

## France: Is the ban on hijab, niqab, burqa... Islamophobia?

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HRWF (18.10.2018) - In September, the French police arrested Raïf Redouane, a dangerous criminal who had escaped from prison in early July and had been on the run for two months. The investigation revealed that he had been able to move unnoticed from one place to another in France. His secret: wearing a full veil... This incident reactivated the debates about the ban on Islamic full-body attire in the country.

In 2010, France, which has the largest population of Muslim culture (about 5 million) in Europe introduced a ban on full-face niqab and burqa veils in public but the law remains widely unimplemented.

Debates in Western Europe, in particular in France, about the ban on various sorts of clothing that do not allow to identify a person, often veer into accusations of alleged islamophobia while lawmakers insist that it is a matter of security, integration and social cohesion. Society in general is also opposed to the wearing of hijab, niqab and burqa in the public space and by staff in public institutions. 'Historical' Muslims in Western Europe also perceive this religious attire negatively.

Muslim majority countries, such as secular post-Soviet states, impose similar bans and are of course never accused of islamophobia. They view it as an attempt by 'alien' forms of Islam to change their secular way of life as well as their peaceful practice of their religion, and to radicalize their youth. Hence the inappropriate use of the accusation of "islamophobia" in historically Christian majority countries.

In the last resort, the rule of law in France and in Europe is determined by the European Court of Human Rights.

The judgements of the European Court have been very consistent, supporting

- the prohibition for a teacher in an elementary school from wearing a headscarf in her class (*Dahlab v. Switzerland, 2001*)
- restrictions from wearing the veil for university students (*Sahin v. Turkey, 2005*)
- a ban on the face veil in all public spaces (*SAS v. France, 2014*)
- the barring of civil servants from donning the headscarf (*Ebrahimian v. France, 2015*)
- the right of three Belgian municipalities to adopt a by-law banning the wearing in public places of clothing that conceals the face (*Dakir v. Belgium, 2017*).