



MÉMOIRE

Pour

La consultation concernant loi n° 60, Charte affirmant les valeurs de laïcité et de neutralité religieuse de l'État ainsi que d'égalité entre les femmes et les hommes et encadrant les demandes d'accommodement.

A FEMINIST PERSPECTIVE

The South Asian Women's Community Centre of Montreal / *Centre communautaire des femmes sud asiatiques de Montréal* (SAWCC / CCFSA) deploras in the very strongest terms the Québec government's proposed addition of a "Charter of Quebec Values" to Quebec's existing Charter of Rights and Freedoms. We are feminists who have been bringing together women of South Asian origin living in the Montreal area and their friends and families since 1981. Bill-60 violates the Québec Charter of Human Rights and Freedoms, the Canadian Charter of Rights and Freedoms and the United Nations Universal Declaration of Human Rights. And specifically with respect to gender, it fails utterly to achieve equality.¹ Moreover, Section 50.1, added to the Québec Charter in 2008, already "reiterates that rights are equally guaranteed to women and men."²

The SAWCC is a Québec feminist organization of women from a diversity of ethnic, cultural, linguistic, spiritual and religious backgrounds. It promotes social and economic justice for immigrant and refugee women within Quebec society and supports equity and self-determination.

For 32 years we have united women of many faiths who work together toward our common goal of easing the transition into Quebec society for new arrivals, as well as of providing a safe and enjoyable meeting place for activities involving people from the South Asian countries, from Québec, Canada, and from many points between.

We are Muslims, Hindus, Buddhists, Sikhs, Zoroastrians, Christians, as well as — people of spirituality, agnostics and atheists. We have been part of the front line of feminist struggles in Québec in alliance and solidarity with women from Francophone Québec, English Québec, and a host of other

¹ Me Pearl Eliadis, Roundtable: community dialogue on Bill-60 – equality and feminist perspectives", Montréal, Concordia University, 28 November 2013.

² News release, Commission des droits de la personne et des droits de la jeunesse Québec. Montréal, 17 October 2013.

ethnic backgrounds. We make our own decisions about what constitutes appropriate dress in our workplaces, on or off the premises of our Centre. Some of us are easily identifiable as adherents of one or another major religion, others are not. The “religious neutrality” we have achieved in our working relations is far more meaningful — because it is based in genuine understanding of and respect for one another’s convictions, even if we may disagree with them — than the travesty of “religious neutrality” proposed by Bill-60. Removing outward signs of religious affiliation does nothing to remove inner prejudice. We are only too well aware that individuals who appear, and are, supposedly “neutral”, may in fact be no such thing; they may be racist, xenophobic, Islamophobic, homophobic, misogynistic.

Bill-60, the proposed Charter of Quebec Values, appropriates a fundamentalist interpretation of secularism to mount an attack on religious minorities, in order to escape having the real intent of the measure called out for what it is — racism and xenophobia. We see this in the immediate results of the announcement of the proposed charter. The resulting state-sanctioned debates, that are essentially attacks against religious minorities, have led to increasing discrimination, as well as patriarchal and racist assaults and intimidation of Muslim women who are veiled. The government has acted irresponsibly by putting out this charter. It has legitimized bigotry and xenophobia. The government has invented a problem where none existed. This proposed charter is fundamentally flawed, as our analysis below demonstrates. Bill-60 is anti-equality and anti-equity, in the areas of gender, race and religion, especially Islam. As stated by Me Pearl Eliadis, lawyer and member of the McGill Centre for Human Rights and Legal Pluralism “If this hatred had been instigated by someone not protected by parliamentary privilege”, that person would have been “subjected to hate speech laws.”³

Moreover, we find it highly problematic that the government believes that neutrality can be enforced by law. “It is unreasonable to presume the partiality of a public sector employee due to the simple fact that he or she wears a religious symbol.”⁴ In fact it has been our experience has shown that lack of neutrality and racist bias can come from public servants who wear no overt religious symbols; minority women of colour are among the most vulnerable members of our society, where overtly discriminatory practices are concerned.

