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Thursday, September 13, 2007

—
Chair

Mr. Gary Goodyear

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•(1005)

[English]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Ladies and gentlemen, we're going to begin our meeting this morning, so I will ask that cameras be turned off and that people take their seats as appropriate.

I want to remind members that the meeting this morning is being held in public and will be televised.

As most members have noticed, we have changed to a larger room. That was at the request of a number of individuals, so we are in this room. I hope that everybody who needs to be here has found this new room. I suspect they all have.

Ladies and gentlemen, pursuant to Standing Order 108(3)(a), matters relating to the decisions of Elections Canada to allow veiled individuals to vote is the subject of today's meeting.

I would like to start the meeting by thanking Monsieur Mayrand and his team for appearing before the committee today on such short notice. We certainly appreciate that. We note that you have been doing that sort of thing for us for some time. We definitely appreciate that. We all appreciate that it has been a very busy week for Monsieur Mayrand, and we are pleased that you are able to accommodate us here today outside your busy schedule.

Committee members, I would also like to say that at our last meeting the decorum around the table was unacceptable. I will not entertain today personal attacks or rude comments by anyone. We are here for a very specific purpose, and I would request that we act accordingly.

By way of background and in an effort to ensure that the record is crystal clear on this point, I remind members present that on Monday, September 10, this committee, the Standing Committee on Procedure and House Affairs, passed unanimously a motion to have Monsieur Mayrand and his team with us today in his role as Chief Electoral Officer with Elections Canada to respond to concerns expressed by all members of this committee regarding Monsieur Mayrand's recent decision on the issue of veiled voting, as it is an urgent matter, and also to respect the time our clerk and analysts will need to prepare certain documentation, certainly with respect to the pending Quebec by-elections.

Monsieur Mayrand, after your opening statement the committee members will take turns asking a number of questions, following the typical fashion of this committee. We will follow the usual format of rounds of questions.

At this time, you are scheduled before this committee for a one-hour period. In view of the rather short period of time that you are testifying before this committee, I would ask, Monsieur Mayrand, that you restrict any opening remarks that you might have to not more than five or six minutes.

As well, members, I would ask that you ensure that your questions are on the topic for which we have requested Monsieur Mayrand's attention, that being the issue of veiled voting.

I would also remind the members that Monsieur Mayrand will need to be afforded an opportunity to answer your questions and ask that you ensure that your questions are simply not repetitive or too lengthy in their introductions, so that in fact there is time for Monsieur Mayrand to properly answer the question.

Before we begin our first round of questioning, I also wish to take this opportunity to make it clear at the outset that I will not entertain questions that do not deal specifically with the item of veiled voting. I am providing all members with advance warning that I shall direct the witness not to answer any questions on any other topic. Our mandate for this witness is very clear and was very clearly understood when the motion compelling Monsieur Mayrand's attendance was unanimously passed by this committee.

As I look at my colleagues around the room, I trust that every member of this committee before us understands and is in agreement with these ground rules. Please understand that I take my responsibility as chair very seriously, and I adhere to our time restrictions as closely as possible. I fully intend to respect the edict of the current Speaker of the House, wherein Mr. Speaker Milliken, when commenting on the role of committee chairs and members, stated the following:

I am confident that committee Chairs continue to be mindful of their responsibilities to make fair and balanced rulings based on the democratic traditions of this honourable place. Members of committees must also strive to resolve procedural issues in a manner which ensures that the rules are followed and that committee deliberations are balanced and productive for those committees.

•(1010)

Having said all of that, I would welcome Monsieur Mayrand to commence with his opening statement.

Mr. Marc Mayrand (Chief Electoral Officer, Office of the Chief Electoral Officer): Thank you, Mr. Chairman.

[Translation]

Mr. Chairman, I thank you for giving me this opportunity to meet with you this morning to deal with the question of voter identification and the matter of veiled women who vote.

[English]

As you know, since last June the Canada Elections Act offers three options to electors to identify themselves at the polls. These are set out in section 143 of the act.

First, electors can choose to produce one piece of government-issued identification showing three elements: photo, name, and residential address. Only certain pieces of identification issued by provincial or local authorities meet all those requirements, mainly the driver's license.

As I indicated earlier this week, for electors choosing this method the deputy returning officer must, of course, be able to compare their photo with their face. In that case, an elector whose face is covered must remove the covering.

For electors without a piece of government-issued photo identification showing their name and residential address, a second option is to produce two pieces of identification authorized by the Chief Electoral Officer. Both pieces must then contain the elector's name and one of them must also contain his or her residential address. The act does not require that these pieces of identification contain their photo. In this situation, therefore, the person's face is not compared with a photograph.

Nowadays, especially in urban areas, one cannot assume that election officers know the electors who present themselves at the polls. Visual identification is therefore not required.

Third, Parliament has provided that electors without any piece of identification may take an oath and be vouched for by another registered voter who has the required piece of identification. Here again there's no visual comparison required.

Thus, the act provides several ways of voting that do not require the visual identification of electors. The choice of method is up to the individual.

In this regard, allow me to cite the words of the minister who was responsible for the Canada Elections Act in his speech at the second reading of Bill C-31. The minister then said:

The voter ID process in our bill was carefully crafted by the standing committee to provide a balance appropriate to our Canadian system and consistent with our values. The balance is struck between protecting the integrity of the process and ensuring that no one is disenfranchised to vote by reason of lack of identification.

[Translation]

This balance could not have been attained if all electors had been required to identify themselves with photo identification. The Act therefore provided for other means of identification that do not require visual recognition. The choice is up to the elector.

You will recall that when this matter was debated, mention was made of the implications of the new identification process for different population groups, whether young people, Aboriginals, seniors, seasonal workers or the homeless, all of whom are less likely to have photo identification.

Finally, apart from these three options, electors can also vote by mail. By definition, this special procedure precludes visual contact between electors and election staff. As I noted earlier this week, more than 80,000 electors voted by mail in the 2006 general election.

I would point out that the federal voter identification regime has become the most restrictive regime in Canada. To my knowledge, no provincial legislation requires visual voter recognition.

Some people, recognizing that the Act does not oblige electors to uncover their faces to vote, have suggested that I exercise the power that is given to me during election periods to modify or adapt the Act. As I have indicated, this authority is exceptional and must be exercised with caution and circumspection, only for a temporary period of time and only when it is necessary by reason of mistakes, emergency or unusual or unforeseen circumstances. This authority is intended to facilitate the voting process, not to restrict electors' fundamental rights.

The Supreme Court has had the opportunity to consider the extent of the adaptation power of the Chief Electoral Officer in the 1993 *Haig* Decision, in the context of the referendum on the Charlottetown Accord. As some may remember, there had been two referendum processes to vote on the Accord: one for all of Canada except Quebec, and one applicable to Quebec only, for which the Quebec referendum legislation applied. Mr. Haig had recently moved from Ontario to Quebec and could not vote in Quebec because he had not resided in that province for at least six months, as required by the statute. He was asking the federal Chief Electoral Officer to adapt the federal statute to allow him to vote in Ontario, as if he still lived there. This is what the Court said about the adaptation power:

Though the Chief Electoral Officer is given a discretionary power to adapt the legislation, this power does not extend to authorize a fundamental departure from the scheme of the Referendum Act [...]. In exercising his discretion, he must remain within the parameters of the legislative scheme.

Similarly, in the current situation, the possibility for electors to vote without removing their face coverings is the clear and unambiguous consequence of the legislative scheme set out in section 143 of the Act.

This does not preclude the possibility to invoke my adaptation power if exceptional circumstances arose. However, at this time, I do not consider that there is a reason for me to exercise my authority to adapt the Act.

I also wish to remind you that last Monday, I asked election officials to invite anyone whose face is concealed to uncover it in a manner that is respectful of their beliefs. If they decline to do so, voters must take an oath as to their qualification as an elector in order to be eligible to vote. However, I have not amended the Act to require them to uncover their face. Again, the choice continues to be up to the individual.

At this time, I remain confident that next Monday's election will proceed in a smooth and orderly fashion in the three ridings of Outremont, Roberval-Lac-Saint-Jean and Saint-Hyacinthe-Bagot.

Thank you.

●(1015)

[English]

The Chair: Thank you very much, Monsieur Mayrand.

I wonder if we can take a second and introduce the team you have brought with you, for the benefit of members who may not know your entire team.

[Translation]

Mr. Marc Mayrand: With me are Ms. Diane Davidson, Deputy Chief Electoral Officer and Chief Legal Counsel, Mr. Rennie Molnar, Executive Senior Director, Register and Geography and Mr. Stéphane Perrault, Senior General Counsel and Senior Director, Legal Services Directorate.

[English]

The Chair: Merci.

Colleagues, we will begin our first round of questioning for seven minutes, and we will start with Monsieur Proulx.

[Translation]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Thank you, Mr. Chairman.

Good morning, Mr. Mayrand, Ms. Davidson, Mr. Molnar and Mr. Perrault.

For several days now, you have been a very popular person. I do believe that when you accepted this appointment, you never expected to make the headlines of every newspaper in Canada. Welcome to this new arena.

I have a few questions for you, sir. You said you had advised the parties as well as by-election organizing committees of the following during your press conference on Monday September 10:

I also forwarded the documentation prepared for this meeting to the government and the Standing Committee on Procedure and House Affairs to inform them about the conference call [...]

To which official on the government side did you forward this documentation?

Mr. Marc Mayrand: I forwarded the information to the chair and clerk of the committee, to the minister responsible for elections and to the Privy Council Office.

Mr. Marcel Proulx: Mr. Mayrand, when was this documentation first forwarded to the Privy Council Office and to the responsible government minister? According to your statement, you held your conference call on July 26.

• (1020)

Mr. Marc Mayrand: There were some details to attend to following this conference call, but as I recall, the following week, I forwarded the documentation to the parties I just mentioned.

Mr. Marcel Proulx: So then, the government, that is the Privy Council Office that has been shouting from the rooftops that this decision makes no sense whatsoever, has been in the loop since the end of July.

Mr. Marc Mayrand: It has known about this since the first week of August. If memory serves me well, the conference call took place on a Thursday.

Mr. Marcel Proulx: So then, we agree that the government was aware of the situation in late July or early August. And it did not say anything to you? It did not respond? It did not ask you if you had sustained a blow to your head or fallen off a ladder? Nothing like that?

