



BACKGROUND PAPER:

Committee on the Elimination of Discrimination against Women
(CEDAW)

French Ban on the Hijab

“Always try to maintain complete tolerance and always make an effort to give people more than they expect.” – Scott Hamilton

Introduction:

On September 2, 2004, a bill passed in the French national legislature and was signed into law by President Jacques Chirac which banned the hijab and the nijab (face veil) from being worn by Muslim women in public. On April 11, 2011 the ban went into effect. France is the first European country to enforce legislation like this. The legislation includes schools, subways, restaurants and the public in general. Anyone found violating the law will be required to pay a \$216 fine and will be required to take a lesson in French citizenship.

Many people argue against the legislation claiming that the hijab and the nijab are statements of Islamic faith and that it should be a choice whether or not Muslim women should or shouldn't wear veils in public. Others argue that Muslims should have to integrate into the French culture. Also, they argue that there shouldn't be public display of religious symbols, such as the hijab, crucifixes and yarmulkes.

Background & History:

Since 1905, France has had a law requiring separation of religion and government, preventing the government from recognizing any religion. France has placed large emphasis on secularism (*laïcité*), which specifically is the separation of religion and government institution. Thus, there is strong influence on not displaying any religious symbols such as hijabs, crosses, turbans and skullcaps. France is the home to five million Muslims, which is five to ten percent of the population and is an immigrant mix. North African djellabas and sub-Saharan African gowns (along with many all-encompassing black veils) are some of the traditional wear that can be found in France. These cannot be completely worn anymore due to the ban.



Current Situation:

Currently, the legislation is under place and is being enforced. Many Muslim women have decided to defy the legislation and continue to wear the hijab; however, they have been out in public less. They argue that it shields them from the looks of men and strangers. Many Muslims, including those who don't wear or approve of the veil, say they feel targeted by former President Nicholas Sarkozy and his governing UMP party. According to an Associated Press report on "The world's first country to ban the veils anywhere in public",

"Sarkozy stated that veils imprison women and contradict this secular nation's values of dignity and equality. The ban received wide public support when it was approved by parliament last year."

Like him, others argue that the veils create a division in society and divisions between ethnic communities and thus, by banning the veil, there will be less of a divisive force in French society. Another argument is that this is helping the Muslims integrate more into the French culture and conforming even though the majority of them hold French identity cards.

The Problem:

In France, the ban of the hijab has been justified as protecting the national identity of the nation and enforcing tradition values of gender equality and secularism. The wearing of the hijab is said to prevent Muslim women from integrating and assimilating into French society. Also, it is argued that many women who wear the hijab are not doing so by choice but are forced to by others in their families and communities. Some see the hijab as a signal of radical Islam's presence in the nation. Thus, the hijab is a symbol of Muslim withdrawal and rejection of French values.

The ban is also an impediment on the individual rights of women. By allowing the government to dictate what these women can wear in public, the government is violating the rights of these women as well. Additionally, these bans encourage continued isolation of Muslim women from the remaining society, and influence suspicions against the Muslim community as a whole.



Relevant Documents:

- The French Constitution
- 1905 French law on the Separation of the Churches and State (Loi du 9 décembre 1905 concernant la séparation des Églises et de l'État).
- Act No 9 2004-228 of 15 March 2004 regulating, in accordance with the principle of secularism, the wearing of symbols or clothing denoting religious affiliation in schools, colleges and public high schools (Loi n 9 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics).

Bloc Positions:

France is not the only nation to have made moves towards banning the hijab. The Spanish city of Barcelona has enacted a ban of full Islamic face coverings in some public places. Belgium has also placed a ban on all face covering clothing. The Canadian province of Quebec has enacted a law which bans the wearing of face-coverings that prevent communication or identification in government offices and buildings. Gender equality and secularism are also at the root of this government decision. In the Netherlands, there has been some discussion on banning all coverings of the face which “disturb public order and safety.”

The United States has expressed the belief that such bans are discriminatory towards Muslims and encourage hostility and suspicious feelings towards the community. Mexico also has laws which allow personal freedom to its citizens, and the ban is seen as against human rights. In England, there is also no ban on Islamic dress; but schools are allowed to implement their own dress codes. Turkey has had a tradition of secularism which had banned the coverings as ‘backwards.’ In 2008, the Turkish constitution was amended to ease Islam into public life.

Committee Mission:

In attempts to determine if the banning of the Hijab and other traditional head and face coverings is violating women’s rights; the CEDAW must consider the two main opposing perspectives of the bans, examining the logic and reason of the bans versus their impediment on individual rights. The committee must recognize if the banning itself is violating the human rights of women involved.

Delegates should note the effects of these bans, such as the further alienation of the Muslim communities in some nations.



Questions to Consider:

1. Is government involvement in banning the wearing of traditional face coverings protecting women from human rights violations, as they are said to be forced to wear such coverings by others in the Muslim community? Or are their rights violated, as it is inhibiting their freedoms of expression?
2. Has your country ever had a record of violating human rights? If so, were these in relation to religion or other aspects such as race, social classes, or gender? Have you instituted protection from these violations or do some violations still remain today? Does your country have a repeated history of violation of women's rights?

Sources for Further Research:

- CIA Factbook
- The United Nations Association of the United States of America
- New York Times
- BBC News
- The Universal Declaration of Human Rights:
<http://www.un.org/en/documents/udhr/>
- International Bill of Human Rights:
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>
- <http://www.voanews.com/english/news/europe/Frances-Veil-Ban-Goes-into-Effect-on-Monday-119587889.html>
- <http://www.cbc.ca/news/background/islam/hijab.html>
- http://www.washingtonpost.com/blogs/under-god/post/french-face-veil-ban-goes-into-effect-two-arrested/2011/04/11/AFQuH7KD_blog.html
- <http://www.assemblee-nationale.fr/12/dossiers/laicite.asp>
- <http://www.brookings.edu/fp/cusf/analysis/vaisse20040229.pdf>
- <http://sourcebook.fsc.edu/history/constitutionof1791.html>