We are particularly concerned by clauses in Bill-60 such as no.10 that would require the South Asian Women’s Community Centre to be an enforcer of the law; we may be required to stop employing individuals who wear headscarves for religious reasons. We may be required to stop providing services to women who cover their faces. The lack of logic in this Bill is glaring. If the ostensible purpose is to ensure gender equality, then empowering women should be a primary focus. However, this law would force observant Muslim women to remain at home; to not be economically active in society; to be financially dependent on male family members. Thus far, common sense has prevailed in the public sphere when any sort of accommodations need to be made. It should continue to do so.

In 2008 the Bouchard-Taylor Commission, to which we also presented a brief and which had an extensive meeting with us, published their report. Among their “Priority Recommendations” were “...the fight against inequality and discrimination. Our recommendations in this respect focus primarily on: ...the urgency of combating the numerous forms of discrimination, Islamophobia, anti-Semitism

³ Eliadis, 28 November 2013.

⁴ News release. Commission des droits de la personne et des droits de la jeunesse. Montréal. 17 October 2013.

and racism to which racialized groups, especially Blacks, are subject” and “support to be offered immigrant women”.⁵ The Bouchard-Taylor Commission heard what we said. *We strongly recommend that the current government of Québec does the same.*

The Parti Québécois government which is making leaps of logic by maintaining that the equality of women and men must trump freedom of religion, has, as already noted, a position which violates the Canadian Charter of Rights and Freedoms and the Quebec Charter of Rights.⁶ As the Québec Human Rights Commission points out, the Charter of Values overlooks the question of *rights* when it talks about *values*. *These are two substantively different things.*

Religious intolerance

We are also only too well aware of the consequences of religious intolerance. Many of us come from places where differences in religious adherence have in the past, and sometimes also nowadays, resulted in violence, murder, and many deaths. We are shocked that the government is proposing to enact measures that would so clearly target, and exclude from certain kinds of public employment, Muslim women who choose to wear the headscarf. History has demonstrated that laws that target minorities, result in majoritarian tyranny, hate and violence and destroy pluralism and acceptance. *This is a slippery slope that the government has embarked on and must stop now.*

For many decades now, Québec has been progressive and a trend-setter in working towards a pluralistic, equal society, an example in Canada and elsewhere in the world. The fixed cost of daycare has made it possible for many women to access equality rights. The proposed Charter has turned the clock back and had made us laughingstocks across Canada and elsewhere – providing rich material for satire and comedy shows!

Instead of forcing women who wear hijabs and/or niqabs into their homes, the government should attend to other areas of gender inequality and exploitation of women, for example, the objectification of women’s bodies for capitalist profit. It is ironic that the semi-clad female body in public space elicits little governmental concern, but that the covered body does! *And the government should be working to end violence against all women in Québec.* That would demonstrate a true commitment to ensuring gender equality.

The Anti-Religions Position of The Charter And Its Supporters: A Colonial Pattern

The aspiration of the Parti Québécois government, to legislate a state of *laïcité* is rooted in a long-standing association of liberal sovereignists and conservative nationalists, with French Republican values and discourse of equality and freedom. This emerged from the context of, and continues to represent, the colonial and civilizing mission of Europe. Behind the Charter of Values are assumptions

⁵ Gérard Bouchard, Charles Taylor. *Building the Future. A Time for Reconciliation.* Report. 2008.

⁶ Commission des droits de la personne et des droits de la jeunesse, October 16, 2013

of modernity, progress and a belief that secularism alone can rescue the pre-modern, less evolved peoples who practice their religions. The Charter continues the colonial ‘mission civilisatrice’, or ‘white man’s burden’, promoting “the superior values and culture” of white French-speaking Quebecers .

The Charter appeals to many of those French-speaking Québécois who are obsessed with genealogy and locating one’s ancestors over many generations both here in Québec and in France. Underlying this is the desire to keep the *souche* race pure. Connected to this is the fear of losing the sense that one is ‘chez nous’ – at home. This is basically a form of eugenics – a fear of the racial Other – who might taint the race. This appeal to right wing nationalism will support a climate similar to that in France, where the National Front is gaining ground.