Mr. Marc Mayrand: I did not receive any comments, questions or requests for clarification.

Mr. Marcel Proulx: Mr. Mayrand, regarding the Standing Committee on Procedure and House Affairs, you stated that you forwarded the documentation to the chair of this committee.

Mr. Marcel Mayrand: And to the clerk.

Mr. Marcel Proulx: And to the clerk. A new clerk has been appointed, but the committee chair remains the same. Did you receive any kind of response from our committee chair? Did he acknowledge receipt of this documentation? Did he ask you if you had sustained a blow to the head or fallen off a ladder? What transpired? I would imagine that some kind of exchange took place.

Mr. Marc Mayrand: No, there was no exchange of any kind.

Mr. Marcel Proulx: I take it then that when you say “I”, you mean your Elections Canada officials as well.

Mr. Marc Mayrand: My office did not receive any follow up to the correspondence.

Mr. Marcel Proulx: Mr. Mayrand, you testified before the committee when it was examining Bill C-31. You contributed to our discussion of the proposed legislation. Do you recall having discussed the bill with us and having cautioned us—perhaps I should say warned us—that if the bill was adopted as tabled, you eventually intended to make and announce this decision?

Mr. Marc Mayrand: I would like to clarify that I never testified before this committee on Bill C-31.

Mr. Marcel Proulx: You never...?

Mr. Marc Mayrand: I believe it was my predecessor who testified and, if memory serves me correctly—and I am not 100% certain about this—I believe he testified in either December or January.

Mr. Marcel Proulx: I am not doubting your word, but since being appointed to this position, you often testified before the committee this past winter and spring.

Mr. Marc Mayrand: That is correct.

Mr. Marcel Proulx: Prior to your appointment, Ms. Davidson always accompanied Mr. Kingsley. Do Elections Canada records show that this matter was discussed, if not by you, then by Mr. Kingsley or by an Elections Canada representative appearing before this committee?

Mr. Marc Mayrand: Not during the study of Bill C-31

Mr. Marcel Proulx: I see.

According to media reports, when you appeared before the Senate committee, this decision, which you had not yet made, was discussed.

Mr. Marc Mayrand: That is correct.

Mr. Marcel Proulx: The circumstances were as follows: you were asked what you intended to do about veiled voters. Could you recall for our benefit how you answered the question at the time?

Mr. Marc Mayrand: All right. I just want to make it clear that when testimony was being given to the House committee on Bill C-31, the events that arose in connection with the Quebec provincial election had yet to occur. However, when the Senate proceeded to examine the bill, I was invited to appear along with my Quebec counterpart to specifically address the issue of individuals with face coverings. My colleague stated at that time that the legislation needed to be amended. In response to a question, I stated that under the current legislation, individuals could vote without having to uncover their face.

Mr. Marcel Proulx: Mr. Mayrand, you say you reminded your election personnel—and I am not disputing your statement—to ask female voters to remove their face covering for identification purposes and that the choice to comply or not with this request was up to the individual.

Will individuals be asked to remove their face covering solely in the presence of women, or in the presence of any returning officer, whether male or female?

Mr. Marc Mayrand: I issued this reminder to election personnel pursuant to section 144 of the Act which requires confirmation of voter eligibility. As such, I asked election personnel to invite anyone whose face is concealed to uncover it in a manner that is respectful of their beliefs. We will make every reasonable effort to ensure that the voting process is respectful of the beliefs of electors.

• (1025)

Mr. Marcel Proulx: So then, if a woman agrees to uncover her face, but only in the presence of a woman, then her choice will be respected?

Mr. Marc Mayrand: We will endeavour, to the best of our ability, to put in place a process that is respectful of voters' beliefs.

[English]

The Chair: Thank you. Your time is up. We went a little bit over there, but I think it was worth it.

Next on the list is Mr. Lukiwski, for seven minutes, please.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you very much.

Good day, Mr. Mayrand. Thank you for attending.

There is a fundamental premise here that I think we need to establish. In my opinion—and please correct me if I'm wrong—you seem to be saying in many of your statements that have been quoted in recent weeks that you were only following the literal interpretation of the act, which of course in your opinion prevents you from forcing veiled women to remove their veils when approaching a voting station.

In order to establish some frame of reference here, do you not agree that the clear intent of this committee in unanimous fashion was that veils should be removed? In other words, the whole purpose of this committee's investigation, or of Bill C-31, was to ensure voter integrity, and that of course includes being able to clearly identify the face of a voter. Did you not understand that was the intent and spirit of the discussions held around this table?

Mr. Marc Mayrand: I have to rely on the text of the law. There were several discussions on the matter of identification of electors

throughout the debate in the House and the Senate. In the last few days I reviewed all of those debates to see whether there was an intention expressed in the House or in the Senate with regard to veiled electors. I can only refer to the debate in the Senate, where the question was clearly raised, and there were no suggestions or amendments made to the legislation.

Mr. Tom Lukiwski: I'd like to get a direct answer to my question if I could. Are you saying that you did not understand the intention of this committee during its discussions on Bill C-31 that clear identification of voters should be paramount?

Mr. Marc Mayrand: Identification is possible in many fashions, and that's what the act provides. One is through a photo, but there are other alternatives provided in the act that do not require visual identification.

Mr. Tom Lukiwski: In your opening statement you said that you have discretionary power, should you choose to impose it—I believe it's under section 17 of the act—to ask veiled women to remove their veils. Is that not correct?

Mr. Marc Mayrand: It's saying that this power is extraordinary.

Mr. Tom Lukiwski: But you do have that ability, sir, is that not correct?

Mr. Marc Mayrand: In specific circumstances I may be able to adapt the act to ensure that the voting proceeds in a normal, orderly fashion.

Mr. Tom Lukiwski: So that is a yes, you do have that power?

Mr. Marc Mayrand: I have the authority, the power to adapt the act.

Mr. Tom Lukiwski: But you are saying now that you choose not to exercise that power in this particular case?

Mr. Marc Mayrand: As we speak, I don't see grounds to use the power.

Mr. Tom Lukiwski: Can you give me a further explanation as to why, sir? Again I go back to the fact that I think this committee has been unanimous that full voter integrity should be the paramount intent of this act. You have the power to ensure that in this particular occasion, yet you choose not to exercise that. I'm just wondering why.

Mr. Marc Mayrand: Sorry, I missed part of your question.

Mr. Tom Lukiwski: Simply put, sir, you have the power to ensure that veiled women remove their veil, perhaps in the presence of a female clerk or election officer, but you're suggesting you do not wish to exercise that authority, and I'm wondering why.

Mr. Marc Mayrand: Not in the circumstances as they exist today.

Mr. Tom Lukiwski: Why, sir?

Mr. Marc Mayrand: The fundamental reason is that this authority, under section 17 of the act to adapt the act, I believe is designed much more for operational matters, as opposed to dealing with some fundamental rights protected by the charter, including the right to vote and the freedom of religion. I think it's not up to an administrator of the electoral system to juggle those rights and determine how they should be balanced.

•(1030)

Mr. Tom Lukiwski: All right, sir. If we take your words to their logical conclusion, you're saying it is not really the right or the ability or the purpose of an administrator to do that, but you were suggesting, sir, that should be the will of Parliament.

Mr. Marc Mayrand: I think so.

Mr. Tom Lukiwski: Then, sir, as representatives of Parliament at this committee, if there is unanimous consent of this committee to ask you, within the powers that you currently have, to ask veiled women to remove their veils, what would you say? Would you follow the will of this committee, then by extension following the will of Parliament?

Mr. Marc Mayrand: With all due respect and without offending the committee, I think I must rely on the will of Parliament as expressed as a Parliament.

Mr. Tom Lukiwski: So what you're saying, sir, is you do not agree that the will of this committee is the will of Parliament?

Mr. Marc Mayrand: Again, with all due respect, I cannot accept the position that a committee can adapt or amend an act of Parliament.

Mr. Tom Lukiwski: Do you not believe, sir, that members of this committee have consulted widely and broadly with their own caucuses and are bringing the opinions of their own parties to this committee?

Mr. Marc Mayrand: I have no reason to doubt it.

Mr. Tom Lukiwski: Then, sir, I would suggest to you that for that very reason, I can assure you that within our party and I'm quite convinced within the opposition parties, the opinions expressed by members of this committee are expressing the will of their party and the will of Parliament. And, sir, we are suggesting to you that in our unanimous opinion women should remove their veils for purposes of identification and perhaps before a female election officer.

So in effect, sir, again I ask you, if this committee on behalf of Parliament asks you to exercise the powers that you have at your disposal, will you do so?

Mr. Marc Mayrand: I will not in the current circumstances, because that would be a requirement for me to offend the act, not uphold the law as stated on the books.

The Chair: I'm sorry, we're out of time on that round. It came right down to the last second, and rather than get to a next question and go way over, I'm going to move to the next speaker.

Monsieur Guimond, you have seven minutes, please.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Thank you, Mr. Chairman.

Mr. Mayrand, getting back to the adaptation power conferred upon you by the federal Elections Act, as you know, pursuant to subsection 17(1), you have the authority to adapt the provisions of the current legislation. Correct?

In your statement, you note the following: "This authority is exceptional and must be exercised with caution and circumspection",

which means infrequently. This power must not often be invoked, particularly during a general election.

Mr. Marc Mayrand: Only when circumstances warrant.

Mr. Michel Guimond: Clearly, though, you do not want to treat this issue as one that warrants the use of your exceptional authority, in a cautious and circumspect manner.

Mr. Marc Mayrand: I am not sure I quite understand the gist of your question.

Mr. Michel Guimond: You feel that the question of women uncovering their face to vote does not warrant the use by you of your authority to adapt the Act.

Mr. Marc Mayrand: At this point in time, no, given the fundamental rights of electors.

•(1035)

Mr. Michel Guimond: I see. You are saying that by definition, this power must be infrequently exercised. Tell me then why it is that according to Appendix VIII of the January 23, 2006 report of the Chief Electoral Officer of Canada, the power to adapt the Act was exercised by the Chief Electoral Officer on 17 occasions? I am not doing any calculations here, but this means that it is possible for you to exercise this authority during a general election.

