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Montreal

Court challenge, protest greet day one of Quebec's anti-religious symbols law

Muslim advocacy group and Canadian Civil Liberties Association file motion seeking to strike down new law

[Jonathan Montpetit](#) · CBC News ·

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'The state is forcing people like myself to take off my turban. I can't do it,' said Amrit Kaur, a recent education graduate. (Jonathan Montpetit/CBC)

comments

Quebec's new law on religious symbols has been on the books for less than 24 hours, but already opposition is being mounted on several fronts, both in the courts and on the streets.

The law was rammed through the legislature late Sunday night by the Coalition Avenir Québec government. It will bar public school teachers, police officers and government lawyers — among other civil servants in positions of authority — from wearing religious symbols while at work.

By Monday morning, the National Council of Canadian Muslims and the Canadian Civil Liberties Association had filed a motion in Quebec Superior Court seeking an injunction and asking that the law be declared invalid.

"Quite simply, last night the Quebec government legalized religious discrimination," Mustafa Farooq, the head of the Muslim advocacy group, told reporters on the steps of the Montreal courthouse.

The court challenge is being filed on behalf of Ichrak Nourel Hak, an education

student and a Muslim who will be unable to work in Quebec's public school system unless she removes her hijab.



'Quite simply, last night, the Quebec government legalized religious discrimination,' said Mustafa Farooq, left, head of the National Council of Canadian Muslims. (Graham Hughes/The Canadian Press)

Hak was busy studying for an exam and did not attend Monday's hastily organized news conference. But another education student who will also be affected by the law, Amrit Kaur, said the law forces her to choose between leaving the province or giving up her childhood dream of becoming a teacher.

"The state is forcing people like myself to take off my turban," said Kaur, who is

Sikh. "I can't do it. Asking me to do that would be asking me to go to work upset every single day. It is asking me to reject who I am, and I can't do that."

Legal hurdle

Mounting a successful case against the law faces at least one significant hurdle. The law invokes the notwithstanding clause, which protects it from being contested on the grounds that it violates certain sections of the Canadian Charter of Rights and Freedoms, such as the right to religious freedom.

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The motion filed Monday avoids claiming the new rules contravene specific sections of the charter. Instead, it argues the law is criminal legislation, which provinces do not have the authority to pass.

It also argues that by limiting access to certain public institutions, the law violates the equality "guaranteed by the very existence of a multicultural, democratic Canadian federation."



Protesters gather in downtown Montreal to show their displeasure with the CAQ's religious symbols law, passed in the late hours of June 16. (Claire Loewen/CBC)

The motion also takes issue with the law's wording, calling it "impermissibly vague" about what constitutes a religious symbol. That will encourage the arbitrary application of its measures, itself a violation of unwritten constitutional principles, the motion states.

The advocacy groups behind the legal challenge are hoping their case is heard as early as this week.

Beyond the courts

The courts, though, are not the only front where the law is destined to meet resistance.

More than 300 people gathered outside Premier François Legault's office in Montreal on Monday to protest the restrictions, including several who said their intended career paths have been disrupted by the legislation.

"I'm here to take back my rights," said Nisrine Fadi, 20-year-old university student who wears a hijab, who had hoped to become a teacher.



Nisrine Fadi is a 20-year-old university student who wears a hijab, who had hoped to become a teacher. (Claire Loewen/CBC)

Many protesters donning religious symbols were adamant that the fight against the religious symbols ban is not over.

Jasraj Kaur is a young Sikh woman who studies nursing at McGill and wears a turban.

She said it's discouraging that the government isn't providing support to people who wear religious symbols — but that her community will continue fighting the

law.

"Our community is really strong," Kaur said. "We keep coming through to protest. We keep showing up."



Mandeep Kaur, left, and Jasraj Kaur attended the protest against Bill 21 in Montreal on Monday. (Claire Loewen/CBC)

