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# MIGRANTS IN EUROPE IN THE CONTEXT OF THE BAN ON BURQAS, HIJABS AND NIQABS IN THE FRENCH REPUBLIC



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## **Migrants in Europe in the context of the ban on burqas, hijabs and niqabs in the French Republic**

*Yes I am, I am also a Muslim, a Christian, a  
Buddhist, and a Jew. — Mahatma Gandhi*

*The extremists are afraid of books and pens, the  
power of education frightens them. they are afraid of women.  
— Malala Yousafzai*

*Religion is like a pair of shoes.... Find one that fits  
for you, but don't make me wear your shoes.  
— George Carlin*

*Terrorism is born of fundamentalism not of religion.  
— Abhijit Naskar*



## Introduction

The beginning of the 21st century marks a period of constant changes as a result of uncontrolled migrations. The absence of appropriate laws, together with mistakes made in the creation of systems for admitting immigrants, has caused the countries of Western Europe to face the consequences of their misconduct. Anticipation of the events in the French Republic was possible in the context of the ongoing military operations in Africa and the Middle East in the second half of the 20th century. French units started the war outside the continent decades ago and are now prolonging it for “stabilisation” purposes, which still strongly ties them to their former colonies. France’s actions within its international alliances, open migration policy, relatively easy access to social benefits for its inhabitants, desire for rapid economic development, faulty cooperation with North African countries, lapses in security services, inadequate cultural education, mistakes in the management of newly arrived migrants, or undefined rights for followers of different religions, have resulted in its contemporary population of different faiths and beliefs. The community within the country cannot coexist despite having the same nationality, living in the same town or attending the same school.

The refugee phenomenon has existed for hundreds of years. After each war, new groups searching for a home have formed, crossing countries and continents. Given the migration crises of 2015 and 2021, for example, including the arrival of people of other faiths in Europe, it is worth noting how the wearing of *burqas*, *hijabs*, and *niqabs* on the Old Continent is regulated by law. After the Americans left Afghanistan, the Taliban announced that *burqas* would not be compulsory, but *hijabs* were. The above raises the question of how women who flee the Taliban to Europe will dress. In addition, there are thousands of migrants from other countries. Will they fit in with the general trend in Europe, or will they instead stick to patterns that require them to cover their faces as part of their religion?

Western Europe today is a region struggling with internal instability and civil wars. Unpredictable rebel activities in these regions force dozens of families to move to a different continent. All that remains for them are their inalienable human rights. These enable people to live and pass on important values to their children. The religion practised in the countries of Western Europe, an essential part of their lives, does not disappear after moving to another country. At the heart of the problems in the existence of followers of different religions are rules and compromises between them. Only a sensible, responsible, and compliant form of behaviourism can guarantee the correct functioning of society in France.



Prohibitions have a regulatory purpose and are designed to set specific standards and values that are supposed to impact the functioning of entities positively. Breaking such bans results, in most cases, in punishment. In referring to their sources, we can divide them into religious (a particular religion stipulates so), moral (morality dictates so), and practical (practised for a particular reason). Prohibitions are usually created when there is a need to unify rules and create certain living conditions. Restrictions allow for the stabilisation and regulation of social life. In the French Republic, the law prohibiting faces covering in public spaces (fr. *Loi interdisant la dissimulation du visage dans l'espace public*) passed on 11 October 2010<sup>1</sup>. The ban has caused an adverse reaction, in particular among Muslims. Cultural conditions in specific regions and traditions maintained over the centuries require Muslim women to cover particular parts of their bodies: hair, face, eyes, or arms. Following the regulation mentioned above, France became the first European state to introduce such a ban by imposing restrictions on this kind of attire.

The French Republic is a worldwide phenomenon in terms of maintaining secularity within its country while at the same time respecting different religions. This secularism is guaranteed by the Constitution itself<sup>2</sup>. However, it should be remembered that the socio-political situation significantly differs from 1905, when the Separation of Churches and State (fr. *Loi de séparation des Églises et de l'État*) was adopted. Therefore, the adopted solutions, mechanisms or legal acts regulating particular elements of social life may not reflect the current reality. Growing migration, terrorist threats accompanied by clashes between adherents of different cultures result in a lack of space for respecting values.

This paper aims to comprehensively analyse the situation in the French Republic directly after the introduction of the regulation and to examine the current situation under the conditions of the statutory ban on face-covering in Europe. There is a close link between the traditions and religion of people arriving in their chosen country, wearing burqas, hijabs, and niqabs as part of their beliefs, and changing attitudes towards immigrants. The fact that cultural and ethnic diversity is constantly evolving in the French Republic means that the boundaries between communities are shifting, resulting, for instance, in clashes between adherents and various situations of conflict. It is a fundamental issue, especially in the context of dynamic changes in the world, the emergence of new types of threats, and modifications in migration policy. The analysis is significant because of the essence of respect for human and civil rights and the

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<sup>1</sup> LOI n° 2010-1192 du 11 octobre 2010 *interdisant la dissimulation du visage dans l'espace public*, JORF n°0237 du 12 octobre 2010 page 18344 texte n° 1, NOR: JUSX1011390L.

<sup>2</sup> Article 1 of the 1958 Constitution of the French Republic – “France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs. It shall be organised on a decentralised basis”.

emphasis on egalitarianism and inclusiveness in the state while ensuring the security of its inhabitants.

The authors are aware of how sensitive the issue of religion is, and cultural differences have remained the subject of research by historians, anthropologists, and sociologists. At the same time, further consideration of the changes is crucial for understanding the needs of both continental residents and migrants. Presented scientific claims require further testing, as they cannot be considered definitively verified. They provide a subject for further consideration and a basis for building dialogue between believers of different religions and views.

### **Migration and cultural differences**

The unprecedented level of religious and cultural diversity in almost all Western European countries, caused mainly by increased migration, results in a clash of cultures and religions. The church's premises of promoting mono-culturalism are at odds with the activities of non-governmental institutions proclaiming freedom and liberty in all aspects of life. Growing differences result in the marginalisation of individual religions and cultures. One of the main reasons behind the resentment towards Muslims in Europe is the dress code, unusual for the continent's inhabitants: body and head coverings (*burqas*, *niqabs*), which are considered a sign of ostentation and territory marking<sup>3</sup>. Since the republican era, French culture has considered women's uncovered bodies as a sign of emancipation, and the *burqa* has therefore been equated with a lack of freedom<sup>4</sup>.

Wearing the *niqab* or *burqa* cannot be a ground for a fight between followers of various religions. Symbols are a sore point, and adherents of different religions feel discriminated against. Restrictions created by states should be free of political and ideological pressure. We are facing a choice: on one side of the conflict, we have the *niqab* and the *burqa* and on the other side, democracy. Now, democracy is a concept with many meanings, and defining its scope is complicated. The 'anti-*burqa*' law, defined in France, illustrates the search for a balance between the majority's values and the protection of the right to difference of the minority, creating a sensitive context for religious beliefs<sup>5</sup>.

In 1905, secularism law was promulgated in France. It bases on respect for human rights, the guarantee of freedom of conscience, equality, and the State's neutrality. Secularism constitutes

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<sup>3</sup> C. Hancock, *Invisible Others: Muslims in European cities in the time of the burqa ban*, Institut Universitaire de France, Paris 2013, p. 6.

<sup>4</sup> Ibidem, p.11.

<sup>5</sup> S. Vandenbosch, *Cachez ce voile que je ne saurais voir*, Université de Liège, Liège 2016, p. 1.

a fundamental value of the French Republic, guaranteeing that all are equal under the law and that citizens can choose their spiritual faith while coexisting. The law banning the wearing of the *burqa* is precisely based on the principles of secularism that have been present in France for many years, considered essential for France's social harmony and national cohesion.

The integration of the population living in a particular area has accompanied numerous wars and disputes. Forcible solutions have proved to be the easiest of all means in the struggle for existence. Societies conquered territories and settled in them, and they introduced their own rules or expected the entire subjugation of the population living in a given area and paying tributes (taxes). Culture and religion were repeatedly the cause of struggles between peoples, tribes, countries and groups of states at the time. Nowadays, wars also occur in the struggle for rights and freedoms. The measure of social tension that would be the beginning of a dispute has not yet been defined. The lack of assimilation of the population, the differences in opinion and the state of insecurity determine potentially harmful actions and threaten social security, leading to civil war.

The ongoing disputes in the French Republic derive from significant cultural and religious differences, and the interpenetration of values leads to differing views. They include people from former colonies in Africa (Morocco, Algeria, Tunisia, Chad, Cameroon, Congo, Gabon, Gambia, Benin, Burkina Faso, Guinea, Ivory Coast, Mauritania, Mali, Niger, Senegal, Togo, among others), Asia (Cambodia, Laos, Vietnam, among others), overseas departments (French Guiana, Guadeloupe, Martinique, Réunion, Mayotte) and emigrants from other countries. All and each may represent different cultures, religions, and ways of cultivating them.

The various groups in the French Republic have intermingled, competed, and demarcated boundaries within the inhabitation of one country. However, religions and their symbols have proved to be a barrier that has divided not only the adherents but also the rulers and citizens. The problem continues to evolve, with various forms of extremism depending on the decisions made by those in power, the judiciary, and the security services. Their struggles with law enforcement often involve direct coercive force, which puts the health and lives of both citizens and officers at risk.