Mr. Marc Mayrand: Absolutely. This power is used on a regular basis to facilitate the voting process, not to restrict voters' rights. None of the measures taken during this election, the last general election or previous elections was aimed at reducing or restricting the fundamental rights of voters.

Mr. Michel Guimond: I understand that John Enright, who was quoted by the press this past weekend, is a member of your communications team.

Mr. Marc Mayrand: Yes, he is responsible for media communications.

Mr. Michel Guimond: He was asked on the weekend what would happen if a masked or veiled man turned up at a polling station. In response to that question, he said that the returning officer would ask the individual to uncover his face and if he refused, he would not be allowed to cast his ballot.

Do you agree with that approach?

Mr. Marc Mayrand: That's one possibility, but again, I would remind you of the instructions that I gave to my staff earlier this week: any veiled individual will be required to uncover his face to establish his or her eligibility before being allowed to vote.

Mr. Michel Guimond: So then, veiled women will be required to uncover their face in the presence of the returning officer, whether male or female?

Mr. Marc Mayrand: They will be asked to uncover their face in a manner that is respectful of their beliefs.

Mr. Michel Guimond: What about a veiled man who shows up to vote? Certainly you can see the potential problems with this situation. The most obvious one is that twice during your press conference, and again today in your statement, you appeal to citizens' sense of civic duty. You concluded your statement today on the following note:

I remain confident that next Monday's vote will proceed smoothly in the three ridings of [...]

Why did you feel compelled to say that? I've been an MP since 1993. I've lived through by-elections and general elections, but I have never seen Canada's Chief Electoral Officer feel compelled to say he hoped elections would proceed smoothly. Perhaps it is because you fear the situation could get out of hand.

Mr. Marc Mayrand: I don't deny that.

Mr. Michel Guimond: You don't.

Mr. Marc Mayrand: No, but just let me say this. This issue has been widely debated by the media over the past few days. Every political leader has since voiced his opinion on the subject, with various solutions having been proposed. I think people have made their views known and that all citizens have been informed about the situation. Your presence here today shows that you are keenly interested in making some adjustments and in seeing Parliament, when it reconvenes, make the amendments it deems appropriate at that time. Therefore, under the circumstances and in light of the positions adopted by the parties and their desire to amend the Act in due course, the public will hopefully have understood that this matter will need to be given priority consideration when Parliament resumes sitting.

Mr. Michel Guimond: Why is there agreement on this issue in Quebec? In what way is Quebec's Election Act so different from the federal Elections Act that Mr. Blanchet, on the eve of the March 2007 elections in Quebec and faced with the threat of matters getting out of control, used his adaptation powers—perhaps that is not the terminology used in the Quebec act—to dispel any ambiguity and to reiterate that anyone wishing to vote must agree to uncover their face? This same rule will apply in the upcoming September 24 by-election in the Quebec riding of Charlevoix. If there is agreement on this issue in Quebec, why do you persist in not clarifying this so-called interpretation error?

Mr. Marc Mayrand: Let me say again that neither the federal nor the provincial act requires an individual to uncover his or her face. Mr. Blanchet made a decision, based on specific circumstances and a given legal framework. Any decisions that I make must be in accordance with the framework set out for this office by Parliament and I intend to respect that framework.

• (1040)

[English]

The Chair: Thank you.

The time is up on that. Perhaps we can get to the rest of the questions in the second round.

Mr. Dewar, I don't have you on my list, but I'm going to offer you the opportunity. Do you want to be on the list?

Mr. Paul Dewar (Ottawa Centre, NDP): I sure do.

The Chair: Then it's my pleasure to offer you, as is appropriate at this time—

Mr. Paul Dewar: I thought it just was going to be a natural round. I apologize.

The Chair: Of course. It's not a problem.

Mr. Dewar, you have seven minutes.

Mr. Paul Dewar: Thank you.

Thank you, Mr. Mayrand, for being here today and for your team. Some of them have been before this committee before. Thank you for taking the time to speak with us today.

I want to start off with your comments about the extraordinary powers. Notwithstanding what your comments are, from my point of view it's a question of interpretation. I respectfully disagree with some of that interpretation, but it's good to have it out here.

I am pleased to see in the beginning of your comments that it's very clear that you're instructing that in the case of an elector whose face is covered, they must remove the covering. That's pretty explicit. Then we get into the machinations of scenarios in which someone could actually refuse to, and that's where the disagreement is. People agree that there should be unveiling; it's a question of what happens if they don't.

This also might be a question on the lack of due diligence on the part of this committee, I would submit as well, and on the part of the Senate as well, because I happen to know—We read in the papers last May an article in the *National Post* about a question around this, so it was known. It was out there. You expressed that; you communicated with the government on this. It's funny enough that just around this time it becomes an issue.

To put it in context, I just came back from Morocco. I was part of an international election observation team invited in by the Government of Morocco. Do you know what? They have veils, and they vote, and it's not a problem. It was very interesting for me, having gone through that experience. I have some literature here of women who are part of the electoral process there. There's consensus there. We made a recommendation of perhaps having more women in the polls. I'll share that with you, because I know through your report last year that Elections Canada did some good work on the issue of ethnocultural groups voting and to encourage—and I really want to underline that we're here to do that, to encourage people to vote, and I want to share that with my colleagues.

We opposed this bill, for the record. The NDP had problems because, as you know, birthdate information was going to be shared not only with all poll clerks, but with all political parties, if the bill went through the way it was amended. I'm concerned, Mr. Mayrand, that my colleagues were more concerned around this table about getting their hands on birthdate information than they were about the details of how this bill would play out—

The Chair: Order.

Mr. Dewar, could we focus on the issue of veils?

Mr. Paul Dewar: I absolutely am—

The Chair: I don't want to re-debate the issues of the past. Stay on the veils issue.

Mr. Paul Dewar: I think it's important to talk about the contents of the bill. Part of the bill before, when we were looking at it, was how birthdate information—

The Chair: That's fair. Let's focus on veils—

Mr. Paul Dewar: The consultation, and that's what I'm getting to, wasn't.... We didn't reach far enough. I asked to have more witnesses. You mentioned people from first nations, people who are students, and people who are homeless. It was we who asked for those witnesses, and they gave us good testimony. It was fully ignored, because.... They're going to have problems. There's going to be a court challenge on this bill. We know that.

My question to you is whether you have received any concerns from everyday people about voting and the veil to date. Have you been phoned and questioned by citizens of Canada about voting and the veil?

Mr. Marc Mayrand: We've received several phone calls and inquiries, e-mails, most of them opposing the notion of having electors voting with a veil on.

Mr. Paul Dewar: Okay. And your response was "We will ask them to uncover."

What I would like to ask you as well is whether, when you responded to them, anyone asked you whether there had been cases of voter fraud in the past, and whether there had been any voter fraud in the past with women voting with the veil.

Maybe I'll just ask you: has there been any voter fraud with women voting with the veil in the past?

Mr. Marc Mayrand: Again, I think we've been.... This year we celebrated 140 years of this confederation, and in that time we've never had an issue with veiled electors or veiled women.

●(1045)

Mr. Paul Dewar: Thank you.

I want to underline that, because, Chair, I asked the Chief Electoral Officer, when we were looking at this bill, which I think was ill-conceived, how many cases of voter fraud we've had in the last number of elections. He didn't identify it as a problem.

In fact, I would submit there is more of a problem in the integrity of candidates who run for one party and switch to the other. That's the real concern I have, and I think Canadians have, when they wake up in the morning.

I want to clear the air on another issue on the bill. There has been some suggestion that this issue has somehow been tied to the issue of election financing. I want to know whether you can comment on that. Has there been any connection for you with that?

The Chair: Order.

Mr. Dewar, I was very clear in my instructions that we keep this comment around the veil issue. I have given you a lot of leeway to debate your case again, which we all heard in Parliament last year. We're already down to less than a minute, so I'm going to move on. Thank you.

We're going to go to our second round, colleagues. We have a number of witnesses coming in at eleven, so we have a limited time. We're going to go to five-minute rounds.

Madam Redman, please.

Hon. Karen Redman (Kitchener Centre, Lib.): Thank you, Mr. Chair, and welcome, Monsieur Mayrand and company.

I think it's very appropriate that we're having this conversation, and it's one of the reasons I supported the motion to ask you to come before us. I want to point out, for people who are watching this on television, that we have indeed had a change in the legislation. The change in the legislation, from my perspective as a member of this committee, was very much to make sure there was clarity in voting and fairness to all electors in being able to vote.

You've done a very succinct job of outlining the three ways in which any elector can identify themselves. One is the photo ID.

I would underscore that I don't think we anticipated this issue. But you've been very clear that you not only made this kind of intervention to the Senate committee when they listened to this, but indeed had contacted the clerk of this committee, as well as the Privy Council.

My first question—and I'd like to split my time with Mr. McGuinty, so I'll try to be quick: is it unusual to have no response from PCO, given that this correspondence was done at the beginning of August?

One of the reasons we're dealing with this issue right now is that, despite the fact that the procedure and House affairs committee was reconvened for an entirely different matter, the government members felt this was of such an urgent nature, because the by-elections were this coming Monday, that it had to be dealt with forthwith.

I've seen many representatives of PCO in the room while we've been having these committee meetings, so it certainly is a topic of interest to them now.

I'm wondering, is it unusual to have heard nothing from PCO when you gave this interpretation of the law?

Mr. Marc Mayrand: Again, I invited the committee, the parties, and the government to provide me with any advice or input on this matter. Unfortunately, for I imagine a whole range of reasons, I did not get any comments.

Hon. Karen Redman: I would give the rest of my time to Mr. McGuinty, Chair.

The Chair: Certainly.

Mr. David McGuinty (Ottawa South, Lib.): How is my time, Mr. Chair? Three minutes?

●(1050)

The Chair: Two and a half.

Mr. David McGuinty: Monsieur Mayrand, I'd just like to go the heart of the comments made recently by the Prime Minister in Sydney.

I'm going to quote him. He said that visual identification of voters is the purpose of this law. Then he said that it concerned him "because the role of Elections Canada is not to make its own laws; it's to put into place the laws that Parliament has passed". Those are two direct quotes.

It's interesting, because, to many Canadians, Mr. Harper came to town as the new prime minister promising to break up judges, boards, agencies, and commissions that didn't abide by the will of Parliament. Here we have a succinct brief that clearly indicates—not at all in line with Mr. Lukiwski's comments about this being a literal interpretation—that you have made an interpretation within the four corners of the statute under which you operate. And now we have a prime minister who is publicly chiding you—and, I would suggest, possibly even manufacturing a crisis—because he's not happy about the fact that you're not interpreting the law differently.