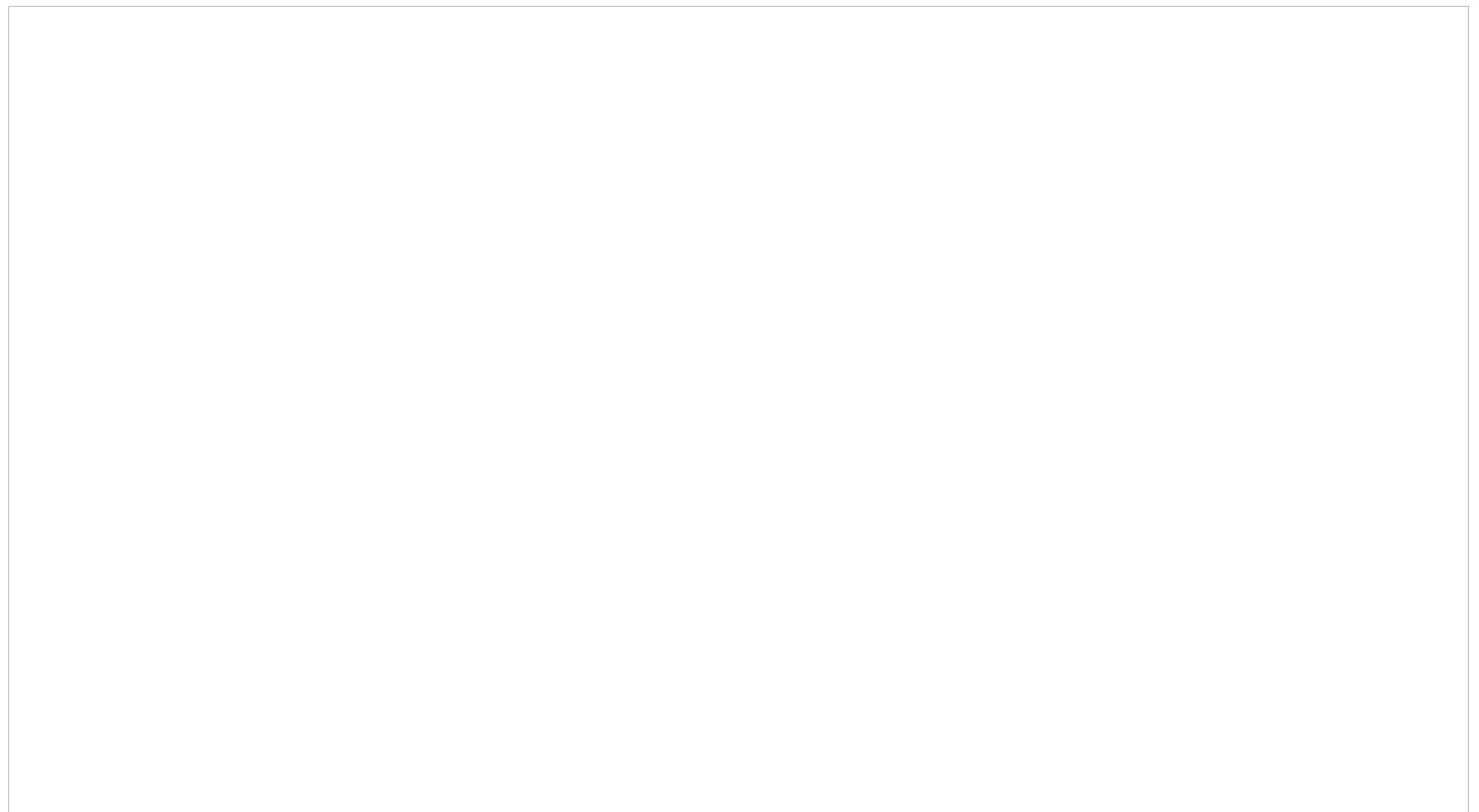
Rabbi Lisa Grushcow from Temple Emanu-El-Beth Sholom in Westmount echoed Kaur's message.

"I think the government is counting on us disappearing on this," said Grushcow, who wears a kippa. "There have been real coalitions formed between people of

different faith groups and people who are secular who are allies."

The mayor of Hampstead, a small municipality on the island of Montreal, reiterated his pledge Monday not to implement the law. The English Montreal School Board made a similar pledge before the bill was passed.

Elected officials in Montreal have also been steadfast in their opposition to the new measures, although the city's mayor, Valérie Plante, acknowledged she will obey the law.



Lionel Perez, the head of Montreal's official municipal opposition, pushed Mayor Valérie Plante to take a tougher stand against the law. (Simon Nakonechny/CBC)

She expressed concern, however, about how the law will be applied, given its

vague wording and fuzzy distinctions about which symbols count as religious.

"I am still worried about how this will be applicable in a day-to-day life because this is about human beings," Plante said at city hall.

"Ultimately, it's not about a law or a clause or phrases: it's about people that are part of Montreal's vitality, and I want to make sure they feel respected ... [and] can fully participate in our society."

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The leader of the opposition party at city hall, Lionel Perez, wears a kippa. He pushed the mayor to strike a harder line with the provincial government.

"She's ready to fight the government of Quebec when it comes to transit issues.... But on issues of social cohesion, on issues that will hurt, not only Montrealers, but employees of the City of Montreal, what is she ready to do?" Perez asked.

With files from Franca Mignacca and Claire Loewen

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