### **Wearing burqas, hijabs and niqabs in the French Republic**

The discussion on the wearing of *burqas* in public places began to appear in the French media in the summer of 2008, following a decision issued by the Council of State, the highest judicial authority on administrative law, to uphold the refusal to grant French citizenship to a 32-year-

old Moroccan woman Faiza Silmi, based on her “lack of assimilation” and “radical practice of Islam”, i.e. wearing the veil (face covering)<sup>6</sup>. After this event, the first attempt was made (unsuccessfully) to introduce a law prohibiting the covering of faces.<sup>7</sup>

The actual legislative process started in June 2009. A proposal by French Communist Party politician André Gerin to set up a special committee was supported by Nicolas Sarkozy, who told parliamentarians that “the *burqa* is not welcome in France”<sup>8</sup>. A group was set up through the Presidents of the National Assembly to investigate the wearing of *burqas*, *hijabs*, and *niqabs* in public spaces on national territory<sup>9</sup>. The main concern was to solve the problem of concealing one’s identity with pieces of clothing<sup>10</sup>.

The French draft law was motivated by protecting public safety and order, arguing that face-covering could impose a security risk under certain circumstances. However, it appears from the legislation that there is a kind of antagonism between face covering and the French principle of ‘coexistence’ (fr. *le vivre ensemble*)<sup>11</sup>. Another argument in favour of the introduction of the legislation was that some lawmakers pointed out that radical practices, i.e. wearing the full veil, are against the values of the republic and violate the dignity and equality of men and women. A reference to the French model of integration, based on the acceptance of the values of the whole society and the fact that the full veil “dissolves” the identity of the person within the community, was also significant<sup>12</sup>. Parliament itself pointed out that the introduction of appropriate regulations was the only right way to ensure the protection of women suffering violence and pressure, in the sense of being forced to wear the full veil<sup>13</sup>. However, even at the initial stage of work on the legislation, there were some voices of objection to the regulations. Mohamed Moussaoui, head of the French Council of the Muslim Faith<sup>14</sup> at the time, was

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<sup>6</sup> A. Vakulenko, *Gender Equality as an Essential French Value: The Case of Mme M*, Open Societies Foundations, Birmingham, 2009, Human Rights Law Review 9, 143– 150.

<sup>7</sup> J. Myard, *document nr. 1121*, 2008, <http://www.assembleenationale.fr/13/propositions/pion1121.asp>. Access: 12.05.2021.

<sup>8</sup> Nicolas Sarkozy says Islamic veils are not welcome in France, The Guardian, <https://www.theguardian.com/world/2009/jun/22/islamic-veils-sarkozy-speech-france>. Access: 02.11.2021

<sup>9</sup> D. Barton, *Is the French Burka Ban Compatible with International Human Rights Law Standards?*, Essex Human Rights Review Vol. 9, Nr. 1, 2012, p. 7.

<sup>10</sup> Assemblée nationale, *Proposition de résolution, no. 1725*, 2009.

<sup>11</sup> S. Pei, *Unveiling Inequality: Burqa Bans and Nondiscrimination Jurisprudence at the European Court of Human Rights*, The Yale Law Journal, New Haven 2015, p. 3.

<sup>12</sup> France: Senate votes for Muslim face veil ban. The Guardian, <https://www.theguardian.com/world/2010/sep/14/france-senate-muslim-veil-ban>. Access: 29.07.2021.

<sup>13</sup> France24, *Parliament unanimously declares the full veil 'contrary' to national values*, <https://www.france24.com/en/20100511-france-burqa-niqab-parliament-assembly-national-contrary-values-national-resolution>. Access: 06.08.2021.

<sup>14</sup> A body created in 2002 to promote inter-religious relations and represent the interests of the Muslim community in France. D.E. Boudreaux, *The French Council for the Muslim Faith: Its Implications for Representing Muslims in France*, 2006.

opposed to the proposed law, saying that a ban could result in the exclusion of Muslim women. At the same time, he stressed that “Rather than enacting a law barring women from expressing their malaise, we should think about what prompted them to want to cover themselves”<sup>15</sup>. The law was eventually adopted, and even though it was 10 years ago, the ban itself still stirs up emotions and is the subject of many debates.

In the two years since the law and the law under it was passed, French Muslim women have been fined for wearing the *niqab*. After lodging complaints with the UN Human Rights Committee in 2016, the ban on full-body headscarves was incompatible with women’s religious freedom. Eighteen experts stated that the French state had failed to demonstrate how the full-face veil posed a threat to public safety. Moreover, the French government has also not explained why religious issues are a sufficient reason for a ban, whereas restrictions do not apply in sporting or artistic events. Concerns have also been raised again during the drafting of the legislation that the ban is not intended to protect women, and it could result in marginalisation or impede access to various public services. It was also noted that the scope of the French law is not limited to specific circumstances and prevents hiding one’s face in a public space for an extended period. Instead, a key element was the assertion of the role of law enforcement agencies and their framework of action. Law enforcement must be allowed to react in certain circumstances in order to prevent dangerous situations that may carry a potential risk to citizens’ safety. This tool is supposed to be the possibility of requesting a facial showing for formal identification when public safety is jeopardised<sup>16</sup>.

### **Banning religious symbols in schools**

Even though the law prohibiting the covering of faces in public places was passed in 2010, the French government’s efforts to regulate this type of issue can be traced back to the late 1980s. An incident called *The Affair of the Headscarf* took place on 18 September 1989. Three Muslim schoolgirls refused to remove their Islamic headscarves, which the Creil educational establishment interpreted as a direct attack on secularisation in the school environment. In consequence, the pupils were suspended. Moreover, in the previous school year, the same group of girls also had been wearing headgear, although the school administration had appealed for

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<sup>15</sup> *Parliament unanimously declares the full veil 'contrary' to national values*, France24, <https://www.france24.com/en/20100511-france-burqa-niqab-parliament-assembly-national-contrary-values-national-resolution>. Access: 06.08.2021.

<sup>16</sup> *French full-body veil ban, violated women’s freedom of religion: UN Human Rights Committee*, UN News, <https://news.un.org/en/story/2018/10/1023872>. Access: 09.08.2021.



their removal<sup>17</sup>. After the parent decided to take the two girls out of school, a public debate ensued concerning religious freedom, the principle of secularism, and the universal right to education. The wearing of veils was seen as a religious act and as male domination and the patriarchal nature of Islam. Moreover, since the school was seen as a “place of emancipation”, it could not tolerate such “symbols of female subjection”<sup>18</sup>.

In the following months, the media reported on the increasing number of female students wearing headscarves while standing up against exclusion from the school environment. This resulted in stricter rules regarding wearing headscarves in schools and a series of protests and media attention in response.

In addition to publicising the issue, the media attention made the language used to describe particular head coverings a perfect pretext for ideological ‘positioning’<sup>19</sup>. It allowed individual interest groups to freely use semantic confusion to create appropriate rhetoric and thus influence public opinion. Selectivity in the choice of vocabulary was also noticeable in the press. The more right-wing and populist newspapers used the terms “hijab” or “chador” at appropriate moments in order, among other things, to evoke an adequate association or emotion in the audience<sup>20</sup>, as well as to highlight the distinctiveness of the attire and to present it as an element alien to French language and culture. Usage of the terms and their implications have been the subject of analysis and debate. During one such debate in 1990, the then editor of *Le Parisien* stated that his newspaper preferred the term “chador” because it drew attention to the “direct responsibility of the country”<sup>21</sup>. These lexical and semantic differences underlined the cultural distance between Muslims and the French, indicated the unattainability of integration, and gave a clear signal that there was a direct threat to republican values and unity<sup>22</sup>.

One should also mention that in later years a *François Bayrou memo* was issued, drawing attention to the distinctions between religious symbols allowed in schools (discreet symbols) as well as those defined as “ostentatious”<sup>23</sup>, which included *hijabs*. With the publication of the

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<sup>17</sup> N. Jones, *Beneath the veil: Muslim girls and Islamic headscarves in secular France*, Macquarie Law Journal (2009) Vol 9 47, p. 50.

<sup>18</sup> J. Jennings, *Citizenship, Republicanism and Multiculturalism in Contemporary France*, Cambridge 2000, p. 584.

<sup>19</sup> N. Jones, *Beneath the veil: Muslim girls and Islamic headscarves in secular France*, Macquarie Law Journal (2009) Vol 9 47, p. 59.

<sup>20</sup> A journalist from the conservative newspaper *Royaliste* explained that ‘it is enough to call a headscarf or shawl a “chador” to ignite emotions’ - S. Fernoy, *La laïcité en question*, *Royaliste* (France), 1989.

<sup>21</sup> N. MacMaster, T. Lewis, *Orientalism: from unveiling to hypervailing* (1998) 28 *Journal of European Studies* p. 131.

<sup>22</sup> N. MacMaster, T. Lewis, *Orientalism...*, p. 44, 130.

<sup>23</sup> *France Bans Muslim Scarf In Its Schools*, *The New York Times*, <https://www.nytimes.com/1994/09/11/world/france-bans-muslim-scarf-in-its-schools.html>. Access: 21.09.2021.

document, many schools started implementing the suggested phrases in their rules of procedure and applying them in practice, which is another example of the influence of language on the shaping of moods and the implementation of particular solutions and actions.