Despite references to turbans (mostly worn by Sikh men) and kippas (worn by Jewish men), the main target of the Charter is Muslim women. The veiled Muslim woman has become the signifier of the outsider who is seen as threatening the culture and the national identity. She is the Other, not part of Québec, even if she was born here, lived here all her life and her first language is French. The conflation of religion with ethnicity in this instance displays profound ignorance as well, because there are observant Muslim women who veil, who are converts and whose origins are Québec *de souche*. Most recently, the issue of niqab-wearing daycare educators in Verdun elicited extreme and shocking hate-speech and misogyny: “2 bullets; it’s hunting season, let’s go!”; “Let’s burn these women and rape them like pigs!”⁷ Begging the question of course, is how many women are there in Québec who wear the niqab? From the fear-mongering that has been rife on the street and the airwaves since the government unveiled its Charter, one would imagine that every second woman on the street had her face covered! The truth of the matter is it’s very rare. But the perception that we are being overrun in Québec by veiled women and we must protect ourselves is being heartily encouraged.

Quebec Idle No More has stated that there was no consultation with Indigenous Nations in the development of this statement of Quebec values. No attention has been paid to the fact that both the French and the English colonized the Indigenous peoples here, and, as outsiders and newcomers, not only paid no respect to their values, customary laws, and protocols, but worked to actively suppress them. “In the past, our ceremonies, sweat lodges, potlatches, sundances, dances, songs, religious and spiritual symbols, cultural identities and languages were forbidden through the same colonial policies that are threatening other religious practices.”⁸ The reality is that everyone who has settled here is an immigrant or settler, who is benefiting from living on stolen land..

With strong anti-religion statements by supporters, many of whom, like Janette Bertrand, refer back to the repressive policies of the Catholic Church of the Duplessis era, Christianity, and in particular Catholic Christianity, is being used as a reference point. Feminists who support the Charter see things in a black-and-white way. They may be under-exposed to very strong women feminists who are also very observant in their religious practice; who within their communities assert their rights as women. The assumption that all religions and cultures are static and fixed denies the reality that they are dynamic, evolving and fluid, changing over time. The “permitting “ of small crosses or other small religious symbols like the Star of David, shows a lack of understanding of religions which may not have these types of symbolic practices and for whom visible signs of practice are integral to cultural, spiritual,

⁷ “We are the parents of the children in the photo” signed by 13 parents. 21 November 2013.

<http://www.cbc.ca/news/canada/montreal/inspectors-pay-a-visit-to-niqab-wearing-daycare-workers-1.2434907>

⁸ Quebec Idle No More Statement

and/or religious identity. The word “ostentatious” to refer to religious symbols in and of itself reflects a cultural bias.

Equality of Women and Men and Religious Freedom- A Hierarchy of Values

The recent break-off group from the Fédération des Femmes du Québec (FFQ), which calls itself Pour les droits des femmes du Québec (PDFQ), accused the FFQ of liberal, individualistic, feminism, because they support the right of a woman to choose what she wears and that they have pointed out that the Charter is forcing women to choose between employment and their religion. The views of the PDFQ, which are the same as those in the Charter, completely disregard the realities that race, sexuality, economic conditions, religion, and ability, have on gender relationships. Such views are a form of paternalism; a female version of older colonial patterns. White bourgeois feminists, as well as, privileged racialised bourgeois feminists, assume they can speak for other women, in particular for women who experience discrimination and exclusion. This is one more example of Gayatri Spivak’s (1988) phrase about white women who feel they need to “save brown women from brown men”. The assumption that non-veiled women can and should speak for veiled women is in itself colonial and paternalistic – a white woman’s burden!

At the recently concluded (14-17 November 2013) États-généraux of Québec feminists,⁹ there was a resounding affirmation, by over 700 registrants from all across Québec, large urban centres as well as regions, representing many organizations, of auto-determination by women, including -- respect for religious practice and dress. The government should listen to the voices of these Québec feminists who are in favour of pluralism and against a rigid, inflexible, one-size-fits-all approach to feminism and gender equality.

