



# General Assembly

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## Human Rights Council

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Agenda item 4

### Human rights situations that require the Council's attention

## **Written statement\* submitted by Maryam Ghasemi Educational Charity Institute, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2024]

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\* Issued as received, in the language of submission only.



## **Violation of the Rights of Muslim Female Students in France**

### **Preface**

The freedom to practise one's religion is enshrined in a number of international human rights laws. In particular, the right to “manifest” one’s religious beliefs is a central component of this principle. Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and Article 9 of the European Convention on Human Rights all contain this directive.

The right of Muslim women to wear the hijab is usually seen in the context of freedom of religion or belief, a human right protected by various international and regional legal instruments. As far as universal legal instruments are concerned, freedom of religion or belief was mentioned in the founding charter of the United Nations (UN), in the sense of promoting human rights without discrimination of religion. Freedom of religion or belief found its more specific and recognised form in Article 18 of the Universal Declaration of Human Rights (UDHR). The right of a Muslim woman to wear the hijab falls under the ‘category of freedom of religion or belief because it concerns the external manifestation of a religion (forum externum) as opposed to the internal thoughts and beliefs of a person (forum internum). As such, it is protected by Article 18(3) ICCPR. Freedom of religion does not only mean having the belief in a religion, but also includes the right to practise or manifest it.

### **France and Right to Wear Hijab**

Nevertheless, France has repeatedly shown its willingness to violate this sacred right in recent years. In fact, the abaya ban is only the latest move by France to regulate Muslim women's choice of dress. In 2004, the government banned all religious symbols and clothing from state schools. The French state had planned to issue further bans on Muslim women's clothing in the coming years. In 2010, a law was passed that criminalised the covering of the face in public, including the niqab and burqa. The law became widely known as “the “burqa ban”. In 2016, the French authorities stepped up their Islamophobia by enacting a ban on the modest swimwear worn by some Muslim women, known as the burkini. With this in mind, we can see that the new abaya ban is just the latest attempt in a wider campaign to force Muslim women to adopt Western dress codes, no matter how uncomfortable they may feel, and in violation of their religious rights.

In September 2023, France’s highest court upheld the government’s ban on schoolgirls wearing the abaya, a long, robe-like garment often worn by Muslim women, in public schools. The ban has its legal basis in a law passed in 2004, which prohibits the wearing of “conspicuous” religious symbols in French schools. At the beginning of the school year, around 300 girls wore kimonos or other long robes to school to show that they consider the ban to be arbitrary. 67 of these students who did not remove their abayas were not allowed to enter the school and were forcibly sent home.

The hijab ban deprives Muslim girls of their constitutional right to education, expression, dignity and non-discrimination and closes the doors of education to them, which is a violation of Muslim women's rights. Education is a fundamental right that is crucial in and of itself and for the realisation of other human rights such as the right to work, to an adequate standard of living, to health, to participation in society and communities, to equality before the law and to fundamental freedoms. When this right is denied to half of the population, women and girls are also denied most other human rights. This is a clear violation of human rights treaties such as Article 26 of the Universal Declaration of Human Rights, Article 13 of the International Covenant on Economic, Social and Cultural Rights, Article 19 of the Convention on the Rights of the Child and Article 24 of the International Covenant on Civil and Political Rights.

We are concerned about the impact this decision could have on young girls, who risk being discriminated against on a daily basis because of their ethnic and religious appearance, suffering the violence of these dress issues and experiencing trauma and harassment that hinder their access to education and their success at school.

Unfortunately, in France, it looks as if Muslims will continue to be the target of the state's policy of enforced secularisation. All those who espouse the principle of tolerance of diversity and believe in the right of individuals to express their religious beliefs free from the fear of state discrimination should be concerned about the abaya ban in Paris. We draw the attention of the Human Rights Council to the following points:

### **Recommendations**

- All states are obliged to realise the right to education for all. Denying girls and other vulnerable groups their basic right to education is discrimination in its weakest form. We condemn the discriminatory policies of the French authorities, which have de facto denied Muslim girls access to secondary schools and other educational institutions, and once again call on the authorities to urgently end these illegal restrictions.
  - We call on the relevant bodies, including the Human Rights Council, to engage with the French authorities on the rights of Muslims and all faith communities to practise their religious identity.
  - We call on the authorities:
    - to intensify efforts to ensure that the education system provides quality education for all Muslim girls in line with international standards.
    - to protect, support and monitor the safety of Muslim girls so that they can continue to fulfil their central role in securing education.
  - We call on the Human Rights Council to consider and prioritise the ongoing discrimination against Muslim women in non-Muslim countries in its agenda and to require these governments to fully respect their civil, political, economic, social and cultural rights in fulfilling these countries' international obligations. In the meantime, we welcome any initiative by the international community aimed at enhancing respect for religious freedom around the world and call for the peaceful co-existence of the followers of all divine religions.
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