In December 2003, President Jacques Chirac supported a new law banning “visible” religious symbols in state schools. The proposal for introducing the law was mainly based on the recommendations of two commissions tasked with investigating the level of secularism of the French state. The first, led by immigration expert and minister Bernard Stasi, held a series of public (100) and private (40) consultations over four months, including representatives of religious communities, NGOs, educational institutions, and state agencies, as well as students from 200 schools in metropolitan France and French foreign territories<sup>24</sup>. The report created by the commission outlined the history of secularism and the challenges it faced and paid particular attention to the recommended measures that would work in its favour and guarantee the neutrality of the state and the legal equality of all citizens regardless of their religion. One solution was a specific legislative proposal that would clarify the state’s position on religious dress in schools. It was argued that regulation in this area was necessary due to a change in “historical circumstances”, i.e. the increase in cultural diversity in France<sup>25</sup>.

On 10 February 2004, the law passed its first reading, with 494 MPs supporting its implementation. Subsequently, after approval, the law came into force, banning *burqas*, *yarmulkes*, turbans, and large crosses (i.e., visible religious symbols) in state schools<sup>26</sup>. It was a breakthrough for those who supported the wearing of *niqabs* and *burqas* by women, turbans by men and the wearing of crosses by Christians, and those who advocated a complete ban on displaying religious beliefs. This was the beginning of the changes in the French Republic<sup>27</sup>.

In June of the same year, the European Court of Human Rights in Strasbourg rejected a discrimination complaint against a 31-year-old medical student Leyla Şahin, who was not allowed to take an exam at a university in Istanbul because she insisted on wearing a *hijab* or Islamic headscarf. The seven judges of the European Court of Human Rights in June 2004 unanimously ruled that there had been no violation of Article 9 of the European Convention on

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<sup>24</sup> P. Silverstein, *Headscarves and the French Tricolor*, Middle East Report Online, 2004. Access: 27.07.2021.

<sup>25</sup> M. Akan, *Laïcité and multiculturalism: The Stasi Report in context*, 2009. Access: 30.07.2021.

<sup>26</sup> F. Ansari, U. Karim, *Hijab & Democracy: The Ways of, and Against Secular Fundamentalism*, Islamic Human Rights Commission, Wembley 2004, p. 4.

<sup>27</sup> Open Society Foundations, *Unveiling the Truth - Why 32 Muslim Women Wear the Full-face Veil in France*, New York 2011, p. 27.

Human Rights and determined that no separate issue had arisen under Articles 8, 10, and 14 requiring review<sup>28</sup>.

For some, this is a positive law protecting many young girls against Islamic fundamentalism. However, opponents point out that the consequences of the law are fear, hatred, and stigmatisation towards the Muslim population. It is also significant that the established law was quite widely celebrated as a form of the triumph of universalism over culturalism, thus emphasising the principle of secularism in the context of current conditions<sup>29</sup>.

### **Growth of anti-Muslim opposition**

Although some of France's earliest experience with extremist religious movements dates back to the 1980s, the rise of opposition to orthodox forms of Islam and overt identification of one's religion in consciously secular nations can be attributed to the aftermath of the attack on the World Trade Center on 11 September 2001. According to a 2002 report by the European Monitoring Centre on Racism and Xenophobia<sup>30</sup>, discriminatory behaviour against Muslims and groups associated with Islam was found to have spread throughout the European Union. Irrespective of the differences in the types of behaviour and the degree of its aggressiveness, the most common element in the report was the issue of recognisable and visible elements and characteristics associated with Muslims and Islam, the so-called visual identifiers. The most common of these were those directly associated with traditional Muslim clothing, such as the *burqa* or *hijab*.

Since 2001, concern about Islamic extremism has grown significantly. Among the opinions of Western societies, one of the main concerns was that Muslim minorities want to remain independent from the rest of society and will oppose the customs and way of life of the nation in which they live. In particular, in France, Germany, and the Netherlands, this growing sense of Islamic identity among settled Muslims was perceived negatively. In addition to data on concerns about Muslim immigrants, the Pew Research Centre also provided information on attitudes to the ban on headscarves in public places. In countries such as the UK, Spain, and Poland, the idea was viewed negatively. In France, on the other hand, where there was already a law against wearing headscarves and other visible religious symbols in schools, as many as

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<sup>28</sup> P. Morris, *Covering islam – burqa and hijab: limits to the human right to religion*, Human Rights Research Journal, Wellington 2005, p. 11-14.

Case 44774/98 Leyla Sahin v. Turkey, ECtHR, HUDOC.

<sup>29</sup> M. Akan, *Laïcité...* op. cit. Access: 30.07.2021.

<sup>30</sup> EUMC, *Summary Report on Summary Report on y Report on Islamophobia in the EU after 11 September 2001*, 2002.

78 per cent supported such bans<sup>31</sup>. In 2006, another report focusing exclusively on the wearing of headscarves in European countries was published. According to the survey, attitudes towards the ban were closely linked to general attitudes towards Muslims, and those with unfavourable attitudes were more supportive of the restrictions. The exception was France, where support for introducing the law was high among both those with negative (86 per cent) and positive (74 per cent) attitudes.

Another issue was a survey that found that as many as 73 per cent of Muslim women within France “never wear the head covering required by the religion”. Compared to countries such as the UK, Spain, and Germany, where head coverings are worn by: 53, 43, and 44 per cent of Muslim women, it appears that French female Islamists are less likely to identify themselves primarily as Muslim than their counterparts in other countries. However, one must remember that 13 per cent of women cover themselves every day according to the rules of their faith<sup>32</sup>. At this point, it is worth mentioning that a report in 2010 found that 82 percent of the French public approved of a ban on Muslim women wearing the hijab in public places, including schools, hospitals, and government offices<sup>33</sup>.

Since these events in 2001, as a result of new legislation and court rulings, the covering of Muslim women has become a human rights issue in many countries worldwide. Freedom of religion, and in this case the freedom of Muslim women to dress according to their interpretation of the precepts of Islam, has been challenged and restricted in light of the democratic rights of others. From France and the 2004 law banning the wearing of visible religious symbols in schools to 2010 and the ban on face-covering in public places.

### **Law prohibiting face covering in public spaces**

The 2010 law described above prohibits the veiling of the face in public spaces, i.e., places open to the public or intended to provide public services. Exceptions are made for clothing mandated by law, justified on health or professional grounds, and worn on account of sport, participation in festivals, art, or tradition. Violation of the ban is sanctioned by a fine for second-class offences, taking a citizenship course, or both punishments combined. There are also severe penalties for anyone forcing others to cover their face (EUR 30 000 fine and one year in prison

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<sup>31</sup> Pew Research Centre, 2005. *Islamic Extremism: Common Concern for Muslim and Western Publics*, <https://www.pewresearch.org/global/2005/07/14/islamic-extremism-common-concern-for-muslim-and-western-publics/>. Access 25.08.2021.

<sup>32</sup> Pew Research Centre, 2006, *Europeans Debate the Scarf and the Veil*, <https://www.pewresearch.org/global/2006/11/20/europeans-debate-the-scarf-and-the-veil/>. Access: 25.08.2021.

<sup>33</sup> The Pew Global Project Attitudes, *Most americans disapprove Widespread support for banning full islamic veil in western Europe*, p.1.



or EUR 60 000 and two years in prison in the case of imposing a minor to cover their face). At the request of the Constitutional Council, the only adjustment made was to extend the list of exceptions to publicly accessible places of religious worship. It was supported by a circular from the Minister of the Interior, who asked his subordinates not to intervene near places of worship and thus not directly restrict religious freedom<sup>34</sup>. The law came into force on 11 April 2011, but the penalties for forcing others to cover their faces (husbands forcing their wives) had been in force since October 2010. In theory, it was allowed to wear a face veil for strictly religious reasons, but religion was not the clear and obvious motive, as the reasons for wearing a *burqa* or veil can vary<sup>35</sup>.

### Reaction of Muslim communities

The issue of wearing *burqas* and *niqabs* was joined by other followers of Islam based in France. Sihem Habchi, a declared feminist and member of *Ni putes ni soumises* (NPNS)<sup>36</sup>, born in Algeria and living in France, proclaimed that “The *burqa* is the most violent symbol of the oppression of women and has nothing to do with the Muslim religion, my religion”<sup>37</sup>.

The French Minister of the Interior in office at the time, Brice Hoerterfeux, referring to French intelligence sources, qualified the wearing of *burqas* and *niqabs* as a completely marginal practice among Muslims in France. It was estimated that out of 1,900 cases of wearing such clothing nationwide, as many as 50 per cent of them are located within the Paris area (Île-de-France region)<sup>38</sup>. Most of the women who cover up are relatively young – as many as 90 per cent are under 40 and 50 per cent under 30. Two-thirds of them are French nationals<sup>39</sup>. Incoming migrants want to practise their faith, therefore creating further negative situations in society. According to a study carried out by the Montaigne Institute<sup>40</sup>, 65 per cent of Muslims want women to wear a face veil (*hijab*), and 24 per cent are in favour of a full veil (*niqab*, *burqa*)<sup>41</sup>.

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<sup>34</sup> Circulaired'application du 31 mars 2011 de la loi no. 2010-1192 du 11 octobre 2010 posant le principe de l'interdiction de la dissimulation du visage dans l'espace public.

[http://www.lefigaro.fr/assets/pdf/voile\\_circulaire.pdf](http://www.lefigaro.fr/assets/pdf/voile_circulaire.pdf). Access: 12.05.2021.

<sup>35</sup> D. Barton, *Is the French Burka Ban Compatible with International Human Rights Law Standards?*, Essex Human Rights Review Vol. 9, Nr. 1, 2012, p. 9.

<sup>36</sup> „Ni putes ni soumises”- means that the women members of the organisation do not sell their bodies, nor are they submissive.