First he says that we shouldn't have boards, agencies, and commissions that are simply blue sky and flying by the seat of their pants, or making new laws against the wishes of Parliament. You come and tell us that you in fact are bound by the will of Parliament. You've been perfectly clear as an officer of Parliament here in this testimony.

How did you react when you heard the Prime Minister's comments? First of all, he doesn't understand the act. And, secondly, he's telling you that he doesn't agree with your own interpretation, because it doesn't suit his own purposes.

What are Canadians to make of this?

Mr. Marc Mayrand: I'm not in a position to comment on the comments of the Prime Minister. I can only reiterate that the act does not require visual identification. That is the state of the law.

One of the conundrums I have here is that I'm being asked to change the law, which was just adopted by Parliament and I think was debated at length. That's my conundrum. I'm being asked to change the law and to force electors to choose between two fundamental rights.

I don't think it's up to an agent of Parliament to do that kind of adjustment to a piece of legislation—and that's for respect for Parliament.

Mr. David McGuinty: Can anything change by Monday, Mr. Mayrand?

The PCO received a brief from you some five or six weeks ago. The PCO is the department of the Prime Minister. They have been notified in writing that this issue is outstanding. Silence is acquiescence, I would argue. Silence is acquiescence. They knew about it. The Prime Minister knew about it. This caucus knew about it. The government knew about it. He called the by-election dates. Clearly, the Prime Minister and his staff have known about this for weeks.

Why is it that in off-the-cuff remarks—which are clearly unfounded and wrong—the Prime Minister attacks you and your organization during a photo op with the Prime Minister of Australia?

What are Canadians to make of this?

Mr. Marc Mayrand: I'm sorry, I don't have any comments on this matter. I think it would be better put to the Prime Minister.

The Chair: Okay, thank you.

That round is over.

We're going to go for five minutes to Mr. Poilievre.

[*Translation*]

Mr. Pierre Poilievre: Mr. Chairman, our Liberal colleagues are now trying to say that they disagree, that your interpretation is incorrect. Three days ago, they endorsed a letter from another committee that argued your interpretation was incorrect. This committee wrote to you to ask you to change your position on the issue of veiled voters. Earlier, you said that you wanted Parliament to instruct you as to how to proceed. We have done so. We are elected officials. Why not comply with the decision unanimously agreed to by all members of this committee?

Mr. Marc Mayrand: There is a fundamental issue at stake here. As I said earlier this week, the rule of law continues to apply in Canada. Until such time as the act is amended in accordance with the usual parliamentary rules, I cannot take it upon myself to amend the legislation. I have yet to see a legal opinion of some kind that would suggest a different interpretation of the act.

Mr. Pierre Poilievre: However, you indicated that you would like to be instructed by elected representatives as to how to proceed. We have done so in a very clearly drafted letter. You have the authority to adapt the act. Why then not exercise that authority? By law, you have that authority and you can exercise it at any time. We're telling you that now is the best time to exercise this power and you're ignoring our wishes. Why?

Mr. Marc Mayrand: I have carefully weighed all of the suggestions that have been made to me thus far. The authority to adapt the legislation should only be exercised under exceptional circumstances. I have the power to amend legislation, even though it may have been adopted a certain way by Parliament. However, if you read subsection 17(1) of the act, you will note that this power must be exercised only under exceptional circumstances. You will also note that generally speaking, pursuant to subsection 17(1), any adaptation measures that may be taken should be aimed at facilitating the voting process.

In this particular instance, I'm being asked to restrict or compel electors to choose between two fundamental rights granted to them by our Constitution. In my opinion, it is not up to an officer of Parliament to make this choice. I urge Parliament to review the provisions of the act without delay, to examine the legislation after hearing from members of the public and from stakeholders and from making those amendments it deems appropriate.

● (1055)

[*English*]

Mr. Pierre Poilievre: You warned the Liberal Senate that this problem might exist in the law. The Liberal Senate did absolutely nothing to change the law.

Some hon. members: Oh, oh!

Mr. Pierre Poilievre: I see there's some protest over there from the Liberals, who are now embarrassed by that fact.

Our interpretation has remained the same from the beginning. Our interpretation on the government side is that you have the power to force people to show their faces under the existing law. So your warnings do not have any importance to us, because we disagree with your interpretation.

You have said that you could prevent somebody from voting who wore a hockey mask, or any other form of face covering. So you have that power right now; you've conceded that you have that power. You've been instructed to use that power by a group of democratically elected members on this committee. Why don't you?

The Chair: Just a short answer, please, because we're out of time.

Mr. Marc Mayrand: If I may, Mr. Chairman, I will point out a recent decision by the Alberta Court of Appeal, where in one case the court found that the requirements for photo identity on drivers' licences infringed on the constitutional rights of citizens. Therefore, the court ordered the government to establish a new system of identification that would balance the right of the state as well as the rights of individuals who, for religious beliefs, would not have their photographs taken.

I must say this is also a matter that I need to consider when I'm being asked to adapt the law.

The Chair: Thank you very much.

Next on our list—again for a five-minute round—is Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: Thank you, Mr. Chairman.

Mr. Mayrand, in response to a question from Mr. Poilievre about your interpretation of subsection 17(1), you indicated that modifications should only be made under exceptional circumstances, and only to facilitate the voting process. Is that correct?

Mr. Marc Mayrand: Yes.

Mr. Michel Guimond: I have here a list of 17 cases in which this authority was exercised. On one occasion, section 64 of the act was adapted to "Remove the statutory requirement that the notice of grant of poll set out the addresses of the candidates and their official agents."

In your opinion, does the act of removing the addresses of the candidates and their official agents from the notice of grant of poll constitute an exceptional circumstance, within the meaning of subsection 17(1)?

Mr. Marc Mayrand: I believe this provision was adapted because of security concerns for individuals participating in the electoral process. In this instance, adapting the act was completely justifiable.

Mr. Michel Guimond: As you know, Morocco was in the midst of an election campaign between August 25 and September 7 or 9 of this year. As you also know, 98% of this country's population is Muslim. How did women go about voting in their country's election? Are you aware of the procedures that were followed?

Mr. Marc Mayrand: I'm not aware of what happened during Morocco's election.

Mr. Michel Guimond: I would advise you to contact that country's chief electoral officer. I can tell you that women did not cover their faces when they voted, despite the fact that 98%—or 99%, depending on which database you consult—of Morocco's population is Muslim.

In this particular instance, the Muslim community has not made any requests of you. You are doing more than what is being asked of you. Did you receive any representations from Quebec's or Canada's Muslim community?

• (1100)

Mr. Marc Mayrand: Let me clarify two things. Based on my understanding of Morocco's electoral system, there are two distinct voting procedures for men and women, thereby ensuring that religious beliefs are respected. I think that if I were to allow for something similar, I would quickly be accused of making new reasonable accommodations. Here again, in my view, it should be left to elected representatives, and not to the Chief Electoral Officer, to settle this matter.

Mr. Michel Guimond: There is agreement on this issue in Quebec. To your knowledge, was Marcel Blanchet, Quebec's Chief Electoral Officer, accused of making new reasonable accommodations?

Mr. Marc Mayrand: Again, we are talking about a different system. However, I would point out that the provincial legislation allows veiled individuals to vote. As I see it, it is incumbent on legislators to amend the act.

Mr. Michel Guimond: I would like to focus on the possibility of the situation getting out of hand, which, by the way, the Bloc hopes does not happen.

According to some news reports over the weekend, on Saturday, in the riding of Outremont, five women had dressed in burqas and had gone to vote without uncovering their face. Subsequently, they spoke to the press and encouraged all women and individuals to do likewise.

Do you understand, sir, that by making this decision, you run the risk of having the situation get out of hand, and that people's democratic right to vote might be violated?

Mr. Marc Mayrand: Again, I have to say that identification rules have been followed during the voting process which began a week ago and that in my opinion, the public has made its position clearly known as to what the electoral process should be.

Political officials have indicated that they intend to review the rules of the electoral system. In light of this fact, there is no need to continue to stage protests which occasionally could violate people's dignity and be disrespectful toward others.

Mr. Michel Guimond: I have a question for you, one to which I already know the answer. My legal background always leads me to ask witnesses a question to which I already know the answer, rather than one based on hearsay.

Is it in fact true that the Bloc Québécois representative who participated in the party advisory committee conference call on July 26 2007 said that the question of individuals having to uncover their face to vote was not in dispute in Quebec and had not been since the March 2007 elections, further to a decision made by Mr. Marcel Blanchet, Quebec's Chief Electoral Officer? Did the Bloc Québécois make mention of that fact?

Mr. Marc Mayrand: We took some very detailed notes during this conference call. I repeat that no objections, protests or discussions ensued over the issue of veiled voters.

[English]

The Chair: Thank you.

We are out of time on that round. I wanted to let it go so Monsieur Guimond could get his answer.

Mr. Dewar is the last questioner on the list and then we are finished. We are already running a little over time, and out of respect for our witnesses this will be the last round.

Mr. Dewar, please.

Mr. Paul Dewar: I will be quick, Chair. Thank you.

I have a point of clarification and then a question. In the Moroccan elections—and I have the observations report and recommendations—just to be clear, they have a separate voting list for women but they don't have a separate voting situation for women. All citizens vote in the same polling station. We can talk later about that, but just to be clear, they do unveil and show their faces, and they have a way of doing that and it works. There are some other concerns about Morocco, but that's for another day.

I want to ask a question on the issue of consultation. I think that's really what is missing here. We've heard from members of the community that they were never asked about this issue. The government recently released a public consultation on democratic institutions and practices. They spent about a million dollars on it and it was just released yesterday. There are other documents they claim to be consulting Canadians on. Are you aware of any consultation with the Muslim community on voting and the veil? Do you have any paper on that? Do you know of any instance when either the government or the committee or your office actually consulted the Muslim community, or anyone, before this became an issue?

• (1105)

Mr. Marc Mayrand: Prior to the enactment of Bill C-31, I'm not aware of any public consultation. There may have been, but I'm not aware of it.

