



NEWS REPORT

Update of flash report nr: 882-FR-47

nr:

Date: 27 January 2010

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Title: Legislative debate on the wearing of the burqa in the public sphere

Country: France

Context

Issue at stake: Parliament consultation to define a legislative stand on the status of the integral veil (or burqa) in public places

Ground of discrimination: of Religion/belief, origin

Source:

Political development

Field: all fields

Content

Political development: In the context of the controversy resulting from the observation of an increasing presence of women wearing the integral veil in public places, the National Assembly has put in place on June 23, 2009 a mission of information on the practice of the integral veil on the national territory at the request of the President of the National Assembly, presided by André Guérin, Communist member of the National Assembly.

The number of women wearing the integral veil was estimated by a study of the Ministry of Interior carried on in July 2009, at about 1900 women.

The mission statement of this committee states that it must evaluate the extent of this practice, its origins and evolution in order to evaluate its impact on the freedom and dignity of women and its compatibility with the principles of the Republic.

This mission of information has held 18 hearing sessions in 2009 during which 211 personalities were heard, including members of cabinet, representatives of the Cour de cassation, international and national experts on Islam, representatives of the Islamic faith, public and constitutional law scholars, representatives of various Masonic obediences, women and anti-racist NGOs.

In the meantime the Senate has issued a comparative study on the present state of legislation forbidding the Islamic veil in European countries.



Conclusions: The President of the Republic has many times stated that the burqa should not be considered as a religious issue but as a question relating to the freedom and dignity of women.

The Parliamentary Mission has presented its report on 26 January 2010.

The report first presents a summary of the present situation, an analysis of its consequences in regard of legal and philosophical principles of French society, and then makes recommendations.

It concludes that the Burqa and Niquab are not religious prescriptions but rather the symbol of a cultural claim that instrumentalises Islam. Such a practice being contrary to the values of freedom, fraternity, equality between men and women, it constitutes a sectarian orientation that threatens the fundamental principles of the Republic and must be countered.

First, Parliament has a Constitutional instrument to manifest consensus of the representatives of the Nation on a political issue: the Resolution. The report recommends that such a resolution be adopted by Parliament. It would be the first such Resolution since the creation of the Fifth Republic in 1958.

The purpose of this Resolution would be to reaffirm the French Republican principles, the underlying effort made by local movements to fight against the integral veil, the determination of Members of Parliament to fight against this practice, condemning it as a violence made against women and supporting all women and initiatives around the world that fight against the imposition of the integral veil.

The report further recommends that this Resolution underline the necessity to communicate on Fundamental Republican principles through mediation, pedagogy and education. Finally it recommends that this Resolution be translated in Ministerial instructions to all public services and components of the State in order to provide them with a basis to intervene in matters related to the integral veil.

The report further proposes a strategy of protection of women against the injunction to wear the integral veil, by combating the imposition of the practice on young women under 18 years of age by way of a duty of denunciation of such situations by the public services, by reaffirming the protection by the judge of women forced to wear this veil and penal prosecution of such violence imposed on women by the creation of an offence of psychological pressure within the couple, by sanctioning Islam representatives who encourage women to wear the integral veil by completing the terms of the offence of provocation of article 24 of the Law of 29 July 1881.



As regards repression, it proposes that access to nationality and right to stay on the territory be refused to women who wear the integral veil and their husbands. It also proposes limitation of access to public services. However, as regards prohibiting access to public spaces on the ground that it is a threat to public order, the mission concludes that there is no consensus in the Country and invites political parties to bring forward their own legislative proposals.

Internet link source and additional information: National Assembly Mission of information on the wearing of the integral veil on the National territory:

http://www.assemblee-nationale.fr/13/dossiers/voile_integral.asp

Senate comparative law report on the wearing of the burqa in public places:

http://www.senat.fr/lc/lc201/lc201_mono.html

National Assembly report:

<http://www.assemblee-nationale.fr/13/rap-info/i2262.asp>