<sup>37</sup> T. Ramadan, *15th meeting of the Mission d'information sur la pratique du port du voile integral sur le territoire national*, Mission meeting no 15, 2010, p. 2.

<sup>38</sup> B. Horteferux, *Mission meeting no 18, audition conjointe*, p. 3.

<sup>39</sup> S. Amghar, *Ecole des Hautes Etudes en Sciences Sociales*, Mission meeting no 11, p. 3.

<sup>40</sup> Established in 2000, dedicated to the study of social cohesion issues.

<sup>41</sup> C. Chambraud, *Les musulmans de France, une population jeune et diverse*, Le Monde [http://www.lemonde.fr/religions/article/2016/09/18/une-enquete-de-l-ifop-offre-un-portrait-nouveau-des-musulmans-de-france\\_4999468\\_1653130.html](http://www.lemonde.fr/religions/article/2016/09/18/une-enquete-de-l-ifop-offre-un-portrait-nouveau-des-musulmans-de-france_4999468_1653130.html). Access: 04.07.2021.

M'hammed Hennicke, secretary-general of the Union of Muslim Associations in Seine-Saint-Denis said that the law, which bans the wearing of the *burqa* and *niqab*, is a marginal phenomenon. In his view, the current law discriminates against the Muslim majority. The face-covering garment is primarily associated with women who profess Islam, so according to the secretary, it is a law against religion. The constant information and control of the law prohibiting the covering of faces in public spaces are against the values that France has represented for decades – la Liberté<sup>42</sup>.

The opposite view took Philippe d'Iribarne, author of the book *L'Islam devant la démocratie* (eng. Islam before democracy), who said that the new law does not stigmatise Islam, although it only concerns the Muslim minority and is a form of state security<sup>43</sup>.

### **Analysis of the law prohibiting the covering of faces in public spaces**

The content of the law promulgated by the President of the Republic Nicolas Sarkozy states:

#### **Article 1**

No one is allowed to wear a garment designed to cover the face in a public space.

#### **Article 2**

For the purpose of the application of Article 1, public spaces are public roads, public places accessible for the provision of public services.

The prohibition provided for in Article 1 shall not apply if the attire is mandated or permitted under other legislation, if it is justified on health or professional grounds, or if the attire is related to sports practices, mass events, or artistic and traditional activities.

#### **Article 3**

Failure to comply with the prohibition laid down in Article 1 shall be punishable by a fine as provided for second-class offences. An obligation to complete the citizenship course referred to in Article 131-35-1 of the Penal Code will also be imposed, which may be applied with and/or fined.

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<sup>42</sup> La Liberté – freedom.

<sup>43</sup> C. Elvire, *Voile intégral: une loi difficilement applicable*, Le Monde, [http://www.lemonde.fr/societe/article/2013/08/02/voile-islamique-une-loi-difficilement-applicable\\_3455937\\_3224.html](http://www.lemonde.fr/societe/article/2013/08/02/voile-islamique-une-loi-difficilement-applicable_3455937_3224.html). Access: 16.05.2021.

Annotation: Following the Article 109 of Law No. 2019-222 of 23 March 2019, these provisions shall enter into force one year after the date of promulgation of this Law. Restriction of freedom sentences sentenced before that date shall be enforced until served in accordance with the provisions in force on the date of their sentencing, with the proviso that the powers conferred under Articles 713-47 of the Code of Criminal Procedure to the president of the magistrates' court or a judge designated by him shall be exercised by the executive judge.

#### **Article 4**

Modification in the Criminal Code by adding a section: Coercion to cover the face (fr. *De la dissimulation forcée du visage*). Article 225-4-10: The fact that a person may force another person to cover his or her face by threat, violence, coercion, abuse of power, or abuse on the basis of gender differences is punishable by imprisonment for 1 year period and a fine of 30,000 euros.

If the act is committed to the detriment of a minor, the punishment is increased to two years imprisonment and a fine of €60,000.

#### **Article 5**

Articles 1 to 3 shall enter into force within six months after the adoption of this Law.

#### **Article 6**

The law applies to the whole territory of the Republic.

#### **Article 7**

The Government will present a report to Parliament (National Assembly and Senate) on the application of the Law eighteen months after its promulgation.

In addition to the Law prohibiting the face veil in public spaces, which was adopted during the presidential term of Nicolas Sarkozy, it is also crucial to list the legislative acts that have been created over the years in order to maintain an adequate level of security on the territory of the French Republic and have an impact on the functioning of society. The most important of these are:

- *Loi n°89-486 du 10 juillet 1989 d'orientation sur l'éducation, dite « Loi Jospin »* : (FR) – Law on Education of 10 July 1989 (also known as the “Jospin Law” after the Minister of National Education Lionel Jospin), which significantly changes the functioning of the

French education system. The law states that education is a national priority and that pupils or students must be actors of their orientation and not suffer because of it.

- *Loi n° 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* – Law on religious symbols in public schools, creating Article L.141-5-1 in the Education Code. The French law created in 2004 prohibiting the wearing of religious symbols in primary, secondary and higher schools. The wearing of signs or dresses by which students ostensibly manifest religious affiliation is prohibited.
- *LOI n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme* - anti-terrorism law in force since 30 October 2017. Its introduction ends the state of emergency maintained for nearly two years. Actions under the law aim at preventing terrorism. With the introduction of the law, the French government established preventive measures, defined the *modus operandi* of the security services, and established the competencies of administrative authorities.

## Human rights

The legal framework under which any restriction on face-covering in Europe must operate consists of international and national laws on freedom of expression, religious freedom, prohibitions on discrimination, and other fundamental rights. They include The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, and the European Convention on Human Rights (ECHR). There is also the case law and interpretative documents of the Human Rights Committee (for a general summary of its understanding of “religious freedom” see General Comment No. 22), the European Commission of Human Rights<sup>44</sup> (until 1998), and the European Court of Human Rights. A somewhat less formal yet equally important role is played by the UN Special Rapporteur on freedom of religion or belief. The number of tools that international organisations have in cooperation with states should be sufficient to control, reduce and anticipate threats to democracy and freedom. It is important to note that in a country as multicultural and multiethnic as the French Republic, these potential problems and differences in society will over time be more significant than in Poland, for instance<sup>45</sup>.

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<sup>44</sup> CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion).

<sup>45</sup> D. Barton, *Is the French Burka Ban Compatible with International Human Rights Law Standards?*, Essex Human Rights Review Vol. 9, Nr. 1, 2012, p. 3-4.



Within this issue, the most important articles of the Convention for the Protection of Human Rights and Fundamental Freedoms, which provide a basis for understanding the current situation in France, will be highlighted and analysed. The law in force is both good and bad, positive and negative, right and wrong. A picture of a society that competes at every level emerges. Any attempt to enforce human rights is perceived as a threat in the context of state security or an attack on existing law.

Core articles of the Convention for the Protection of Human Rights and Fundamental Freedoms in the context of the problem in the French Republic:

## **Article 9**

### **Freedom of thought, conscience and religion**

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others<sup>46</sup>.

## **Article 14**

### **Prohibition of discrimination**

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status<sup>47</sup>.

National Consultative Commission on Human Rights (fr. *Commission nationale consultative des droits de l'homme*, CNCDH), an independent administrative body under French legislation in the field of human rights and international humanitarian law, monitors France's international obligations in this sphere, stresses that the full-face veil is an affront to human dignity. This

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<sup>46</sup> Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, as later amended by Protocols Nos 3, 5 and 8 and supplemented by Protocol No. 2, OJ 1993.61.284.

<sup>47</sup> Ibidem.

garment appears as social coercion, which can be considered a form of oppression. Furthermore, the CNCDH understands that the inability to identify oneself raises several difficulties that should not be present in the French Republic, a country that promotes the principles of freedom, equality, and fraternity. The inability to distinguish the faces of women wearing full veils (*burqas*, *niqabs*, etc.) can therefore be perceived as a negation of their personhood as well as a denial of interpersonal communication. The full veil makes women invisible to others and limits the possibilities of social relations. According to the CNCDH, the *burqa* and all kinds of veils prevent women from expressing their identity.

Also relevant is the Convention signed by France on 14 December 1983 on the Elimination of All Forms of Discrimination against Women Article 5 of which states that States Parties shall take all appropriate steps to modify the social and cultural patterns of conduct of men and women, to achieve the elimination of prejudices and customs or other practices which are based on the idea of the inferiority or the superiority of either of the sexes or stereotypes of the roles of men and women<sup>48</sup>.

### **Tradition of wearing veils by women**

According to the customs of the Islamic tradition, many elements highlight the differences between men and women. As there are differences in functions and roles, there is a difference in the dress code. The main rule is the categorical prohibition of women's clothes resembling men's and vice versa, which is emphasised by the words of Muhammad "She is not of us who resembles a man, nor he who resembles a woman"<sup>49</sup>. Explicit wardrobe guidelines state that a woman's outer garments must not emphasise or accentuate the curves of her body, resulting in loose dresses or coats worn by women. Today, Muslim women use several types of the veil, ranging from the headscarf to the double veil – the *al-amira*, a long rectangular scarf or *shayle*, worn in the Persian Gulf countries. There is also the *khimar*, the Iranian *chador*<sup>50</sup>, the headscarf – a veil covering the body, head, and face while leaving an opening for the eyes called *niqab*, up to the most veiled Muslim piece of clothing – the *burqa*, covering the entire face and body. The justification for veils can be traced back through history and the ideas presented by a particular religion. Evolving over millennia, interpretations of particular beliefs vary from one

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<sup>48</sup> Convention on the Elimination of All Forms of Discrimination against Women Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979.

