

**E. Bribosia & I. Rorive, “Insider Perspectives and the Human Rights Debate on Face Veil Bans”, in *The Face Veil in Europe Inside and Out*, E. Brems (ed.), Cambridge University Press, 2013 (accepted for publication)**

***Summary***

The ‘burqa bans’ adopted in Belgium and France and contemplated elsewhere in Europe, have mobilized human rights activists and scholars, who are nearly unanimous in accusing governments and public authorities banning face veiling of violations of religious freedom and discrimination on grounds of religion as well as gender. Yet like the governments banning the face veil, the human rights activists did not have much information at their disposal concerning the experiences of women wearing it. In this paper, the human rights debate about the face veil is revisited, taking into account the insider perspectives of those women.

We argue that a general ban on face veils in all public spaces fails to meet human rights law standards and that the empirical findings are unravelling many parts of the public discourse upon which State intervention was based. Beyond France and Belgium, it is striking to note how the full veil becomes the “common enemy” of politicians in countries such as the Netherlands, Italy, Spain and even some parts of Germany. Politicians are waving national as well as European identities and values. They forget that human rights are at the core of these values and that being forced to be free is not part of the game. With the rise of extreme-right wing parties in Europe and the financial and economic crisis in the background, the burqa bans appear to take a symbolic significance: politicians are showing to their electorate that they are doing “something” about immigration, integration and the Muslim question. The fact that a substantial amount of fully veiled women are converted is totally overlooked. In Denmark, however, this was enough to stop a national ban. This is obviously not to say that sectorial bans which present a tailored response to a specific situation should be rejected altogether. All kinds of legal norms are already regulating the wearing of the face veil in European countries (school and public services regulations, hospital policies, anti-discrimination law, ...). One could say that the impact of a general ban is therefore marginal. The final point we want to make here is that it actually goes far beyond the issue of the face veil and has a detrimental effect on the whole Muslim community in Europe. It would probably reinforce racism and prejudice and might make some Muslim women more dependent on the patriarchal sectors of their community. In the end, it might just produce more burqas.

As the French Human Rights League put it: “Wearing the full veil could be a “voluntary thralldom, as many testimonies attest. In this case, freedom may not be imposed through coercion but rather result from education, social conditions and personal choice: one cannot emancipate people against their own free will; one might only provide them with the conditions for their emancipation”<sup>1</sup>. The issue of consent is a complex one. Muslim women who veil themselves (most of the time, occasionally, in specific situations,...) have to navigate through their community, family and personal relationships, which are ridden with power relations. To tackle such a tricky issue, public authorities have to rely on scientific data, not on common sense or prejudice, and take human rights and the democratic process seriously.

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<sup>1</sup> French Human Rights League, “Prise de position de la Ligue des droits de l’homme dans le débat sur le voile intégral” ([http://www.ldh-france.org/IMG/pdf/Voile\\_integral.pdf](http://www.ldh-france.org/IMG/pdf/Voile_integral.pdf)).