



NEWS REPORT

Update of flash report nr:	FR – 66 Bill Burqa 2010
Date:	20 September 2010
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Title:	Law prohibiting garments hiding the face in the public space
Country:	France
Context	
Issue at stake:	Adoption of the law stipulating criminal sanctions for wearing a garment covering off the face in public places, or for forcing a person to do so
Ground of discrimination:	Religion/belief, racial/ethnic origin
Source:	Legislative proposal
Field:	Public areas
Legislative provisions	Law of 14 September 2010

Content

Political development: The number of women wearing the integral veil was estimated at about 1900 according to a study of the Ministry of the Interior carried on in July 2009.

The increasing presence of women wearing the integral veil in public space has resulted in a vivid public debate. On June 2009, the National Assembly put in place a mapping regarding the practice of the integral veil on the national territory at the request of the President of the National Assembly. The mission was chaired by André Guérin from the communist party.

In the meantime the Senate issued a comparative study on the present state of legislation forbidding the Islamic veil in European countries (see Flash report FR 54). Further to these reports, the Government had decided on the adoption of a legislation imposing penal sanctions for the wearing of a garment that covers the face in public places, or for forcing a person to do so.

The law was voted in first reading by the National Assembly on 13 July 2010: 335 votes in favour of the bill, one vote against. The opposition has either voted for the bill (20 Members of Parliament) or abstained from voting. The one vote against the bill is that of Daniel Garrigue who is a member of the UMP majority (right wing party). The text voted by the National Assembly on 19 May 2010 was transmitted to the Senate who adopted it without amendment in second reading on 14 September 2010. All senators present from all parties, i.e. 246 Senators, voted in favour of the Law and one against, namely Ms Anne-Marie Payet from the Group Union Centriste.

In the meantime, on 14 September 2010, the Presidents of both the National Assembly and the Senate have addressed a question on the constitutionality of the Law to the Constitutional Council in order to prevent all discussion relating to its conformity to the Constitution which protects freedom of religion.

Conclusions: Article 1 of the Law prohibits dissimulation of one's face in public space. Article 2, paragraph 1 defines public space as public streets and places open to the public or dedicated to public services, such as shopping centres, theatres, restaurants and museums. Article 2, paragraph 2 creates exceptions prescribed by law or regulation (such as mandatory uniforms like police helmets, motorbike helmets), or if it is justified by health or professional requirements (such as persons working in a nuclear facility or firemen), or if the outfit is worn in the context of sport activities, feasts or theatrical manifestations.

Individuals wearing the garment face lighter sanctions than those found to have imposed the wearing to a third person.

Article 3 indicates that violation of the requirement not to wear such a garment is a criminal contravention sanctioned by a fine of 150€ and/or a training on the values of the French Republic. The latter will come into force six months after the promulgation of the law and after a massive awareness raising campaign. As regards persons imposing the wearing of a garment through authority, duress and violence, Article 4 creates Article 225-4-10 of the Penal Code, which imposes a one year prison sentence and a fine of 30 000€. The sentence doubles if pressure is exercised on someone under the age of 18.

Article 5 of the law states that it will come into force 6 months after its promulgation. Article 6 states that this legislation applies to the entire territory of the Republic and Article 7 that a report on its implementation will be presented to Parliament by Government within 18 months of its enactment.

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 legislative file:

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

Draft proposal: <http://www.assemblee-nationale.fr/13/projets/pl2520.asp>

Bill Transmitted to the Senate:

<http://www.senat.fr/leg/pjl09-675.pdf>

Law adopted by the Senate:

<http://www.senat.fr/petite-loi-ameli/2009-2010/700.html>