<sup>49</sup> Por. H. Abu-Rub, B. Zabża, *Status kobiety w islamie*, Wrocław 2002, p.163.

<sup>50</sup> *Chador*- a full-length scarf that is fastened around the neck with a pin, for example. The chador covers the head and body, but leaves the face completely visible. Khadors are usually black in colour and are most common in the Middle East, specifically Iran. <https://www.facinghistory.org/civic-dilemmas/brief-history-veil-islam>. Accessed: 01.08.2021.

region of the world to another. The most significant representatives of world religions set the trends and customs that their followers practise. In the context of sacred books, content analysis can be helpful for understanding behaviours and discovering the causes of emerging problems when adherents of different doctrines clash. The practice supported by Quranic verses made veiling more common among followers of Islam<sup>51</sup>. The veils of various kinds, in the beginning, served as a distinction between God and mere mortals. “It is not ‘possible’ for a human being to have Allah communicate with them, except through inspiration, or from behind a veil”<sup>52</sup>.

The Quran is the holy book of Islam which is often regarded as the source of law. When we look at the religious practice of women and the interpretation of the words of the Quran, we can see a problem that arises as a result of transferring Islamic models to European, or in this case French, settings.

What is essential while studying the problem is to lean into the following passages of the Quran: Sura 24:31 (AN-NUR): “And tell the believing women to lower their gaze and guard their chastity, and not to reveal their adornments except what normally appears. Let them draw their veils over their chests, and not reveal their ‘hidden’ adornments except to their husbands, their fathers, their fathers-in-law, their sons, their stepsons, their brothers, their brothers’ sons or sisters’ sons, their fellow women, those ‘bondwomen’ in their possession, male attendants with no desire, or children who are still unaware of women’s nakedness. Let them not stomp their feet, drawing attention to their hidden adornments. Turn to Allah in repentance all together, O believers, so that you may be successful.”<sup>53</sup>. Sura 33:59 (AL-AHZAB): “O Prophet! Ask your wives, daughters, and believing women to draw their cloaks over their bodies. In this way it is more likely that they will be recognized ‘as virtuous’ and not be harassed. And Allah is All-Forgiving, Most Merciful.”<sup>54</sup>.

Women’s face coverings will also appear in Sahih al-Bukhari<sup>55</sup> “Make your wives cover themselves from men, because the good and the bad talk to them”<sup>56</sup>.

The definition of each passage in the context of different procedures is different each time. Depending on human behaviour, the geographical region, the laws in force, and the religions

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<sup>51</sup> S. Slininger, *Veiled Women: Hijab, Religion, and Cultural Practice*, 2014.

<sup>52</sup> Verse (42:51) of Quran, <https://quran.com/42>. Access: 29.08.2021.

<sup>53</sup> Verse (24:31) of Quran, <https://quran.com/24/31>. Access: 29.08.2021.

<sup>54</sup> Holy Quran Noble Kuran, <https://quran.com/33>. Accessed: 10.09.2021.

<sup>55</sup> A collection of hadis by the Muslim scholar Al-Bukhari, which Sunnis regard as the most authoritative religious work after the Koran.

<sup>56</sup> P. Morris, *Covering Islam – burqa and hijab: limits to the human right to religion*, Human Rights Research Journal, Wellington 2005, p. 5.

professed by the society, the understanding of the holy book of Islam will be fluid. Adapting the quotations to the surrounding reality without respecting modern laws and values causes our perception of the world to remain unchanged for hundreds of years. It is crucial to practise one's religion while respecting the rights of others and, above all, respecting the legislation of the country of residence, in this case, France. No one has the right to judge a religion and its dogmas, but everyone should respect the common good.

### Head coverings worn by Muslim women



### Face covering and sporting and mass events

Covering the face in public is multifaceted. What is often overlooked is the fact that the law is not only aimed at representatives of Islam. As we analyse the problem, it is essential to bear in mind the many dimensions that affect the functioning of the state and have an impact on society. One of the most relevant premises is social identification in the form of support for representatives of various sports disciplines. In the French Republic, football is the most popular sport, and rivalry between supporters, also outside the stadium, has been going on for decades. This aspect is crucial in terms of defending established law. Football fans cover their faces in order not to be recognised during robberies. In France, every week, there are confrontations between supporters who clash within and outside the stadium. They attack



players by running onto the pitch<sup>57</sup>, gather in groups to beat up fans of opposing teams<sup>58</sup>, and a vast number of football matches are referred to as derby, which means no less than a high-risk encounter for the security services. Confrontations with officers, balaclavas on faces, and riots in the city centre lasting several hours have been recurring for several years. The law prohibiting face-covering is intended to help law enforcement agencies identify potential perpetrators. It is also a form of counteracting anonymous offenders.

### Participation in sporting competitions in the light of restrictions

Looking at the aspect of sporting events, one cannot ignore the current developments related to the practice of specific sports within the French Republic. In April 2021, a vote was held in the Senate on amendments to the “bill to strengthen respect for the principles of the Republic”<sup>59</sup>, banning the wearing of the *hijab* in sports competitions. “The wearing of conspicuous religious symbols is prohibited for participation in sports events and competitions organised by sports federations and affiliated associations”<sup>60</sup>. This raises controversy on two different levels. First concerns the generally accepted tendency of imposing a particular type of clothing at sporting events, and just as it is an abuse to force women to wear particular clothes, the same dynamic occurs when there is a ban on wearing them. The second level concerns the consequences directly affecting young Muslim women. Furthermore, even though the ban is justified as a purely progressive measure in terms of women’s rights, it has the consequence of excluding girls from all sports. Allowing the *hijab*, as opposed to banning it, is equated with an act of emancipation for Muslim women.

It is noteworthy that some of the world’s female athletes have worn the *hijab* during today’s sporting competitions. However, in football, the bans occurred even before the 2021 law, as mentioned earlier. By comparison, the International Football Federation (FIFA) has allowed Muslim female footballers to wear the covering since 2014, while the French Football Federation (FFF) continues to ban *hijabs* for secular reasons, remaining the only international

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<sup>57</sup> R. Tual, *Football, Deux joueurs se battent en plein match au Havre, les supporters interviennent*, Actu, [https://actu.fr/normandie/havre\\_76351/football-deux-joueurs-battent-match-havre-supporters-interviennent\\_589236.html](https://actu.fr/normandie/havre_76351/football-deux-joueurs-battent-match-havre-supporters-interviennent_589236.html). Access: 02.08.2021.

<sup>58</sup> D. Thierry, *Coupe de France : les supporters bordelaise interdits à Libourne pour Bergerac – Lille*, Sudouest, <http://www.sudouest.fr/2017/03/01/coupe-de-france-les-supporters-bordelais-interdits-a-libourne-pour-bergerac-lille-3238993-766.php>. Access: 30.08.2021.

<sup>59</sup> *France: Amnesty International’s concerns regarding the bill “to strengthen respect for the principles of the Republic”*, Amnesty International, <https://www.amnesty.org/en/documents/eur21/3912/2021/en/>. Access: 02.11.2021.

<sup>60</sup> M. Pistorius, *French hijab ban risks further excluding Muslim girls from practicing sports*, Euractiv.com, <https://www.euractiv.com/section/non-discrimination/news/french-hijab-ban-risks-further-excluding-muslim-girls-from-practicing-sports/>. Access: 11.08.2021.

body to exclude women from the sport on these grounds<sup>61</sup>. Another example is the 2007 incident involving an 11-year-old girl ejected from a football tournament in Quebec, Canada. The justification was that the *hijab* posed a health and safety risk, even though it was safely tucked away. FIFA spokesman Pekka Odriozola said at the time that it was up to regional and national associations to decide how to interpret the law, which states that a player “must not use equipment or wear anything that is dangerous to himself/herself or another player”<sup>62</sup>. The controversy was further aroused by the fact that not only did the FIFA website state that modern protective equipment made of soft material: face masks, headgear, knee and arm pads, are not considered dangerous and are therefore allowed. Nevertheless, there were also photographs of players wearing the *hijab*.

The influence of public opinion on regulation and change in this sphere should also not be forgotten. In 2019, French sportswear retailer Decathlon abandoned plans to sell the *hijab* to female runners in France. The company announced that the suspension of the product was a consequence of a wave of insults and unprecedented threats, and lawmakers’ views that the running *hijab* contradicts the country’s secular values. Examples include statements by La République en Marche party spokeswoman Aurore Bergé – “My choice as a woman and citizen will be to no longer put my trust in a brand that breaks away from our values”<sup>63</sup> and Health Minister Agnès Buzyn – “it’s a vision of women that I don’t share. I would prefer if a French brand did not promote the headscarf”<sup>64</sup>. Statements of this kind send a clear message about the opposition to inclusivity in sport that the shop was originally aiming for – as well as adapting appropriate products. It is common in France to say that any external religious symbols do not maintain the appearance of neutrality, so they do not comply with the country’s laws on secularism<sup>65</sup>. And, as in 2016, many regions within the French Republic banned the swimsuit called *burkini*<sup>66</sup>, citing possible links between religious symbolism and recent terrorist attacks in the country. It is so clear that despite the fact that cover-ups during sporting activities are sometimes seen through the prism of practical challenges: restrictions of movement or lack of

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<sup>61</sup> M. Pistorius, *French hijab ban risks further excluding Muslim girls from practicing sports*, Euractiv.com, <https://www.euractiv.com/section/non-discrimination/news/french-hijab-ban-risks-further-excluding-muslim-girls-from-practicing-sports/>. Access: 12.08.2021.

