



Atheist Freethinkers

PRESS RELEASE

For immediate release

AFT denounces the decision of Quebec's Court of Appeal to Allow the Hijab in Court

Montreal, 9th October 2018 – *Atheist Freethinkers* (LPA-AFT), an association which promotes secularism and supports the rights of atheists, [denounces the decision of the Court of Appeal of Quebec to allow wearing the hijab in court](#).

Background of the Case: Judge Eliana Marengo asked Rania El-Alloul, a Muslim woman, to remove her hijab in order for court proceedings to continue. The judge invoked the following argument against the complainant: The Court is a secular space, with no religious symbols on the walls, nor on any person. The judge considered the complainant to be improperly dressed, and decorum to be important. The same rules must apply to everyone. Just as the judge would not allow a person wearing a hat or sunglasses to appear before the court, she refused to hear testimony from a complainant wearing a scarf on her head.

But according to the Court of Appeal, the dress code of the *Regulation of the Court of Quebec* “does not set out a general prohibition on wearing religious clothing in a courtroom” provided that “the practice is the result of sincerely held religious beliefs...”

We stress that normally, outside the courtroom, the complainant is an ordinary citizen and has the right to wear whatever she wants, as long as she conforms to the law. Furthermore, in the courtroom, although the judge is an agent of the state, the complainant is not. However, when appearing before the Court, the complainant has the obligation to abide by the rules of that Court as interpreted by the judge in charge. If head-coverings are banned, then it is unacceptable that an exception be made for one particular head-covering for the sole reason that it is a religious head-covering.

AFT thus denounces this privilege granted to a person, allowing her to keep her head-covering, under the pretext that it is the result of a sincere religious belief. We consider that this sets a dangerous precedent because it assigns legal value to religious beliefs and permits exemptions from courtroom rules on the basis of those beliefs. Such exemptions can only be granted to religious believers and thus constitute an unacceptable situation of inequality, i.e. discrimination against non-believers.

As supporters of the principle of secularism, AFT considers that all persons should be equal before the law, regardless of belief or non-belief. By using such an argument, the Court of Appeal creates a divisive situation which can lead to social tensions. We consider that enshrining the principle of secularism in the Quebec Charter of Human Rights and Freedoms is long overdue, in order to guarantee equality for all, without discrimination.

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