Mr. Paul Dewar: I'm not either, and that's why I brought it up, because I think it's important for people to know that up until recently there was no consultation, there was no concern. I just wanted that on the record.

Thank you very much.

The Chair: Colleagues, that ends the second round, and we are in fact out of time.

First of all, let me thank you and your team, Monsieur Mayrand, for coming to the committee on short notice to answer our questions

Mr. Pierre Poilievre: On a point of order, Chair.

The Chair: A point of order?

Mr. Pierre Poilievre: Yes. I believe there's some confusion as to the will of this committee among the witness panel. I have here a motion for unanimous consent to clarify the committee's will.

Some hon. members: Oh, oh!

The Chair: Excuse me. Order, folks. Thank you, I'm the chair.

I'm sorry, Mr. Poilievre, we are not allowed to introduce a motion on a point of order.

What we can do now, though, is continue with the thank you by the committee here today.

We're going to take a two-minute suspension of the meeting so that we can move one panel of witnesses out and get the new witnesses in.

Thank you.

• _____ (Pause) _____

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• (1115)

The Chair: Colleagues, we'll begin the second part of our meeting. We are running 15 minutes behind, so I will just give advance warning that I will end this meeting at 12:15 so that we do in fact have a reasonable time to get through our work.

We have a number of witnesses before us today, and I certainly appreciate everyone coming on incredibly short notice. You have the compliments of the entire committee for being here.

I will restrict opening comments to one minute. You can include your name, the organization you represent, and anything else you want to say, up to one minute. You will see my hand go up, and that will be the one minute, and that will be your time. I don't want to be rude, but we have a lot to cover. So let's try to do that. Then the members will have an opportunity to ask you questions, through which you may finish anything you didn't get a chance to say.

Having said that, let's begin our meeting. If you could please start, we'll just go around and then we'll begin our questions.

Mrs. Alia Hogben (Executive Director, Canadian Council of Muslim Women): My name is Alia Hogben. I'm the executive director of the Canadian Council of Muslim Women.

It is most unfortunate that the apparent confusion of the Chief Electoral Officer, Parliament, and this committee—including that concerning the recent 2007 bill regarding photo ID and other forms of identification—has been framed as a Muslim issue.

From what I understand, Monsieur Mayrand was being well-intentioned and thoughtful about veiled Muslim women. Sadly, this focus has exacerbated the anti-Muslim sentiment and has made this into another bad example of how Muslims are seeking accommodation, when in fact the confusion is the result of unclear directions and the act and its options.

This issue should be dealt with as a Canadian issue of encouraging voting, and as security versus human rights issues. The rationale for changes becomes understandable if these concerns are addressed for all Canadians.

Do not, please, make this an issue for Muslims only, as Muslim women are willing to show their faces. They accept the importance of voting.

Thank you.

The Chair: Perfect. Well done. Thank you.

Ms. Farzana Hassan (President, Muslim Canadian Congress): My name is Farzana Hassan. I'm the current president of the Muslim Canadian Congress.

The Muslim Canadian Congress is opposed to the burka or the niqab or the complete veiling of women in public spaces.

We are suggesting that the burka be banned, especially in the electoral process, in which openness and freedom need to be guaranteed. We need to ensure the integrity of the electoral process.

It is imperative that whoever is physically present in the electoral process should be able to identify themselves. It is not a requirement of Islam that Muslim women stay covered completely. They would be more than willing to lift their veils if that is the requirement.

I would also like to speak a bit about the social backdrop that allows the veil in public spaces. It's very difficult for Muslim women

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• (1120)

The Chair: I'm sorry. There will be time for you to finish that. I appreciate it very much.

Again, I apologize for our time constraints.

Next, please.

Mr. Sohail Raza (Communications Director, Muslim Canadian Congress): My name is Sohail Raza. I'm the communications director of the Muslim Canadian Congress.

Mr. Chairman, post-9/11 analysts agree that there is a tiny minority among Muslims who hold extremist views. This tiny minority exerts pressures on the silent majority as far as religiosity is concerned and holds them hostage. Today Elections Canada is being held hostage by the same tiny minority in allowing the veil to be used as a tool of misinformation.

We in the Muslim Canadian Congress are opposed to the term "veiled Muslim women". The veil is no part of Islam but a cultural part of certain countries for varied reasons.

While we are fighting the Taliban on the ground, why are you adopting their ideology at home?

Thank you.

The Chair: Thank you very much.

Next, please.

Ms. Raheel Raza (Journalist and Author, As an Individual): Good morning, Mr. Chairman.

My name is Raheel Raza. I am president of the Forum For Learning, an author, and a journalist.

As I came here today, I discovered that since September 2007, photo ID is mandatory at all airports, even for domestic flights. Right here, before entering this building, we had to show photo ID. So showing the face is a very important form of identification.

You've already heard that covering the face is not a religious mandate in Islam; it is purely cultural. If it is cultural, the question I want to ask is, how many cultures is Elections Canada going to

accommodate? There are over fifty cultures living here in Canada. This is going to become a can of worms in the next ten years.

Secondly, by using the terms "Muslim women" and "the veil", Elections Canada is inferring that women who wear the veil are modest and those who do not aren't. Therefore, I have an issue with using terms such as Muslim women and the veil.

They can decide who can and cannot vote. But if Elections Canada mandates that people with their faces covered can vote, then perhaps it's time to wake up and smell the coffee, and think about changing the legislation for the security of this country, because in a post-9/11 world, the most important thing we have to worry about is the security and public safety of all Canadians.

Thank you.

The Chair: Thank you very much.

Salim.

Mr. Salim Mansur (Professor of Political Science, University of Western Ontario, As an Individual): Good afternoon, Mr. Chairman and members of the committee.

My name is Salim Mansur and I am from the University of Western Ontario. I represent no one but myself. I was invited late yesterday afternoon, and on very short notice I came here.

The thoughts and sentiments expressed by the speakers before me are pretty much my own. I very much share their views on this matter. I hope we will be able to discuss it on the open floor.

My concern is that the integrity of our electoral system, the heart of our democracy, be protected. I would say that any smidgen of doubt, real or imagined, created in the minds of the electorate that our system could be abused, or is open to abuse, is edging closer to a slippery slope.

Any exception made in this instance on whatever grounds to accommodate, as a display of tolerance or sensitivity to faith-based demands, would set a precedent for future demands, and drip by drip it would render our electoral system vulnerable to abuse.

We have minimal conditions to be met by voters, and those conditions are pretty clearly laid out.

Thank you.

The Chair: Thank you very much.

Salah.

[Translation]

Mr. Salah Basalamah (Member, Présence musulmane Montréal): My name is Salah Basalamah and I am here on behalf of *Présence musulmane*.

Generally speaking, we are not in favour of people wearing the niqab this custom is not rooted in any religious beliefs, but rather reflects a cultural tradition. However, like any democratic person who is respectful of others, we defend a woman's right to wear the niqab. In fact, Muslims who wear the niqab never refuse to comply with legal requirements, whether it be in a voting booth or at a border crossing point, because these are exceptional circumstances and by failing to comply with the law, then run the risk of being charged with an offence.

However, we would like the legislation to remain in effect for four reasons: firstly, because the range of identification measures reflects the State's determination to have the broadest possible cross-section of the population take part in the electoral process; secondly, because applying the provisions of the act enables thousands of individuals to vote by mail without having to identify themselves, and it would be unfortunate to lose that right; thirdly, no Muslim has asked for this special accommodation to be made; and fourthly, because calls for changes to the act are not being made for the right reasons. The psychosocial context in which the debate on reasonable accommodations is unfolding is overly focused on the issue of Muslim women and the wearing of a veil for an exception to be made in the case of the more radical niqab.

• (1125)

[English]

The Chair: Thank you.

Monsieur Côté.

[Translation]

Mr. Pierre F. Côté (Former Chief Electoral Officer, Élections Québec): My name is Pierre F. Côté and for 19 years, I served as Quebec's Chief Electoral Officer. I am now retired.

The issue of voter identification first surfaced in Quebec about ten years ago. Further to a proposal that I made to legislators, it was decided that passports, health insurance cards and drivers' licence would be considered acceptable photo identification. Thus, voters can be correctly identified and mainly this prevents cases of people voting for someone else.

During last March's elections, Quebec's Chief Electoral Officer invoked section 490 of the Quebec Elections Act—the equivalent of section 17 of the Canada Elections Acts—to prohibit individuals from voting if their face was covered. He invoked this provision once again in conjunction with the by-election in Charlevoix.

[English]

The Chair: Merci.

Next please.

Mr. David Harris (Senior Fellow for National Security, Canadian Coalition for Democracies): My name is David Harris. I'm senior fellow for national security.

[Translation]

On behalf of the Canadian Coalition for Democracies, I would like to thank you for this opportunity to address the committee.

[English]

People have covered a good many subjects in this important area. I'm going to confine myself to one very important one that I think is derivative of the rest.

A number of blithe statements have been made about how it might not be appropriate for people fully veiled to appear in polling stations, and so on. That is essentially the position of the Canadian Coalition for Democracies. However, these statements also go on to assume that it is appropriate in some way for females only to be qualified, as government officials, to screen those women wearing veils.

This would, in our view, enlist the government's machinery and its personnel in legitimizing, advancing, and enforcing a sharia-type gender apartheid sensibility and standard. It would be an assault on principles of gender equality, according to our Constitution. It would ban male electoral officials solely on the basis of their gender from performing lawful functions of voter identification, and the implications would proceed from there. Government, its machinery, and people would be required to, in some form, shape themselves to gender apartheid sharia standards.

Thank you.

The Chair: Thank you very much.

Colleagues, we will begin our first round of questioning. Again, it is a seven-minute round. If we could stay focused on the topic, that would be helpful. We have a number of witnesses. It might be helpful if we focused on one or two witnesses rather than comments from all, because that would go over your individual time. However, I leave that up to members to make their own choices.

Monsieur Proulx, you are up first, seven minutes, please, then Mr. Reid, and then Madame Faille.

Mr. Marcel Proulx: Thank you.

I understand, Mr. Chair, that our first seven minutes will be shared with two of my colleagues, if we may.

[Translation]

Good day, ladies and gentlemen.

I have a question for you, Mr. Côté. I understand that you made certain recommendations. I also understand that passports, health insurance cards and drivers' licences all have photo identification.