<sup>62</sup> S. Grumble, *Muslims grumble at Canada football hijab Ban*, Reuters, <https://www.reuters.com/article/oukoe-uk-soccer-hijab-idUKN0639941020070307>. Access: 12.08.2021.

<sup>63</sup> *Decathlon cancels sports hijab sale in France*, BBC News, <https://www.bbc.com/news/world-europe-47380058>. Access: 12.08.2021.

<sup>64</sup> Ibidem.

<sup>65</sup> Ibidem.

<sup>66</sup> *Burkini* - a swimming attire designed for Muslim women and women from other cultures whose religion prohibits the exposure of many body parts. A contamination of the nouns burka and bikini.

comfort during more strenuous physical exercises, the imposition of the type of dress by regulations still plays a key role here<sup>67</sup>.

### **Terrorist threats and the ban on face-covering**

French terrorism takes the form of various violent acts, and it is characterised by specificities closely linked to history and the current political situation in the country. Terrorism as a phenomenon and a form of weapon for its growing number of supporters has led to the creation of specific legislation and a set of measures to combat its negative impact on the functioning of society. The complexity of this phenomenon requires the intensification of state bodies' activities to understand it and identify ways to counteract and prevent its occurrence in the future.

On 7 January 2015, terrorists carried out an attack on the headquarters of the French newspaper Charlie Hebdo. Two attackers killed twelve people, including eight members of the editorial board. The attack was also followed by a heated discussion in society about freedom of speech in France. Everyone has the right to freedom of thought, conscience, and religion. This right includes the freedom to change religion or belief and freedom, either alone or in community with others and in public or private, to manifest religion or belief in teaching, practice, worship, and observance. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers<sup>68</sup>. The attack on the editorial staff was an attack on freedom and human rights. Although the newspaper has repeatedly attacked the religion of Islam, this was done on a journalistic level, and in this case, the highest human values were destroyed. The tragedy can be looked at from many angles, but the key point is that this was another dispute with Muslims on the territory of the French Republic. The question arises as to whether this was not a retaliatory action and a form of warning in opposition to the mockery and stigmatisation of the religion of Islam.

Many of the attackers have lived on French territory since birth. They work, study, obtain higher education, and start families. Their return to the Middle East or Africa is linked to the relationships they have established in Europe or to their strong belief in Islam, which they wish

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<sup>67</sup> *Hijab in sport and fashion*, Open Learn, <https://www.open.edu/openlearn/history-the-arts/veiling/content-section-3.1>. Access: 26.08.2021.

<sup>68</sup> Universal Declaration of Human Rights, adopted by the UN General Assembly by resolution 217/III A on 10 December 1948 in Paris. [www.unesco.pl/fileadmin/user\\_upload/pdf/Powszechna\\_Deklaracja\\_Praw\\_Czlowieka.pdf](http://www.unesco.pl/fileadmin/user_upload/pdf/Powszechna_Deklaracja_Praw_Czlowieka.pdf). Accessed: 13.05.2021.

to cultivate in their country of origin. The aim of the education of European jihadists is intensive indoctrination, military preparation, and the acquisition of the habit of using violence, in the name of Islam interpreted in their own way, against the population in Europe, in order to provoke civil war in the host country<sup>69</sup>. However, France also faces attacks planned by individuals or terrorist groups from outside. In 2015 alone, the French Republic was the main target of coordinated terrorist attacks. On 13 November, three suicide bombers carried out an attack outside the *Stade de France* stadium in Saint-Denis, during a football match being played. At the same time, another group of attackers fired on crowded Parisian cafés and restaurants, one of whom also used explosives. A third group broke into the Bataclan theatre, opened fire and took hostages<sup>70</sup>. In total, the bombers killed 130 people and wounded 416<sup>71</sup>.

Starting in 2014, an increase in terrorist attacks could be observed in the French Republic. In 2015 alone, as many as 16 attacks and 159 deaths were recorded. Between 2012 and 2019, 66.2 per cent of terrorist attacks carried out by Islamists took place; 43.2 per cent of those who died as a result of the attacks carried out on 13 November 2015, and 20.2 per cent of those who died in terrorist actions in Europe were killed on French territory<sup>72</sup>. According to the 2019 FONDAPOL report, the Islamic State is responsible for 49.5 per cent of the deaths caused by Islamist terrorist attacks in France (157 victims), with an average of 4.5 deaths (compared to 4.9 worldwide and 4.5 in the EU, respectively). This makes France second in the ranking for the number of attacks perpetrated by the Islamic State in Europe (2013-19), while it ranks first among European Union countries. In total, from 2013 until 2019, the number of attacks caused by Islamic terrorist attacks has reached 42, with 272 deaths.

The terrorist attacks that have occurred in recent years are not taken lightly in the French Republic. The country, located in Western Europe, is now one of the main targets of jihadist violence that has erupted and spread to the Middle East. The defeats in Syria and Iraq against ISIS (eng. *Islamic State of Iraq and Syria*, fr. *L'État islamique*) and the presence of several thousand French soldiers in the territories of the warring states pose an additional threat. The President of the Republic and the appointed government are responsible for protecting the French people, which is why a new anti-terror law has been passed. Its regulations are the last bastion in the fight against an unspecified enemy such as terrorists. The last ten years in the

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<sup>69</sup> G. Kepel, *Terror we Francji - geneza francuskiego dżihadu*, Dialog, Warszawa 2017, p. 160 - 165.

<sup>70</sup> *Timeline of Paris attacks according to public prosecutor*; Reuters, <https://www.reuters.com/article/us-france-shooting-timeline/idUSKCN0T31BS20151114#h8KRqimXftutLeR3.97>. Access: 20.07.2021.

<sup>71</sup> M. Brophy Marcus, *Injuries from Paris attacks will take long to heal*, CBS News, <https://www.cbsnews.com/news/injuries-from-paris-attacks-will-take-long-to-heal/>. Access: 20.07.2021.

<sup>72</sup> *Islamist terrorists attacks in the world 1979-2019*, FONDAPOL, 2019.



French Republic clearly show that the security services have been unable to cope with the increasing number of terrorist acts. The new anti-terrorism law is intended to be a step forward in the fight against an unidentified adversary. It is crucial to examine the cause and conditions in the context of past attacks, and this should be the basis for operational steps in the future.

The ban on covering faces in public spaces is one way of countering terrorist threats. The inability to identify a person and determine their intentions is the basis for operational action by security services. It is also strongly linked to the multireligious society living in the French Republic. The intermingling of cultures and traditions requires the inhabitants to cooperate constantly as part of their existence in one country. This is crucial so that civil war does not break out and citizens do not live in constant fear when moving around in public spaces. If we see a masked figure, we feel fear, which is strongly motivated by the lack of information about its plans and intentions. Nowadays, after a series of attacks in Europe, society in this region lives in anxiety. Covering faces leads to hostile relations and disputes between supporters and opponents of the law. The key to understanding the problem is mutual acceptance. The public must come to terms with something that cannot be changed, recognise the features of behaviour as being in line with the expectations of the government and some of the population, and accept the current conditions that will allow the Republic to live under the current conditions.

### **Face-covering ban in Europe**

France was the first European country to ban the wearing of face-covering clothing in public places, under a law<sup>73</sup> applied since April 2011 and approved by the European Court of Human Rights in 2014. In the other States, the situation is as follows:

- **Austria:** since 2017, there has been a nationwide ban on face-covering in public spaces. Those who do not comply with the guidelines are charged a fine of 150 euros. Two years later, a law was approved banning the wearing of ideologically or religiously influenced clothing which is associated with the covering of the head<sup>74</sup>;
- **Belgium:** the full veil was banned in public places by a 2011 law. The offence is punishable by a fine and/or imprisonment for up to seven days;

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<sup>73</sup> LOI n° 2010-1192 du 11 octobre 2010 *interdisant la dissimulation du visage dans l'espace public*, JORF n°0237 du 12 octobre 2010 page 18344 texte n° 1, NOR: JUSX1011390L.

<sup>74</sup> P. Oltermann, *Austria approves headscarf ban in primary schools*, The Guardian, <https://www.theguardian.com/world/2019/may/16/austria-approves-headscarf-ban-in-primary-schools>. Access: 12.07.2021.

- **Bulgaria:** Parliament in September 2016 adopted a law banning the veil in public places, except for health or professional reasons;
- **Czech Republic:** to date, no legislation has been adopted regulating the wearing of Islamic veils. However, there are so-called institutional bans directly linked to specific incidents, including a demand by residents of Teplice to expel a schoolgirl wearing the *niqab* (2016) and efforts to ban the *niqab* and other head coverings in the locality above. The recent migration crisis has significantly contributed to the deepening of anti-Muslim sentiment, with discussions about the garments attracting public attention. In July 2017, a dispute erupted over a ban on body-covering swimsuits, the so-called *burkini*, in a Czech water park<sup>75</sup>.
- **Denmark:** in May 2018, the Danish government passed a law banning face-covering in public spaces. A violation of the ban results in a fine of 1000 kroner. Exceptions include fancy dress balls and cold weather, whereby it will be up to the police to decide if a person's face is "too covered"<sup>76</sup>.
- **Netherlands:** In June 2018, the Dutch government approved a legislative proposal for a partial ban on clothing that covers the entire face or only leaves the eyes uncovered. The ban was introduced in 2019 and applies to public transport, government buildings, hospitals, or schools. It covers *burqas*, *niqabs*, among others; offenders are subject to a fine of €150<sup>77</sup>. At the same time, it is the first regulation on the religious dress at the national level<sup>78</sup>.
- **Norway:** As of 2018, *burqas* and *niqabs* are banned in kindergartens, schools, and universities. The dress code applies to students, teachers, and employees in daycare centres and kindergartens<sup>79</sup>.
- **Sweden:** Despite several attempts<sup>80</sup>, Sweden has no legislation prohibiting face covering. The discourse on Islamic covering came to public attention in 2002, when a Muslim female

<sup>75</sup> Open Society Justice Initiative, *Restrictions on Muslim women's dress in the 28 EU Member States: Current law, recent legal developments, and the state of play*, 2018.