We support the statement of La Collective des féministes musulmanes du Québec who refuse the stigmatization of women who choose to wear the veil, as well as any hierchalization of Quebec citizens¹⁰. As women and women-identified, we are at the forefront of our own emancipation. We recognize our agency and our struggle against the many forms of violence we face.

Self-Determination and the Body

Flying in the face of their own logic, both pro-charter feminists and the government make the paradoxical assumption that it is better to force women to remove the veil, than to have agency and freedom! The proposed charter violates the rights of women to self-determination, to be who they are without interference. It violates both the bodily sovereignty of women by presuming to deny the public wearing of religious symbols, and is a violation of a human being’s body. Having the state tell women

⁹ ÉTATS GÉNÉRAUX DE L’ACTION ET DE L’ANALYSE FÉMINISTES, <http://www.etatsgenerauxdufeminisme.ca/>

¹⁰ *Le Devoir*, September 26

what to wear (or not wear) is unacceptable. We do not accept any impositions on women's bodies, by anyone -- priests, mullahs, the state!

The Body, Religious Symbols and Identity

The motivation of many women who wear the veil is connected to the values of community, the cultivation of virtue and closeness to God, and a way of living one's embodiment. The liberal interpretation of choice, very much part of capitalist consumer society, does not represent the reality of human life. Many social, cultural, economic and religious factors create a complex context of constraint on choice.¹¹ For many Muslim women, wearing the veil is an expression of identity; as is the wearing of the turban and kirpan – Sikhism, and the kippa – Judaism. As the recent statement of several McGill psychiatrists noted, denying these expressions to those who work in the public sphere can have a negative effect on health and well-being.¹² There must be openness to a broader understanding of what agency and choice mean in the area of religion. To understand the struggles of racialised women in Québec – including those who wear the veil, we need to acknowledge the reality of women who navigate their faith, spiritualities, religions or approaches to life, very deliberately and courageously, between the tyrannies of secular fundamentalism (as proposed in Bill-60) and religious fundamentalism (what the government assumes it is saving Muslim women from).

Fear of fundamentalism

Much fear has been expressed by some pro-charter feminists who have emigrated to Québec from countries like Algeria, where the veil was forced upon women, often under pain of punishment and even death. Their fear is that the veil represents and symbolizes religious fundamentalism. As Dalila Awada argued well on *Tout le monde en parle* on September 29, 2013, this is Québec, not Algeria, and the pluralistic values of Quebec have, until now, supported the wearing of the veil for cultural and religious reasons, not political. Not getting this is akin to equating the wearing of the crucifix with Christian fundamentalism.

The government must distinguish between 'formal equality' (merely declaring "equality between women and men") and 'substantive equality' (actually working to enable equality by empowerment rather than disempowerment). The government must understand that the Charter in attempting to undermine religious fundamentalism has created another fundamentalism, with its own dogma – secular fundamentalism.

In conclusion, the South Asian Women's Community Centre is in solidarity with people, including women-identified people who struggle for a dignified life. 32 years of experience, working and organizing in our communities, informs our analysis and perspective. We oppose all coercion. We are against authorities forcing individuals to dress, talk or behave in a certain way. We support women who refuse to wear the veil because they are being forced to do so. Similarly, we support women who

¹¹ Stephanie Gaudet, *LeDevoir*, October 9, Des Limits de la notion de "choix".

¹² *Gazette*, October 15.

refuse to remove their veil because they are being told to do so. Our solidarity is our strength, and we will continue to struggle for our collective liberation, rooted in our diversity and vision for a just society. This law must be removed.

Submitted by:

Le centre communautaire des femmes sud-asiatiques

1035 Rachel est

Montréal, Qc

H2J 2J5

sawcc@bellnet.ca

Téléphone: 514-528-8812

<http://www.sawcc-ccfsa.ca>