Are the provisions of Quebec's Elections Act as broad as those of the Canada Elections Act? For example, if an individual arrives at a polling station without a passport, a health insurance card or a driver's licence, is there some way that this person could vote without photo ID?

Mr. Pierre F. Côté: Yes. Pursuant to the Quebec Elections Act, a voter identification verification table is located at the entrance to the polling station, to assist persons who may not have the necessary pieces of identification. The person must be accompanied by someone who can vouch for the fact that this person is indeed who he or she claims to be, that is the person whose name appears on the voters' list.

•(1130)

Mr. Marcel Proulx: I assume that the person willing to vouch for the other person must have proper photo ID.

Mr. Pierre F. Côté: I believe so, but I'm not absolutely certain.

Mr. Marcel Proulx: Mr. Côté, I'm aware of the decisions that were made in Quebec. However, could a veiled woman have a third party vouch for her identify and for the fact that she is indeed the person whose name appears on the voters' list? Even though Quebec's Chief Electoral Officer does not allow that, could this be permitted under the law?

Mr. Pierre F. Côté: I believe so, but Quebec's Chief Electoral Officer felt that given the controversial nature of this matter, it would be more appropriate for him to take a very clear stand.

Mr. Marcel Proulx: Thank you, Mr. Côté. I hope you enjoy your retirement.

[English]

The Chair: Monsieur Patry.

[Translation]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Thank you very much.

Thank you to all of our witnesses. You are all members of civil society and your presence here this morning is very important. The real goal here is to ensure the integrity of the electoral system.

My colleague mentioned health insurance card, passport and driver's licence photographs. Let me relate an amusing story. A year ago, I was on hand for the swearing in of some new Canadian citizens. One of the women in attendance was wearing a niqab. The judge, acting in a very professional manner, simply told her that he could not swear her in as a Canadian citizen because he could not see her face. He then gave her thirty seconds to decide whether or not to become a Canadian citizen. The woman turned to her husband, who nodded his head. She then proceeded to lift her veil.

I, along with all of the political parties represented here this morning, agree on the importance of the identification process.

Are there groups in the country—you talked about pressures coming from a minority—who are pressuring you for changes to be made? Who are these groups?

My riding is home to three mosques where members do not wear the niqab. It seems that there are only between 10 and 18 individuals who do so in the entire province of Quebec.

Are some groups lobbying for the current act not to be amended, or for having all prospective voters uncover their face at the polling station? Do you know of any such groups?

[English]

Ms. Raheel Raza: I understand that across Canada there are only about 300 women who actually cover their faces. While they may not be pushing it, I'd like to mention, in response to what you said, that Morocco has been mentioned, but in an Islamic country like Iran all women have to show their faces before they can cast ballots. So that's something to keep in mind as well.

Women themselves may not be pushing to vote with their faces covered, but certainly there are other organizations that are speaking for them and making this an issue. So the matter of Muslim women and the veil is something that needs to come up. If Elections Canada had a mandate that all Canadians needed to show their faces to vote, one could understand this. But the fact that it has come up with regard to all Muslim women and the veil impacts me directly, and this is why I am here to present my position.

Thank you.

The Chair: Thank you.

Mr. Godfrey, you have two minutes.

Hon. John Godfrey (Don Valley West, Lib.): I suppose one of the reasons we did not pass a law insisting on visual identification is because the pieces of identification accepted by Elections Canada imply a certain kind of discrimination. A person needs to have either a driver's licence, when we don't insist that every citizen have a driver's licence with photo ID; or a passport, when we don't insist that every Canadian, to be a citizen, needs to have a passport with a photo.

Since the law does not mention veiled women and gives three different ways of voting without visual identification, if we insisted—as the Prime Minister seems to be saying—on visual identification through some piece of documentation, which is discriminatory, because not every person has a driver's licence and a passport, would there be people, male or female, in some of the communities you represent who would be excluded from the voting process? Never mind the veil; think about the photo.

•(1135)

Mr. Salim Mansur: I cannot imagine a scenario where a person who wanted to participate in public life through the act of voting wouldn't be able to provide a photo.

Is the point you are raising that the photo should come from a source that has a stamp of the government on it, whatever level of government—a driver's licence, a passport, a Canadian citizenship card, etc.?

Hon. John Godfrey: I'm simply asking whether it is possible, given the state of photo identification in this country, that certain people legitimately wouldn't have it.

The Chair: Thank you.

We are at the end of the first round for that group.

Mr. Reid, you are next, for seven minutes, please.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Chairman.

Thanks to all of our witnesses who are here today.

I can't help noticing that one of the witnesses mentioned she lives on a farm just outside of Kingston, which may make her a constituent, so I have to be especially nice to her as a result.

Someone mentioned that about 300 women in Canada make use of the veil. Did I hear that right? What is the total number of Muslims in Canada, half of whom I assume are women? Could I get answers to those questions as a starting point?

The Chair: I think the answer on the 300 came from Raheel. We'll go there first and then we'll quickly go to the next witness, please.

Is the answer 300 correct?

Ms. Raheel Raza: Yes, the answer is 300. It was in a press release in the newspaper that I got this information. The number of Muslims, I believe, at this point, is 850,000—no, 750,000, I'm told.

Mrs. Alia Hogben: I'm sorry, I'm going to disagree with my friend Raheel. I don't think there are only 300 women in Canada who are wearing the full face veil. I think there are a lot more than that.

You live in Toronto.

I think it's growing. I don't think we can say, as somebody said, that it's a minority within a minority. I think the wearing of the face veil is growing among Muslims. That's one thing.

The number of Muslims in Canada is supposed to be about 650,000 just now. We will grow to about a million in another ten years.

Mr. Scott Reid: Thank you.

Obviously, what I was doing was trying to establish what percentage. Based on this, it would be a somewhat rough guess. It's certainly not, I gather, the majority of Muslim women at this point who would be using the veil.

The concern I have, and I think this is reflected by a number of the people on this committee, is not a fear that Muslim women are going to be using the veil as a way of voting fraudulently. It's that given the very lax parameters the Chief Electoral Officer has adopted with regard to the kinds of identification papers you have to present in order to vote, the additional ability to vote with your face covered would allow other individuals to take advantage of this to vote, effectively without showing their faces and in addition with fraudulent ID.

By way of making this point, I'm sitting here with the list of acceptable documents the Chief Electoral Officer put out for the coming by-elections in Quebec. I just look at the documents issued to members of my own family, which come to my address even though they don't live at my address. I only took ID that comes to female individuals associated with me.

You can use a credit card statement. Well, my mother and I share a credit card, and it comes to my address. She doesn't live with me.

You can use a utility bill, including residential phone, TV, public utilities, hydro, gas, or water. My landlady receives one bill at the house I have in Ottawa. I have a landlady for my house in the riding. She gets the local property tax assessment and another utility bill.

So we're up to about three or four bills now. In addition, you can use things such as transcripts from schools, colleges, or universities, and report cards. No date requirement has been attached to these things.

The Chief Electoral Officer has added that attestations from a number of different authorities—

The Chair: Mr. Reid, excuse me. I wonder if we could just bring it back to the veil thing. Thank you.

Mr. Scott Reid: Right; I'm about to do that, Mr. Chair.

Attestations—not given on prescribed forms, but simply an attestation from somebody that you are so-and-so and live at this address—count as a form of ID.

Given this very broad range of things, the concern that was expressed by, among others, Sheila Copps in a recent article was that this is opening the door to other individuals, who are not necessarily members of the Muslim faith but are simply people who assert, "I have a right to vote with my face covered", to take advantage of the generally very broad rules on ID to vote fraudulently.

I wonder whether any members of the panel could comment on that.

• (1140)

The Chair: I'm going to ask a gentleman at the table to introduce himself and comment, because he hasn't commented yet. Then we'll go to you, ma'am.

Mr. Naresh Raghubeer (Executive Director, Canadian Coalition for Democracies): My name is Naresh Raghubeer. I'm executive director with the Canadian Coalition for Democracies.

Mr. Reid, in response to your question first about the number of women in Canada who wear the veil, I think as parliamentarians we cannot be setting precedents, when we make our laws, based on the current numbers. We have to look at demographics and the changing society we live in and establish laws that are to the benefit of all Canadians, especially considering the changing demographic trends.

On the second point you raised, about the requirement and number of IDs to vote, I think Quebec actually has the best system in Canada. In Quebec, you have to be registered to vote at least five or six days prior—I'm sure I can be corrected—and if you're not on the registration list as a registered voter, you are not eligible to vote on election day, no matter what ID you bring in.

You start by insisting that the registration list be accurate and consistent with all the voters, and then you ensure that the valid ID with photographs is available.

I think we certainly have too many options here, especially for last-minute voting, which may flout the law or the will of Parliament.

I'll leave it there. Thank you.

The Chair: Thank you.

Alia.

Mrs. Alia Hogben: I'd still like to bring out the point of why it is always being discussed as a Muslim issue, first of all, and that any discussion that I've heard today seems to be focusing on us, and second, that you're building more anti-Muslim feelings out there. This has nothing to do with us.

The committee, Parliament, and the Chief Electoral Officer obviously need to have a lot of discussion among themselves. Do it on the basis of fairness, security, and all those things that affect all of us as Canadians, not on our religiosity. I wish you would hear that, instead of it being only about Muslim women and veils.

The Chair: Thank you.

I have another hand up, from Mr. Harris. There are about 20 seconds left, so that will be the end of this round.

Mr. David Harris: It's important to bear in mind when we look at the trends that according to genuinely moderate imams like Imam Palazzi and Imam Kabbani of the Islamic Supreme Council in the United States, they both say that about 80% of Canadian and U.S. mosques are dominated by radicals, frequently those of Saudi disposition.

This does represent an issue, and it does suggest that we may be seeing a lot more of the rejectionism that may be implicit in some of the full facial veiling, and I believe we have to prepare ourselves and govern ourselves accordingly.

[Translation]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Thank you.

I will put my question to you in French and you can listen to the interpretation. First of all, I want to thank the community for being so well represented here, despite the very short notice. We have had occasion to work together in the past and we were very grateful for that opportunity.

You mentioned that we should not be examining this issue from a religious angle. Like the Canadian Council of Muslim Women, you were allotted very little time to speak to this subject. I'd like you to elaborate further on this matter. You said you felt this problem should not be examined from a religious perspective.