<sup>76</sup> M. Duncan, *Denmark bans wearing the burqa in public*, Politico, <https://www.politico.eu/article/denmark-burka-bans-in-public/>. Access: 22.07.2021.

<sup>77</sup> J. Guy, *The Netherlands has introduced a 'burqa ban' -- but its enforcement is in doubt*, CNN, <https://edition.cnn.com/2019/08/01/europe/netherlands-burqa-ban-scli-intl/index.html>. Access: 22.07.2021.

<sup>78</sup> Open Society Justice Initiative, *Restrictions on Muslim women's dress in the 28 EU Member States: Current law, recent legal developments, and the state of play*, 2018.

<sup>79</sup> *The Local NO*, *Norway bans burqa and niqab in schools*, <https://web.archive.org/web/20190713072525/https://www.thelocal.no/20180606/norway-bans-burqa-and-niqab-in-schools>. Access: 22.07.2021.

<sup>80</sup> Open Society Justice Initiative, *Restrictions on Muslim women's dress in the 28 EU Member States: Current law, recent legal developments, and the state of play*, 2018.

reporter was refused a promotion because of her head covering. Swedish television (SVT) executives cited the fact that the head scarf “would breach the impartial and neutral image of the firm”<sup>81</sup>.

- **Italy:** a 1975 law allows people to keep their faces covered. Courts have systematically rejected complaints by municipal bodies, arguing that the veil was more a tradition than a desire to hide one’s identity. Despite the judgments (including one containing an exception for the compulsion to remove the veil at the request of public security authorities), several Italian cities (including Novara, Treviso, and Drezzo) issued misleading ordinances. However, they were later annulled due to conflict with Law 152/1975.
- **United Kingdom:** Despite attempts to introduce them, there are currently no legal bans at the national level on face-covering or headscarves. However, individual restrictions are taking place in public health facilities, among others: in 2014, *The Telegraph* reported about 17 hospitals establishing a ban on wearing *niqabs* on the so-called “front line”<sup>82</sup>.
- **Switzerland:** in a referendum held in March 2021, just over 51 per cent of voters voted in favour of banning women from wearing *burqas* and *niqabs* in public places. Full face coverings will be allowed in places of prayer and during “indigenous customs” such as carnivals<sup>83</sup>.
- **Russia:** this country represents a particular case because it is a region with bans and orders on a dress, depending on the territory. In Tatarstan, women have the right to walk with their heads uncovered or covered in public, depending on their religious views. In Chechnya, there are no local laws directly prescribing the wearing of headscarves but in fact standards of behaviour and dress have been actively enforced for many years. A dress code was introduced in 2006. The then Prime Minister, Ramzan Kadyrov, stated that Chechen women should not be seen with their hair uncovered by a headscarf. Two years later, the accessory became an obligatory part of female civil servants, public sector workers, and teachers. The wearing of headscarves is also a condition to be met for women to enter state buildings<sup>84</sup>.

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<sup>81</sup> Ibidem.

<sup>82</sup> L. Donnelly, *Secret Ban on face veils for Staff at 17 hospitals*, *The Telegraph*, <https://www.telegraph.co.uk/news/nhs/10319264/Secret-ban-on-face-veils-for-staff-at-17-hospitals.html>. Access: 27.07.2021.

<sup>83</sup> The Guardian, *Switzerland to ban wearing of burqa and niqab in public places*, <https://www.theguardian.com/world/2021/mar/07/switzerland-on-course-to-ban-wearing-of-burqa-and-niqab-in-public-places>. Access 25.07.2021.

<sup>84</sup> Y. Chulkovskaya, *Can you wear a hijab in Russia? And if so, where – and where not?*, [https://www.rbth.com/politics\\_and\\_society/2016/10/19/can-you-wear-a-hijab-in-russia-and-if-so-where-and-where-not\\_640217](https://www.rbth.com/politics_and_society/2016/10/19/can-you-wear-a-hijab-in-russia-and-if-so-where-and-where-not_640217). Access: 26.08.2021.

The opposite situation exists in Mordovia and Stavropol, regions with a ban on wearing *hijabs* in schools and universities<sup>85</sup>. In 2013-15, a debate heated up about the compulsion to wear headscarves in educational institutions. For example, Vladimir Putin has repeatedly expressed his support for the *hijab* ban. “There is nothing good about it. There are ethnic features in republics based on ethnicity. But this is not an ethnic feature, but a demonstration of a known attitude to religion. Our country, even its Muslim regions, has never had this tradition”<sup>86</sup>. In the same year, a ban on religious clothing was introduced in Stavropol. In the case of Mordovia, the dress code issue went to the Supreme Court in 2015, where the student dress requirements were upheld.

- **Poland:** the lack of regulation on women’s dress was regulated. Moreover, there is a lack of norms regarding religious symbols banned in public space. According to the relevant provisions of the Constitution of the Republic of Poland, state organs shall maintain impartiality in matters of religious, philosophical, and philosophical beliefs (Article 25(2)), and prescribe to treat all churches and religious associations in the same way (Article 25(3))<sup>87</sup>.

### **The image of Muslims in Poland**

Although the veiling of the face is not prohibited in Poland, the situation of Muslims should be mentioned in the context of the French Republic. After the attack on 11 September 2001, TNS OBOP released the data of a survey on associations of Poles with the word “Islam”. 66 per cent of the respondents identified religion, 18 per cent identified terrorism and 11 per cent identified Islam as a problem. 18 per cent mentioned terrorism, and 11 per cent – war<sup>88</sup>. The attacks and subsequent assaults are increasing the fear of Islam. To a large extent, the issue of the negative image of Muslims is linked to the rhetoric of the Polish press.

In early 2017, the Public Debate Observatory of “Liberal Culture” published a report examining specific media messages and their impact on the perception of the Muslim community in Poland. According to the report, to a large extent, profiles of representatives of the community were identified with refugees arriving in the European Union. Through ready-made sets of

<sup>85</sup> BBC News, *The Islamic veil across Europe*, <https://www.bbc.com/news/world-europe-13038095>. Access: 24.08.2021.

<sup>86</sup> Y. Chulkovskaya, *Can you wear a hijab in Russia? And if so, where – and where not?*, [https://www.rbth.com/politics\\_and\\_society/2016/10/19/can-you-wear-a-hijab-in-russia-and-if-so-where-and-where-not\\_640217](https://www.rbth.com/politics_and_society/2016/10/19/can-you-wear-a-hijab-in-russia-and-if-so-where-and-where-not_640217). Access: 24.08.2021.

<sup>87</sup> I. Gardzielik, *Obecność symboli religijnych w instytucji publicznej (Opinia 3/2016)*, Polskie Towarzystwo Prawa Antydyskryminacyjnego, p. 5-9.

<sup>88</sup> E. Górńska, *Europejska islamofobia a Muzułmanie w Polsce*, *Poliarchia* 1/2013, 2013, p.188.

words, which were used interchangeably, and the lack of frequent consideration of the situational context, it was possible to create a “blurred” image of Muslims. According to the report, the most frequent set of words associated with a negative image was the one portraying the community as radical and dangerous: the metaphor of wave, invasion, war – *Do Rzeczy* weekly newspaper; “to stop the wave of immigrants” – *Newsweek*; “in the mirror of refugees we saw our terrible face” – *Gazeta Wyborcza*<sup>89</sup>. The consequence of such messages making up the media rhetoric may be reflected in surveys on Poles’ attitudes towards refugees conducted in 2017. The majority of the public (60 per cent) said that large numbers of migrants from countries like Syria or Iraq pose a severe threat, even though the number of asylum seekers in Poland is relatively small. In 2010, the number of Muslims in Poland was less than 10,000, in 2016 – 10,000, and depending on the different migration scenarios, predictions for the number of Muslim migrants for 2050 are as follows: 10 thousand (zero migration scenario), 50 thousand (moderate migration scenario) and 60 thousand (high migration scenario)<sup>90</sup>.

Another significant issue is that in Poland lives a relatively large Muslim community<sup>91</sup>. The Tatars from Bohoniki and Kruszyńscy have undergone a long process of assimilation while retaining some features of their ancestors' culture and assimilating many elements of the local one. They profess Islam, however, in an altered form. The functioning of the community has changed, for instance, not following the fivefold prayer of the day (salat), but rather postponing it to one day, when it is recited together for the whole week. Financial and health factors determine the pilgrimage to Mecca (hajj). All other pillars of the faith are mostly obeyed. Strict observance of fasting during the month of Ramadan is emphasized. Apart from that, the Tatar mosques in Bohoniki and Kruszyńscy do not have minarets from where the muezzin would call the worshippers to prayer; architecturally, they resemble wooden village churches, which is yet another sign of assimilation. Despite their devotion to their history, the Tatars declare themselves as Poles, and both Arabic and Polish cultures are very close to them. It should be pointed out that their degree of assimilation is absolute. Tatars, Orthodox and Catholics invite each other on religious holidays, and in the case of mixed-religion families, they often celebrate holidays of both faiths together. At the same time, they strongly dissociate themselves from the

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<sup>89</sup> Observatory of Public Debate “Kultura Liberalna”, Negative image of Muslims in the Polish press. Analysis of selected examples from 2015-2016, 2017.

