Purpose

Education is the foundation of success for an egalitarian society and a thriving economy; unfortunately, the right to education for girls in France has been disrupted since Law 2004-228, banning headscarves from French public schools. This law unduly targets Muslim girls, prevents their integration into society, and justifies Islamophobic actions against them beyond the playground. The ramifications of which are poor economic prosperity, an intolerant society, and global scrutiny.

On behalf of the Office of the High Commissioner for Human Rights this policy brief serves to address the Minister of National Education, Najat Vallaud-Belkacem, on the violation of Muslim girls’ right to education and provide recommendations to resolve this inequality.

Summary

Creation of a Bill Banning Religious Symbols: On 15 March, 2004, the government of France passed Bill no. 1378 into Law 2004-228 prohibiting the display of religiously “conspicuous” symbols or clothing in public schools and colleges on the pretext of laïcité (ASSEMBLÉE NATIONALE 2004). The notion that Islam is a threat to the secularity of France motivated the creation of this bill and warranted the discrimination of Muslim girls (Brems 2014). The bill inserted into the Education Code power to discipline Muslim girls for wearing headscarves, such as, the hijab, niqab, chador, or burqa— a fundamental component of Islam (Amiraux and Koussens 2013). The general statements of the bill have solely affected Muslims and disproportionately affected girls, as it directly targets their religious practice while allowing other religious practices, such as Christianity, to continue unobstructed.

Role of the Stasi Commission: Instrumental to the creation of Bill 1378 was a report commissioned by the president of the Republic, Jacques Chirac, in 3 July 2003 (Samma 2007). The report later became known as the Stasi Report, for Bernard Stasi, the ombudsman for the Republic, who led the commission to reflect on the principle of laïcité, which serves to limit religious influence on the state, in relation to the hijab in public schools (Stasi 2003). The commission argued for “freedom and social order”, the guidelines of Bill 1378, and provided the president with the justification needed to pass the bill into law (Pala and Simon 2005).

Rhetoric of Islam: Islam became politicized and scrutinized through the media post-9/11 and, most recently, after the November 2015 Paris attacks, creating a rhetoric of Islamophobia and terrorism, all of which were manifested by the headscarf (Pala and Simon 2005). The bill justified preexisting Islamophobia in France, as the amount of riots, violence, and murders against Muslim women increased since its implementation, and prevented their ability to practice their religion and integrate into French society (Abu-Rabia 2006, CCIF 2004, CCIF 2016). This, coupled with the increase amount of expulsions of Muslim girls from public schools has trapped them in a cycle of subjection by individuals and the state (Henkel 2012). The expulsions interrupted the education of Muslim girls, as they are often forced to remain out of school throughout the duration of their appeals, which often result in the confirmation of their expulsions (Jones 2009). The ban forces many devoted Muslim girls to be inadequately homeschooled, preventing them from receiving a standard education at an institution, a right allowed to the large majority of students in France (Adida, Laitin and Valfort 2010). Inhibiting Muslim girls from efficiently integrating into French society by separating them from their classmates and friends while interrupting their academic careers delays their access to future opportunities (Adida, Laitin and Valfort 2010). In addition, Law 2004-228 violates the Human Rights of Muslim girls, as stated within the United Nations’ Declaration of Human Rights and article 9 of the European Convention on Human Rights: “everyone has the right to freedom of thought, conscience and religion,”; “everyone has the right to education”; and “everyone has the right to freedom of thought, conscience and religion”, respectively (Universal Declaration of Human Rights 1948, European Court of Human Rights 1950).

Isolation of Muslim girls: France continues to prevent Muslim girls from practicing their religion, receiving an education, and integrating into society beyond Law 2004-228; in 2010, Bill 2025 was passed by the French Senate prohibiting the covering of one’s face in public spaces (ASSEMBLÉE NATIONALE 2010). Despite testimony against the bill that argued for tolerance, questioned the need for such a law, and warned of the negative effects the law of 2004 had toward salafizing, initially pious, Muslim girls who wore the hijab to wear the niqab (Assemblée Nationale 2010). The French government is continuing to make decisions about the livelihood of Muslims without consulting them or including them in the decision-making process; decisions that victimizes, marginalizes, and imprisons them, the opposite of what they were claiming to do (Howard 2012). Thus, laws prohibiting the headscarf...
restrict girls from liberation and further oppress them by isolating them from modern French society.