[English]

Mrs. Alia Hogben: I think it is not a religious issue. When Muslims go to the most holy of places, which is on the pilgrimage to Mecca and Medina, women have to show their faces. Therefore, the covering of the face is really the interpretation of some people, but it is not a majority decision, nor is it a legal or religious requirement in Islam.

Ms. Farzana Hassan: I will add to that.

Even for women who believe that it is a religious requirement, they would not practice it as rigidly, and if they were asked to comply with a certain regulation, they would. So it's not an issue.

•(1145)

Ms. Raheel Raza: I would like to start by asking another question and saying that this is a secular country where there's separation between state and religion, so why is Elections Canada using this terminology about Muslim women and the veil? This is my question to them. Obviously, they have misunderstood this whole concept. Why should it even be brought up?

Elections are for all Canadians, men and women of every culture and every nationality. Whatever rules are made should apply in a democratic way to everybody, not only to a small religious group.

The Chair: I see a number of other people wanting to answer. Are you comfortable with allowing them to go on?

Ms. Meili Faille: Yes.

Mr. Salim Mansur: I would say to the members that none of these decisions can be made in a vacuum. We are living in a world where there are reverberations all around, and I hope the members of

this committee and members of Parliament as a whole recognize that there's a huge ferment, a great turmoil taking place in the Muslim world, and Canadian Muslims are not excluded from that turmoil.

The folks who practice the custom of veiling are a minority and are also people who preach a very extreme version of Islam, which would then be sanctioned and would be given approval and legitimacy by an act of Parliament that would then have redounding effects in other spheres of activity right across our society.

Do we want a segregated society?

The Chair: We still have more people. Would you like to go to your next question?

[Translation]

Ms. Meili Faille: I have another question.

Thank you for expressing your opinion so forcefully. Do you recall if either the Office of the Chief Electoral Officer or Elections Canada initiated any consultations on this matter in the past two years? Have you been consulted?

[English]

The Chair: Raheel.

Ms. Raheel Raza: No, we have not been consulted.

Mr. Naresh Raghubeer: On that consultation, there was a report in the *Toronto Sun* newspaper that Elections Canada did consult on the telephone with the group called the Canadian Council on American-Islamic Relations, CAIR-CAN. I've submitted a copy of that news article to Madame Faille to review.

The Chair: Thank you.

Madame Faille, you have two minutes left.

[Translation]

Ms. Meili Faille: I have the article here in front of me. The organization's representative, Mr. John Enright, says that officials with the Canadian Council on American-Islamic Relations were consulted and that no other group was contacted.

Do you feel that the decision made this week by the Chief Electoral Officer is unreasonable? Am I to understand that you feel that way? Do you feel that his decision was somewhat premature?

[English]

Mr. Sohail Raza: First of all, that's a committee for American-Islamic relations. It has nothing to do with Canada, so I would rather the Canadian-Islamic organizations be consulted. Secondly, they don't speak for the majority of people. They are the tiny minority I mentioned in my initial address. So we have to be very careful about who we deal with, and see where their funding is from. If the funding is coming from countries that are questionable, then the Canadian government should take note of that.

Has the committee thought of a voter's registration card, as they have in the United States? That would probably solve a couple of problems.

The Chair: Please, just jump in and start answering.

Ms. Farzana Hassan: I believe that very organization that was consulted has in fact retracted their position. They've been out in the media saying it's not a requirement for women to be veiled.

My question is, how are you going to ensure that the same veiled person is not going to vote a multiple number of times using different identifications? Unless identification can be connected to the person voting, it is useless. So if there isn't legislation in place at the moment for voters to identify themselves visually, there should be, and that's what I'm proposing here.

• (1150)

The Chair: Thank you very much.

We've got one second left in that round, so we'll just stop it there.

I would remind witnesses that although we appreciate your comments, the questions are for the members. Therein lies the struggle that we have before us.

Mr. Dewar, go ahead, please, for seven minutes.

Mr. Paul Dewar: Thank you, Chair.

I want to start off by thanking our guests for coming on what was extremely short notice. We have people coming from out of town, and I do appreciate your taking the time to come, and for providing what I think is a really interesting array of opinions. It's too bad we didn't have this consultation before. I just say that for all of us. I guess that's where I'd like to start.

I asked the previous witness, the Chief Electoral Officer, if there had been any consultations at all with the community. I also want to underline—and I'm glad it was already brought up—that this should not be about religion. That's the wrong path to go down. This should be about what's required when you vote. I simply brought up the example of Morocco because I just returned from there. It wasn't about religion. It so happens that veiled women show up, and they are required to unveil, but that applies right across the board. I saw it with my own eyes.

So my question is, to help us here as legislators—and maybe I'll start with Ms. Hogben—what do you think the law should be?

Mrs. Alia Hogben: I seem to be repeating myself, I think, even this discussion again. There is no one Muslim community; there are Muslim communities. I think CAIR Canada has their own opinions, and they can express them. I don't think they are an illegitimate group.

You're hearing different opinions today, but I think certain fundamentals should be heard here. One is that we're not one monolithic community; you'll get different and diverse opinions. Secondly, I think I agree with you that it should not be on religious grounds. And thirdly, I'm really making the point over and over again that this discussion should not be focusing on Muslim women, veiled or unveiled.

And to answer your question, if the Elections Act itself has three options, then, as a committee of Parliament with the obligation, you have to look at whether you want those three options. If it means changing it so that people can't vote by mail, then that's your responsibility. But you have to look at it from the point of view of security, human rights, encouraging voting, all those things, not to do with us as Muslims, please.

The Chair: Thank you.

Mr. Mansur, do you want to speak to this?

Mr. Salim Mansur: Yes, very briefly.

I concur with Madam Hogben that this is not a Muslim issue, but it becomes a Muslim issue if concessions are made for folks who are of a particular faith tradition and practising a particular custom. So it cannot be divorced as it is, so they come down to it.

I would say we are Canadian and we have a Canadian standard. Anyone who participates in Canadian democracy must meet those minimum standards, with no exception.

The Chair: Thank you.

Mr. Basalamah, then Mr. Côté.

[*Translation*]

Mr. Salah Basalamah: As I see it, if the law is amended, then Muslims will become involved. The act would only be amended in response to pressure from hooligans—and this type of sentiment has surfaced in Quebec. These hooligans have an abiding hatred for Muslim extremism, and I can understand why they may feel this way. However, this hatred is directed toward the entire Muslim community and amending the act would send a negative message to the whole community, not just to the women who wear the niqab. Such a move would convey a poor message and would prove unwise in the long term.

Mr. Pierre F. Côté: In my view, the Canada Elections Act should state very clearly that in addition to having one's name on the voter registration list, one must be able to present some identification in order to exercise one's right to vote. Quite clearly, the identification issue currently being discussed has nothing to do with religion. I maintain that at this point in time, the federal Chief Electoral Officer should invoke section 17 of the Canada Elections Act which allows him, much like Quebec's Chief Electoral Officer, to require veiled women to uncover their face in order to exercise their right to vote.

• (1155)

[*English*]

The Chair: Thank you.

Mr. Dewar, you have two minutes left if you would like to take them.

Mr. Paul Dewar: No, I think that's the heart of the matter for me. I think it's important to note there's a consensus here, and sadly that didn't happen when we were looking at the bill.

The Chair: Thank you very much.

Next on my list is Madam Redman. We're on our second round of questions, so these are five-minute rounds.

Madam Redman, please.

Hon. Karen Redman: Thank you, Mr. Chair.

I want to thank all the witnesses here today. You are incredibly articulate, and I would agree with Mr. Dewar; I wish we'd had these discussions in this committee last spring. This is a change in legislation in somewhat new territory.

I would suggest to you that Monsieur Mayrand was also very articulate and quite explicit in what he's willing to do. It seems to me that we have come down to a juncture where he is saying the legislation needs to be changed. And as much as some of my Conservative colleagues may wish that we indeed were Parliament, we are not Parliament; any motion or decision that is made by a committee only receives sanction by the House of Parliament, and to change legislation would also involve the Senate. So I would suggest to you that it is very naive to hold out any kind of hope that what happens at this committee is going to compel Monsieur Mayrand or indeed change legislation before the by-elections that are occurring this Monday.

That said, it seems to me that what we're down to is a difference between requesting anyone with a veil to expose their face, and what I'm hearing from the vast majority of you, if not unanimity, is that Muslim women are used to exposing their faces and therefore would, in all likelihood, comply. So it's a difference between requesting and compelling people to do that. I think we've more than established the fact that there are a variety of ways to vote and that, indeed, photo ID is somewhat new in the Canadian electoral system, which hence is probably why we're dealing with something that we should have anticipated but as a committee did not.

A comment has been made that the accommodation that Monsieur Mayrand is willing to do to employ more females in polling stations in order to add to the comfort of females who are going to comply with the request to be visually identified with their photo ID was in some way acquiescing to some of the darker natures of some of the cultural things that are often associated with the Muslim community. I thought that was a somewhat sympathetic, reasonable accommodation, and I would just like to hear from all of you, or any of you. I believe it was Mr. Harris who actually made that comment. I was somewhat taken aback by that. I would just ask for a reaction.

The Chair: If I could just allow Mr. Harris to comment, since he was mentioned, he'll have the first option on the floor, and then we'll go to Madam Raza.

Mr. David Harris: Thank you for that question.

The Canadian Coalition for Democracies has worked with a number of Muslim women's groups and Muslim women who have undertaken a courageous combat against the effort by radical fundamentalists to impose upon them, in Ontario, sharia law. Essentially, it was in that spirit that I made those remarks, and I find it dismaying to think that an agency of government might wind up inadvertently facilitating exactly those kinds of standards imposed upon the Islamic community of Canada.

The Chair: Thank you.

Madam Raza, please.

Ms. Raheel Raza: I agree with Mr. Harris that there should be no exceptions, because this is perceived on the outside that there is a very fine line between accommodation and nuisance value. The people here may not be aware of the fact that this creates a sort of angst against the Muslim community when this continues to be a Muslim issue. So accommodation is not acceptable. There has to be one rule for all, because we don't want it to become a situation like some countries in Europe where eventually the burka and the veil

were banned, with respect to those women who want to continue to wear those clothes.

Certainly we have this idea that there should be no accommodation in this.