<sup>90</sup> Pew Research Centre, *Europe's Growing Muslim Population*, <https://www.pewforum.org/2017/11/29/europes-growing-muslim-population/>. Access: 02.08.2021.

<sup>91</sup> E. Górka, *Europejska Islamofobia a muzułmanie w Polsce*, „Poliarchia” 2013, no.1, pp. 187–191.

Islamic State and the terrorist activities undertaken by this organization, indicating that they are not faithful followers of Islam but terrorists<sup>92</sup>.

The Muslim League in the Republic of Poland has condemned the terrorist attacks in Paris. The organization also released a special statement referring to the values of Islam. One can read there that the League is against such despicable actions of the followers of Islam on the grounds that they are contrary to what is written in the Koran. According to the representative of the Muslim League in Poland, such actions affect the citizens of Europe and are also a burden for the functioning of the whole Muslim community. Allah's followers also die in attacks, clearly showing that the target is a particular state on the Old Continent, not Christians<sup>93</sup>.

### Face-covering ban vs. epidemic restrictions

Since the beginning of the COVID-19 pandemic, another thread has emerged in the debate on the ban on face-covering. This time related to masks. Following the announcement that it would be compulsory to cover the mouth and nose in certain public places in the French Republic, the debate about the discriminatory nature of the 2011 law flared up again, as, despite the temporary order to wear masks, the ban on Islamic headgear is still in force. Moreover, irrespective of the Interior Minister's statement that the law does not explicitly ban the *burqa* or *niqab*, but rather the complete concealment of the face in public places, a large part of public opinion sees this as Islamophobia.

The government's decision to introduce compulsory face masks while refusing to repeal the ban on Muslim face veils confirms the belief that the restrictions are closely linked to the state's reluctance to include visible Muslims in the French national identity<sup>94</sup>. Furthermore, since currently, French citizens can participate in public life with their faces covered, this sends a clear signal that the ban on veils is not intended to protect the values of the Republic but to promote behaviour intolerant of national minorities.

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<sup>92</sup> S. Cebula, *Tatarzy z Bohonik i Kruszyńian. Tożsamość, asymilacja, współczesne wyzwania*, „Orientalia Christiana Cracoviensia” 2016, no. 8, pp. 115–126.

<sup>93</sup> T. Michalczak, *Zamachy terrorystyczne w Europie – jak skutecznie prowadzić działania antyterrorystyczne w Polsce*, [w:] W. Zubrzycki, K. Jałoszyński, A. Babiński, *Polska ustawa antyterrorystyczna – odpowiedź na zagrożenia współczesnym terroryzmem*. Szczepko 2016, p. 76.

<sup>94</sup> R. Diallo, *Coronavirus exposed the real reasons behind France's 'burqa ban'*, <https://www.aljazeera.com/opinions/2020/5/15/coronavirus-exposed-the-real-reasons-behind-frances-burqa-ban>. Access: 28.08.2021.



## Conclusions

The full veil – which includes the *burqa* and *niqab* (and the *hijab* incorrectly worn – over the face) – has been banned in public places in France since 11 October 2010. This includes the streets, public transport, shops, hospitals, administration, and cinema. However, the law does not explicitly mention Islam. The law states that “no person shall wear in public places clothing designed to conceal the face” in the sense that such practices “may endanger public safety and disregard the minimum requirements of living in society”<sup>95</sup>. Looking at the number of people of the Muslim faith in France, there is a huge social upheaval following the ban on ‘covering the face’, which is perceived as a loss of culture and identity. According to the latest special publication, *Eurobarometer 493: Discrimination In the EU on discrimination in the European Union*, Muslims in France were estimated at 5 per cent in 2019 (3.350.000)<sup>96</sup>. However, significant changes are to be expected in this area, depending on migration rates. Citing a Pew Research Centre report, in 2016, France, alongside Germany, was the country with the highest recorded Muslim population in all of Europe (5,720,000). This number is projected to rise to 12.6 million (moderate scenario) by 2050, depending on individual migration projections<sup>97</sup>. The above figures indicate that emphasis on the enforcement of individual values is essential. Especially when the situation concerns a multicultural country like France, which strongly emphasises the principle of secularism. However, here too, there is a divergence since secularism in France has two dimensions: the first identifies, among other things, public prayer, the wearing of specific clothing and jewellery, and the eating of specific foods in school canteens as examples of violations of secularism. The second, on the contrary, supports state funding of faith schools, the encouragement of interfaith dialogue and the free expression of religious identity, while respecting religious pluralism. And it views the first version through the prism of international law and human rights conventions - highlighting their violation<sup>98</sup>.

The problem with the implemented law is primarily related to the lack of consistency on the part of the national authorities. As a result of the lack of an exact position, ambiguities in legislative acts, or inconsistencies in enforcement, there is a gap between the desire to maintain the principle of secularism in full force and discriminatory behaviour. The examples mentioned in the paper indicate selectivity in individual residents’ treatment, which helps maintain the community’s character within the country. Instead, it causes public dissatisfaction, protests and

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<sup>95</sup> Le Dauphine, *Voile intégral: qui l'autorise, qui l'interdit en Europe?*, ledauphine.com. Access: 28.04.2021.

<sup>96</sup> Eurobarometer, *Discrimination in the European Union*, <https://europa.eu/eurobarometer/surveys/detail/2251>. Access: 17.05.2021.

<sup>97</sup> Pew Research Center, *Europe's Growing Muslim Population*, 2017, p.28.

<sup>98</sup> A. Rattansi, *Multiculturalism: A Very Short Introduction*, 2011, p.46.

even exacerbates xenophobic behaviour and normalises it. One example was the opposition to the ban on *burqas*, *hijabs*, and *niqabs*, which went to the European Court of Human Rights in 2014. Its author was a woman under the pseudonym S.A.S. – a French citizen of Pakistani origin. On 1 July 2014, the Court in Strasbourg unanimously did not allow the complaint about the violation of Article 3 (on inhuman treatment) or 11 (on freedom of association and assembly) either separately or in the context of Article 14 (on prohibition of discrimination) while concluding that there was no violation of Articles 8 and 9 of the European Convention on Human Rights<sup>99</sup>. The law introduced in France (*LOI n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public*), once again found support in international law. Despite protests and controversy several countries where Islam is the dominant religion, the judgment was upheld, marking the end of the fight for human rights in the covering of faces in public places on the territory of the French Republic.

As in the case of 2010, today the French Republic is faced with a new regulation, the Separatist Act, which will significantly extend the powers of the government and “restrict the right to organise and exist of Muslims as people who profess the Islamic faith and are aware of their rights as citizens”<sup>100</sup>. This piece of legislation is problematic because, according to it, Muslims will not be able to participate in public discussions or express their opinions, which will mean that any objections to state interference in believers’ affairs can be ignored.

It should also be remembered that living in a democratic and free country, the highest value is mutual respect. Even though the French Republic offers many benefits to people from West Africa and the Middle East – especially privileges at work, in health care, or social assistance – the lack of respect for members of different religions is still a huge problem. At a time of fear, due to terrorist attacks, society feels fearful of new threats and changes. Therefore, adherents of all religions and cultures must give up part of their possessions to live together peacefully in one country. The introduced law is a bridge between human rights regulations and life in society, defining the rules of coexistence with current challenges, in a way forcing citizens to cooperate within the framework of living in one country. It is a form of a social contract that applies to everyone in public places. If members of different religions and cultures want to feel safe in their country of residence, they must not cause fear to others in any way, for example, through the clothing they wear. However, the system of denying only one group of believers

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<sup>99</sup> Hakeem Yusuf, *S.A.S v France: Supporting ‘Living Together’ or Forced Assimilation*, Birmingham Law School, p. 5.

<sup>100</sup> A. Dogru, E. Taskin, *Muslims in France worried over controversial anti-separatism bill*, <https://www.aa.com.tr/en/europe/muslims-in-france-worried-over-controversial-anti-separatism-bill/2313758>. Access:29.08.2021.

the opportunity to express their views must disappear, and the regulations implemented by the French authorities must be enforced uniformly. We cannot talk about respect and community when the voice of some citizens is silenced.

Acceptance between communities in the French Republic is the only solution today to the problem of cultivating religion while respecting established rights. Respect for differences will make it possible to exist in one block, town, and country. The understanding resulting from respect for the dogmas of the different religions will allow social and sociological cooperation within the inhabitation of specific regions. Respect for the religion cultivated by others is a symbol and, at the same time, a demonstration that it is possible to adopt a positive attitude, thanks to which it is possible to avoid adverse incidents caused by the stigmatisation or imposition of one's values. The French Republic should pursue a policy of acceptance that allows the different communities living in one country to coexist. Multiethnicity is now the greatest challenge of the 21st century, and France and its citizens will have to find a solution. If the situation is not normalised, one can expect the Muslim community to accept its position in the future, to the point where rights and freedoms are given up, or civil war breaks out.

The religious factor will be crucial to the development of international relations in Europe and the world. If we properly analyse the risks and, at the same time, start to counter them in good time, it will be much easier for us to lay the foundations for proper functioning in a multireligious society.