunera Ishaq, who comes from Pakistan and wears a niqab. She declined to go through with the citizenship oath in January 2014, saying she would be forced to violate her religious beliefs by removing it.

The “policy required her to unveil in public when there was truly no need,” said Ishaq’s lawyer Naseem Mithoowani. “My client feels very strongly that this set a dangerous precedent and the Canadian government has no role in dictating to women what is, or is not, a morally acceptable dress code.”

The government rejected the possibility of holding separate ceremonies for niqab-donning women where they could unveil in front of a female judge only, saying this would promote inequality.

“Taking the oath of citizenship means embracing Canadian values and traditions while pledging allegiance to Canada,” the Citizenship and Immigration Ministry said

in a statement. “While the government of Canada values the diversity that people of all origins bring to the country, it is reasonable to expect citizenship candidates attending a public civil ceremony to show their faces while reciting the oath.”

Values and contempt

Although the government said it is protecting values, opponents argue this policy had the opposite effect. The ban shows “contempt for Canadian values, if you imagine respect for religious difference as a Canadian value,” said Audrey Macklin, law professor at the University of Toronto.

She said the verdict, which can be appealed, is “a nice reminder that actually the status quo in our law was to respect people’s religions, and what the government would have to do then [to implement the ban] is change our law to remove that respect.”

It is unclear how many Canadian women wear the niqab but it is likely a small fraction of the 1 million Muslim Canadians.

Bans on face veils have been implemented in some European countries, most notably in France in 2011. Quebec has tried unsuccessfully to ban wearing face veils in certain circumstances in the past. Most recently in 2013, when Quebec’s provincial government proposed a new Charter of Values that would have prohibited public employees from wearing religious symbols. What was unique about the federal niqab ban is that it targeted new citizens and made removing face veils a condition of obtaining citizenship.

The government is trying to send a message to the broader immigrant community “that they’re expected to suppress certain elements of difference,” said Faisal Bhabha, a lawyer for the National Council of Canadian Muslims.

Rather than encouraging integration, this ban may make people less likely to “want to belong to a society or to a community that doesn’t accept them,” he said.

Faisal suspects it is an attempt by the Conservative government, which is facing an election later this year, to appeal to its immigration-wary base.

The Muslim community is itself divided on the issue of the niqab. Munir Pervaiz, director of the Muslim Canadian Congress, supports the ban. He said the

burqa and niqab are not required in Islam and wearing them creates “exclusion within an inclusive society and we believe that it is wrong.”

However, Farhana Lakhi, who lives in Toronto and has been wearing the niqab for more than ten years, fears the ban could encourage discrimination against women like her.

She said requiring women who wear a niqab to assimilate to Canadian culture is “contrary to what we stand for as Canadians.” Lakhi believes it is reasonable to expect women to unveil for identification purposes but does not see the necessity to remain unveiled for a citizenship ceremony.

“So as long as the woman is not harming anybody or anything by her actions I don’t think that it should be banned, she should be allowed to dress as she sees fit,” she said.