

Liberals' move to drop niqab ban a progressive sign



Toronto criminal lawyer [Jacob Stilman](#) says the Liberal government's decision to abandon Ottawa's legal pursuit of a ban on niqabs at citizenship swearing-in ceremonies is an indication that the new administration will be more respectful of Charter values.

"I think it's sending a statement that the federal Justice Department under the Liberals is going to be more open to progressive viewpoints and that they will be more tolerant when it comes to issues for which Charter rights are triggered," he tells AdvocateDaily.com.

Stilman notes the previous government often took a position that was confrontational where individual rights and freedoms as well as fundamental principles of justice were concerned.

He comments on the niqab issue after Justice Minister Jody Wilson-Raybould said she personally informed new Canadian Zunera Ishaq by telephone that the government was no longer pursuing the legal matter, says the Canadian Press.

"Our government takes the perspective that we embrace diversity and respect the fundamental freedoms of all Canadians and this is the start of the work that we're going to do as a government in terms of ensuring those values are protected," Wilson-Raybould told reporters Monday.

Ishaq, a Muslim who wears the religious face covering, fought the government in court over a Conservative policy that sought to force people to show their faces while taking the oath of citizenship; she argued the policy infringed her religious freedom, says the article.

Ishaq came to Canada from Pakistan in 2008 and obtained her citizenship during the federal election campaign this fall, says the article.

The Federal Court of Appeal ruled against the Conservative government in September, rejecting the argument that requiring people to show their faces during the citizenship oath was in keeping with Canadian values of equality and social cohesion, says the article.

The Conservatives had sought leave to appeal the matter to the Supreme Court of Canada.

The Liberal government has now said it won't be pursuing that effort, says the article.

Stilman says, from a legal standpoint, the overwhelming weight of opinion on the matter is that this type of restriction would offend s. 2 rights under the [Charter](#) for religious freedom.

"Leaving aside the legality of such a ban, the niqab was set up as a wedge issue in the election campaign where both the Liberals and the NDP had views that were contrary to the Conservative government's stance on it," he says.

And for that reason, he says the pursuit of a niqab ban is dead, given how the Liberals had made their position clear on the issue during the campaign.

Individuals are still required to bare their faces to an official for identification purposes prior to the ceremony, says the wire service.