



NEWS REPORT

Update of flash report nr: Update of 426_BE_46_Belgium_FR “Towards a prohibition of the *burqa* and the *niqab* in the public area in Belgium”

Date: 3 May 2010

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Title: The prohibition of the *burqa* and the *niqab* in the public sphere in Belgium adopted by the Parliament’s House of Representatives

Country: Belgium

Context

Issue at stake: Almost unanimous (2 abstentions) agreement in the Parliament’s House of Representatives on the legislative proposal prohibiting, at the criminal level, the wearing of any clothes covering, totally or partly, the face of a person and making he or she non-identifiable

Ground of discrimination: Religion and belief

Source: Minutes of the legislative plenary session of 29 April 2010

Field: Areas accessible to the public

Legislative provisions: *Documents parlementaires*, DOC 52-2289/001-004

Content

Case: The Commission of the Interior of the Parliament adopted unanimously on 31 March 2010, a legislative proposal modifying the Criminal Code, prohibiting to a person to walk around in areas accessible to the public with the face, totally or partly, masked or hidden, in such a way that he or she is not anymore identifiable (See BE_46_Belgium_FR “Towards a prohibition of the *burqa* and the *niqab* in the public area in Belgium”).

The legislative proposal had to be discussed and voted in the Parliament’s House of Representatives on last Thursday 22 April 2010. Due to the political crisis initiated that day, with the announcement of the resignation of the current Government (due to the Belgian linguistic tensions), the Parliament has been paralysed and the vote did not occur.

On Thursday 29 April, after having been occupied with the current political crisis, the House of Representative discussed the legislative proposal prohibiting the

wearing of clothes covering totally or partly the face in the public area, as it was adopted by the Commission of the Interior of the Parliament. Members of the political parties supporting the proposal (both Flemish and French ecologist, left wings, right wings and extreme right wings parties) recalled their arguments for the adoption of the proposal. In the evening, in a somewhat surprising impetus of national union between Flemish and French speakers, left and right wings parties, the proposal was adopted by 136 “yes” and 2 “abstention” (from the Flemish socialist party). The abstention was motivated by three considerations:

- First, the fear that the prohibition would isolate the persons wearing the *burqa*, and be, therefore, counter-productive
- Second, the intent to respect, fully, the freedom of expression
- And third, the absence of link between criminality and the wearing of the *burqa* or *niqab*

The legislative proposal has, however, to follow the ‘Parliament procedure’ before entering into force. The Senate can ‘evoke’ (call forth) the text (exercise its right to discuss, amend and vote the legislative proposal) in the next 15 days, and will have then 60 days to work on it. Such an option is very likely to happen as the Green Representatives have announced that their colleagues in the Senate would do so in order to request an opinion from the Council of state on the constitutionality of the proposal. As the Parliament will be dissolved in the very near future (due to the resignation of the *federal* Government, the proposal will become obsolete. But as it has been adopted by one of the two Parliament’s houses, the text could be discussed again by the future Parliament if it is recalled from obsolescence (*relevé de caducité*).

Internet link source and additional information:

<http://www.lachambre.be/kvvcr/showpage.cfm?section=flwb&language=fr&rightmenu=right&cfm=/site/wwwcfm/flwb/flwbn.cfm?lang=F&legislat=52&dossierID=2289>