**Current Situation**

Law 2004-228 is causing irrevocable damage to Muslim girls who deserve an education with the rest of the French population. According to the Ministry of Education the occurrence of headscarves in public schools decreased by 57%, from 1465 to 626, a year after the application of the law (Chérifi 2006). In 96 cases, 48 of which the students were expelled, the students charged with the offence left the school (Chérifi 2006).

Today, in France, Muslim girls continue to be expelled for wearing Islamic headscarves and often face public discrimination and violence (Bianco 2014, CCIF 2016). Acts of Islamophobia have steadily increased about 400% since the application of the law of 15 March 2004 from 182 reported acts, in 2004, to 905 reported acts, in 2015 (CCIF 2004, CCIF 2016). Unlike other acts of xenophobia that are directed towards men, the majority of victims of Islamophobia are women who experience greater than three-quarters of the physical violence, aggression, and discrimination perpetuated by the denouncing of the headscarf (CCIF 2016).

Legislation on prohibiting the headscarf on the basis of liberation and equality subjects Muslim girls to a rhetoric of hate that disqualifies their values and worth, which is harmful to their identities and futures. Law 2004-228 is forcing many Muslim women to resort to homeschooling due to their exclusion from school and most public spaces (Zerouala 2014). Although, the law pertains to students in public schools, even mothers who wear the headscarf are prohibited from school trips, parent-teacher conferences, and volunteering in extra-curricular activities (Bianco 2014). In addition, universities in France, which host international adult students who come from varying beliefs and cultures, have been applying the prohibition—an unlawful extension of the law (Bianco 2016).

A recent study, The Future of the Global Muslim Population, show Islam is the 2nd largest religion of France, as of 2010 Muslims are the largest minority comprising 7.5% of the population of France, and is expected to rise to 10.3% in 2030 (Pew Research Center 2011). In relation, the global Muslim population is expected to rise to 2.2 billion, 26.4% of the world population, in 2030. A threatening fact for secularists if not for another study that suggests the French Muslim identity in favour of democracy, Christians, and modern society (Pew Research Center 2006). A step in a positive direction would be to recognize this French Muslim identity instead of marginalizing this growing minority into invisibility.

**Recommendations**

There are no policies currently in France that protect Muslim girls from violence in the public and private sphere or insure their right to education— a pathway to liberation and freedom. There is an urgent need to change Islamophobic attitudes and raise the tolerance level of secular French society, or else Muslim girls will continue to be oppressed, given fewer opportunities, and lack integration into French society. The current situation dictates crucial policy directions:

**Identify needs of young Muslim girls for education:** Appeal Law 2004-228, which bans headscarves from public schools, as the application of the law of 2010, which bans full-face veils from public space, already serves to maintain public order without harming children. The accounts of many young girls is that “the experience of studying in isolation, missing friends, and lacking the support of teachers left her feeling alienated and dissuaded her from further studies”, and furthers her retreat into the patriarchal and oppressive community the government is claiming to remove from French society (Open Society Foundations 2011). Access to education will empower these young women with knowledge, community, and support to escape violence that is indifferent to the French identity (ASSEMBLÉE NATIONALE 2009).

**Include Muslim girls in the planning of policy:** Muslims girls should be actively made part of the decision-making process of issues that concern their livelihoods, as assumptions perpetuates stereotypes not indicative of modern French Muslim women (Howard 2012). To reconcile damage done by previous laws, the involvement of Muslim girls recognizes them and integrates them into French society. These girls who may become mothers will inevitable integrate their children into modern society and break the chains of oppression.

**Change attitudes and behaviors of Islamophobia:** Transforming and challenging the stigmatism and stereotype of the headscarf as the symbol for Islam frees women from oppression privately and publicly, instead of prohibition that just further oppresses (Lyon and Spini 2004). In contrast to France, Austria has recently shown leadership in their reform of Islam as a recognized religion, granting Muslims rights and privileges to create a distinct Islam European identity, separating their ties to extremist foreign influences (Republik osterreich parlament 2015). Furthermore, in 2013 the Spanish Supreme Court made a decision to revoke their ban on the burqa, for the well-being of its Muslim citizens (Gould 2015). In addition to teaching Arabic in French public schools, as proposed by the Ministry of Education, cultural classes and religion classes that promote interfaith dialogue will create a conducive learning and living environment for all students regardless of their religious affiliation (RFI 2016).
1. REFERENCES


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19 October 2016

Religious Futures Project, Pew Research Center, 209.


