**INSPIRE! Five Faculty Members, Their Research and One Piece of Advice for First Year Students**

**Professor Natasha Bakht**

Prof. Liew: This is a podcast that we are doing called Inspire and it is going to be a conversation with professors at the University of Ottawa that are doing really interesting research. Today, I am talking to Professor Natasha Bakht who is going to tell us a little about herself, how she became a lawyer, law professor and a little bit about her Research.

Prof. Bakht: I came to law school later in life. I became a lawyer at age 30 but I think my life experience helped me a lot in law school. For the last 10 years or so, I have been doing work in the area of religious freedom as it intersects with women’s equality. That has meant that I have been working on a variety of different issues in many different legal areas but surprisingly, I have had to do a lot of work on women who wear the niqab or the full-face veil.

The way I began to get interested in this area was I was doing some judicial education on demeanor evidence. Demeanor evidence is evidence that judges and juries can rely on and it is evidence based on how someone looks or how they say what they say and in my judicial education, I would try to convince judges not to rely heavily on demeanor evidence because the truth is you really can’t know whether the perspiration on someone’s brow is because they are lying or because they have a thyroid problem or because they are nervous because they have never been in court.

So I have been doing that research and then I heard of a very interesting case of a lawyer in England who wears the niqab and she was arguing for her client who was a Sikh client, it turned out, and she was arguing in front of the Immigration tribunal and the judge could not hear her. He didn’t say, “Could you speak up?”

He said, “Could you remove your face veil?”

She said, “No, I wont’ remove my face veil.”

So he adjourned the case and she was replaced by a lawyer, a male lawyer, from her firm the next day. And so because I’ve been doing this work on demeanor evidence which really suggested that people should not judge, juries should not be relying on demeanor evidence, I thought to myself, why would a niqab wearing woman pose a problem in a courtroom. In this context, the lawyer is not being judged for the truthfulness of what she says. She is advocating for her client. Her client certainly didn’t have a problem with her face veil. That got me interested in the various roles that niqab wearing women could play in courtrooms and I started doing this research.

When I first started presenting in this area, I remember someone saying to me, “Why are you talking about this because have you ever seen or heard of, other than this lawyer, a niqab wearing women in court?”

I said, “I haven’t but I bet it’s going to happen.” And of course, months after that, we have the *R v NS*, which is a case that went up to the Supreme Court of Canada in which a Muslim woman sexual assault complainant, who wore the face veil, wanted to testify in court wearing her niqab.

Prof. Liew: That is very fascinating. You’ve mentioned a little bit of the response people had to your research. Maybe you could speak more to how people have reacted to your view on how niqab wearing women are treated in law and the challenges of doing this research.

Prof. Bakht: I think for the most part the work has been received very well. I think most people I have spoken with have not had a conversation with a niqab wearing woman so there are a lot of misconceptions about who these women are, what the niqab stands for. A lot of ideas is that it stands for radicalism, extremism, that these are women who are oppressed, forced to wear the face veil. So when I have been able to say that is not what the research on niqab wearing women in the West shows. Most of these women have said, actually I choose to wear the face veil and if anything they face familial opposition because my parents or my husband or whoever are worried about my security if I wear a niqab. Once we sort of unpack what the objections people have to the niqab, we sort of see that most of the objections are very generalized and can be deal with in very specific measures and don’t require total bans of the niqab in public spaces or even in courtrooms for that matter. Usually I have found that people’s responses have been very open.

I wouldn’t say that with judges. I would say that with judges, I have gotten the full gamut of responses. Many have experienced a lack of confidence in being able to assess someone’s credibility based on demeanor. So I think they have found that what I say to them to ring true to them. And others who have sort of clung tightly to demeanor evidence and who feel that being able to see the face is nonetheless useful. It is one more aspect of the demeanor category that they would like to have available to them.

Prof. Liew: So you have spoken a little about what your research is focusing on, why you are doing it and the challenges. Can you give us a glimpse of what is the most exciting aspect of this research? What has kept you motivated to work on this issue?

Prof. Bakht: I think I will start with the most disappointing thing and then move to the most exciting. The most disappointing thing I am seeing is legislative bans that are banning Muslim women wearing the niqab in a variety of different contexts. We have, for example, a new law in Quebec, which says people who cover their faces cannot receive public services and they cannot work in the public service. So a hugely detrimental impact on these women. It means they cannot work in a province with public services as a huge employer and they can’t receive these public services so they can’t access daycare, public transportation, health care services unless they seek very onerous accommodations and it’s really not that clear about how those accommodations will be met. So, that’s been very disappointing and Quebec is not an outlier. There are at least six or seven other European countries, which have banned the niqab in public spaces. So these women will be fined or jailed if they are seen wearing the niqab in public. And it seems to be something that is spreading so more and more countries are debating the niqab and trying to ban it. That’s been very, very disappointing. And the European Court of Human Rights has upheld these decisions which is also very disappointing given that it is a court to protect human rights.

The most exciting has been to see niqab wearing women’s reactions and niqab wearing women’s allies’ reactions. So people are speaking out about these bans, and how unfair they are, how unjust they are, how they are contrary to religious freedom, to women’s equality, to their security. Very recently in Denmark, there was a ban of the niqab that was implemented on August 1st and the day it was implemented, over 100 niqab wearing women and their allies protested and marched on the streets and that is the first protest of that kind I have ever seen or heard of. It was very exciting to see. They were writing letters to the editor saying, what is the problem here? If there is a real need to criminalize, there should have been consultations; there should be adherence to human rights. In that protest, a police officer who was supposed to arrest one woman, actually stopped, talked to her and gave her a hug. So that was really encouraging. And then an Iranian-Danish designer in Copenhagen’s fashion week, had all of his models walk down the runway wearing niqabs and hijabs and re-enacted this really heartwarming scene between this police officer and the niqab wearing woman. So that is pretty unprecedented and unusual and very exciting.

Prof. Liew: That is truly exciting. That is incredible story-telling right there. The final thing I wanted to ask you about is that not a lot of law students know that you also have another professional career. You are also a professional dancer. I wondered if you could give the students a sense of how you manage both of your careers and how they both feed into each other and stimulate the work you do both the artistic side of yourself and the very legal, professional side.

Prof. Bakht: Sure. Being a dancer and choreographer is what I did before I went to law school which is why I went to law school a little later in life. For me, dance, art is really an important way to foster social change and it is also a real balance for me. I always tell my students, don’t forget who you are just because you are in law school. Don’t stop doing the things that excite you and interest you. So, for me I had to take that same advice and while I really loved law school and it was the first time in many years I was learning something brand new, I decided that in my first summer, I wasn’t going to work in law and I was going to do some choreography and some dancing. So while I was in law school, the way I balanced my dance and legal career was just to devote the academic year towards law and my summers to dance. And now it really varies but I find that the scheduling works. I’m definitely happier when I am able to do both law and dance and I find that the stories I’m interested in in law, which are the stories of women and the stories of marginalization, intersectional identity issues, those are the same kinds of stories I am interested in dance. So in many ways, it is just another medium with which to express the same sort of ideas.

Prof. Liew: Thank you so much Natasha. It’s so inspiring listening to things I already know about you but to hear it in your own voice. So thank you.