Thank you.

The Chair: Are there any further comments on that?

We're back to Madam Redman, please.

Hon. Karen Redman: We may be straying into an area you are less comfortable with, but I trust you were in the room earlier when my colleague Mr. McGuinty actually quoted some of the statements made by the Prime Minister. I am just wondering, from your perspective, if ratcheting this up and creating this crisis and this absolute necessity, this emergency that we deal with this on the threshold of a by-election, has been helpful or harmful to the whole situation and to the broader Muslim community in Canada.

● (1200)

Ms. Farzana Hassan: Our whole argument is that there is absolutely no need for this sort of accommodation. It's not required by the Muslims.

My issue is also with setting a precedent for these exceptions. If we set a precedent for this exception, we will be accommodating other exceptions, and then the exceptions won't remain exceptions any more.

The Chair: We are out of time on that.

As a clarification from the chair, the accommodation that Madam Redman was talking about, I believe, was the Chief Electoral Officer's ability to accommodate. Your accommodation is suggesting that there is no need, because all women would reveal themselves, since it's not a religious issue.

Thank you very much.

We are still on our second round, which is a five-minute round, please.

Monsieur Poilievre.

Mr. Pierre Poilievre: I think that our witnesses have made fine presentations. I thank them for being here. I think we can all forgive them for being somewhat baffled by the interventions of the official opposition, who are suggesting that the problems we're discussing today are the result of legislation they helped to write, and voted for, and approved at the Senate level.

But in order to clarify where Parliament is coming from—and I think clarification is needed, after this morning's testimony by the Chief Electoral Officer—and given that there seems to be a clear consensus among our witnesses and that every party has had a chance to pose some questions, I would like to move a motion. This motion will clearly indicate—

The Chair: Excuse me, Mr. Poilievre. Can you confirm that the motion relates to this matter?

Mr. Pierre Poilievre: Yes, it does. And because it relates to this matter, the rules of notice permit that it be introduced right now.

The Chair: Absolutely. I agree.

I'll hear it.

Mr. Pierre Poilievre: I have a motion here with me. It's meant to signal, very clearly—and this is the first time we have signalled in these terms—the following: that the committee call on the Chief Electoral Officer to use his powers of adaptation to require electors to show their faces before being permitted to vote at voting stations across the country.

The Chair: Do you have that written down?

Mr. Pierre Poilievre: I do. It has been amended in handwriting—

The Chair: I wonder if I could just take a few minutes to have a look at it so that we could either rule it in or out of order. I'm sorry, witnesses are not allowed to comment. If I rule this motion in order, we're going to move to debate on the motion. So if I could, I'll just take one minute of the committee's time to see if the motion is in order.

- _____ (Pause) _____
-
- (1205)

The Chair: Colleagues, thank you very much for your patience.

I have consulted with our clerk and analysts. The motion is in order.

Mr. Poilievre can probably correct me, and we'll read the motion again, but it seems to me that we're asking the Chief Electoral Officer to use his adaptation special powers, under section 17 to be more specific, to require that women reveal their faces, that faces are exposed, and that electors are to show their faces at voting stations across the country.

I would remind members that section 17 of the act is within 30 days of an election. So since there are a limited number of elections across the country, I want to clarify that this would not have an effect on electoral processes beyond 30 days, in accordance with section 17.

Now, this is in order, so we will begin our debate.

On a point of order, Monsieur Proulx.

Mr. Marcel Proulx: On a point of order, Mr. Chair, as we had discussed yesterday, this meeting was to adjourn at 12 noon. As you are well aware, some of us have commitments during the lunch break today.

My feeling is that this motion will need to be subject to debate, which will take more than 30 seconds. We're already six minutes late, so I think this should be pushed back to after lunch.

I also want to remind you, Mr. Chair, that we have a commitment from you and the other members of this committee that the afternoon schedule is to prepare the draft report for approximately half an hour, and then we are to switch to the original matter that was to be discussed. Maybe while we are having a break, we should consider pushing this to a new meeting of the committee, which could start tomorrow morning or this evening. For now, anyway, I suggest that we break now, because it's already 12:07.

Mr. Pierre Poilievre: On the same point of order—

The Chair: Let me just clarify. I always like to discuss that.

I did mention at the beginning of our witness time that we would go till 12:15, simply out of courtesy for the witnesses, so that they had their exact hour. I did get some permission from the committee to do that.

Those options are on the table. I do have a couple of hands up here. I suspect they're on points of order, so let's hear them out first, and then we'll see what the committee wants to do.

Monsieur Guimond is next, and then Mr. Lukiwski.

[*Translation*]

Mr. Michel Guimond: Thank you, Mr. Chairman.

In my opinion, there are some advantages, and some merit, to Mr. Polievre's motion. However, as a francophone, I would like the motion to be drafted in both official languages. I ask for the committee's unanimous consent to the following: that witnesses be allowed to continue speaking until 12:15 p.m.; that we reconvene at 1:15 p.m., that the typed and translated motion be available at that time in both official languages and that we proceed much like we do in the House, that is on automatic pilot, without considering any dilatory measures or motions until the meeting adjourns at 12:15 p. m. I seek the committee's unanimous consent.

[*English*]

The Chair: All right, we have had a request that there be unanimous consent that the witnesses be allowed to finish out the time, which is about eight minutes. Let's just go with that.

Do we have unanimous consent that we just go to the witnesses, which ultimately tables the motion for a few minutes? Unanimous consent is not required to do that, nor does adjourning the meeting require unanimous consent.

Is there unanimous consent to let the witnesses have the next eight minutes? Does anybody disagree?

You have a point of order, Mr. Poilievre.

Mr. Pierre Poilievre: Before we give our consent, does the request for unanimous consent seek to have the motion deferred until after lunch?

The Chair: No, it doesn't. I would expect that will come right at the end of the eight minutes that we're leaving for the witnesses. That's what I expect will happen, so we will go to the.... No?

Mr. Michel Guimond: No.

The Chair: No? Okay, then be clear. Please be clear.

Mr. Michel Guimond: I will repeat in your language.

That way we continue with the witnesses for the last five minutes—the next five minutes—and the discussion on Mr. Poilievre's motion will be suspended until 1:15 to give me the time to read the motion in both official languages of Canada.

For the next five minutes, because I will leave right now, there will be no other motion, no measure like the automatic pilot we very often do in the House.

I ask unanimous consent for this motion.

•(1210)

The Chair: I think that's reasonable. Although I don't want to influence any members, I think that's reasonable. We give the rest of the time today to the witnesses, and then come back at 1:15, when the motion will have been translated. That's reasonable.

Can I accept that, Mr. Poilievre and everybody else? That's very reasonable.

Some hon. members: Agreed.

The Chair: Thank you very much, colleagues.

We do have some more time for the witnesses, so what we might want to do is start in the reverse order. We will have one minute of comment and we'll probably get through everybody.

Mr. Harris is first, please. Please listen, colleagues, and see if there's any more information we can gain.

Go ahead, Mr. Harris.

Mr. David Harris: Thank you so much for the invitation.

The concern remains that in the motion we've heard about and in the discussions we have heard about, there seems to be, as some have pointed out, relative unanimity concerning the broader picture.

The problem is the key issue of who would do the screening of those who are to lift their veils. The submission of the Canadian Coalition for Democracies is that if we require a female-only screener on the part of the Government of Canada, we are banning males and introducing gender apartheid consistent with sharia-based standards that are wholly inappropriate in this country and frankly an insult to our Constitution and traditions.

Mr. Naresh Raghubeer: To agree with David, I think that should we not insist that it be both—either a male or a female—screening all voters, we will subjugate male scrutineers, male poll clerks, male poll captains, and other members of the public, prevent them from actually validating the identity of voters. So I think we have to be clear that we are not legitimizing a sharia-style voting system here in Canada.

Thank you.

[Translation]

Mr. Pierre F. Côté: I realize that this motion is consistent with the recommendation that I made. I would just say, however, that caution is in order when it comes to making reasonable accommodations that at times can be unreasonable.

Mr. Salah Basalamah: I would like to discuss three points.

Firstly, the reasons for opposing the niqab are more emotional than regulatory, given that the niqab is designed in such a way that any woman wearing one can be identified.

Secondly, objecting to Elections Canada's position is no way to stand up to Muslim extremism. Allowing Muslim who wear the niqab to participate in the election process under the conditions set

out in the act is a wise move that in the long-term bodes well for the integration of Muslim into the political arena.

Finally—and this is a rhetorical, rather than a direct question—if the issue of the wearing of the niqab by Muslim women had not surfaced during the debate on election procedures, would as many people have called for the act to be amended?

[English]

Mr. Salim Mansur: Mr. Chairman, I just want to say thank you for having us here. I hope that at least the majority opinion that you have heard from us around this table will be taken note of and that you will take into consideration that though this is not a matter of religiosity, religions do intersect and that there are much broader implications for decisions that you people will make for the larger society.

Thank you.

Ms. Raheel Raza: Thank you very much. I'd like to also just add that as a Canadian who happens to be Muslim, I would appreciate that all motions and rules and regulations be made in the larger interest of democracy and following the Canadian Charter of Rights and Freedoms, which has equality for all and no gender segregation.

Thank you.

Mr. Sohail Raza: On behalf of the Muslim Canadian Congress, I'd like to thank you for inviting us. It's really encouraging that politicians are listening now to the grassroots-level organizations rather than to mosques and clerics.

Thank you once again, and good luck on the motion.

Ms. Farzana Hassan: I would add to that, thank you very much. I would also request that more voice be given to moderate, liberal, and progressive secular Muslims.

Thank you.

Mrs. Alia Hogben: I hate to disagree with someone who is for democracy, but I wish your language was a little less inflammatory with reference to words like “sharia”, “gender apartheid”, and so on. We were the organization that fought against the Muslim family law in Ontario and got it, but it was a big fight. But don't use terminology that only fans the flame.

Thank you.

The Chair: Thank you.

As chairman of the committee, I want to thank you, and I'm sure I speak on behalf of all the members of this committee. We thank you for coming out on short notice. We thank you for your heartfelt and sincere answers, and rest assured that the committee will take great pride in making its decisions based on your input.

I will dismiss the witnesses at this time.

Colleagues, I will adjourn the meeting. We will be back here in this room at 1:15.

The meeting is adjourned.

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