

# GA6: Legal CIMUN

Topic 3: The question of government regulation of religious attire

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## Introduction

In April 2011, France became the first country in the EU to put a ban on full-face veils in public places. Since then, the following European nations have introduced a partial or full ban of the burqa: Austria, France, Belgium, Denmark, Bulgaria, Netherlands, Germany, Italy, Spain, Russia, Luxembourg, Switzerland, Norway, and Kosovo. This has resulted in numerous political controversies arising, with the main topic of discussion being whether governments should be able to dictate and regulate religious clothing. As a result, the GA6 committee has assembled with numerous countries to encourage discussions on this topic.

## Key Terms

**Veil** - A piece of clothing worn by women to conceal/protect the face.

**Hijab** - A hijab is a veil used by Islamic women. A hijab typically tends to cover the women's hair, head, face & chest.

**Religion** - "A set of beliefs concerning the cause, nature, and purpose of the universe, especially when considered as the creation of a superhuman agency or agencies, usually involving devotional and ritual observances, and often containing a moral code governing the conduct of human affairs.<sup>1</sup>"

## Background Information

In numerous countries across the globe, women's choice of their appearance and attire is restricted to some extent due to government policies, laws and regulations. These laws are especially common in Europe. In fact, as of 2012, 18 of the 45 EU nations have at least one restriction on the women's choices of attire. For example, France continues to enforce a law passed in 2011 which prohibits citizens from covering their faces in public areas, such as public parks, government buildings and movie theaters. Citizens choosing not to comply with this law are fined and can be ordered to attend a citizenship class<sup>2</sup>.

A similar law was put into action in Belgium, which bans citizens from wearing clothes that cover large/all parts of the face in public places. Citizens not following this law can be fined and/or detained for up to one fortnight. In November 2012, the Belgium's Constitutional Court upheld this ban, concluding that the regulation was vital in protecting public safety.

Since then, numerous other nations have created similar laws, such as Austria, France, Belgium, Denmark, Bulgaria, Netherlands, Germany, Italy, Spain, Russia Luxembourg, Switzerland, Norway & Kosovo.

Some of these laws include being able to prevent muslim women from working with their hijabs. For example, in Egypt's national airline, women were not allowed to wear hijabs<sup>3</sup>.

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<sup>1</sup><https://www.bbc.co.uk/religion/religions/#:~:text=Religion%20can%20be%20explained%20as,the%20conduct%20of%20human%20affairs.>

<sup>2</sup> <https://www.pewforum.org/2016/04/05/restrictions-on-womens-religious-attire/>

<sup>3</sup> <https://www.pewforum.org/2016/04/05/restrictions-on-womens-religious-attire/>

In fact, on July 15th 2021, the top EU court said that headscarves can be prohibited at work under specific conditions, such as showing neutrality to their customers, claiming that “A prohibition on wearing any visible form of expression of political, philosophical or religious beliefs in the workplace may be justified by the employer's need to present a neutral image towards customers or to prevent social disputes<sup>4</sup>.”

Although this is mainly an issue when governments prevent religious clothing, in some countries, the opposite is true: governments mandate their citizens to wear certain attires. For example, in Saudi Arabia, all women are required to wear an abaya in public places.

Similarly, women in Iran are required to cover their hair and wear loose-fitting clothing in public places.

## **Major Countries and Organizations involved**

*Countries with at least partial ban of certain religious attire:*

Austria  
Belgium  
Bulgaria  
Denmark  
France  
Germany  
Kosovo  
Latvia  
Netherlands  
Norway  
Sweden  
Switzerland  
Algeria  
Syria  
Cameroon  
Chad  
China  
Sri Lanka  
Canada

*Countries enforcing all citizens to wear religious attire:*

Saudi Arabia  
Iran<sup>5</sup>

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<sup>4</sup>[https://euobserver.com/democracy/152467#:~:text=%22A%20prohibition%20on%20wearing%20any,on%20Thursday%20\(15%20July\).](https://euobserver.com/democracy/152467#:~:text=%22A%20prohibition%20on%20wearing%20any,on%20Thursday%20(15%20July).)

<sup>5</sup> <https://www.pewforum.org/2016/04/05/restrictions-on-womens-religious-attire/>

## Relevant UN Reports or Resolutions

[https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.12\\_declaration%20elimination%20intolerance%20and%20discrimination.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.12_declaration%20elimination%20intolerance%20and%20discrimination.pdf)

GA6 - adopted on 25 November 1981

## Previous attempts at solving the issue

There have been many court cases against the banning of certain religious attire.

For example, in 2012, a 24-year old French woman sued the French government, arguing that the banning of religious attire violates her freedom of expression, one of the absolute pillars of the EU constitution. However, the court upheld the ban, claiming that the law is not in place based on the religious connotation of the clothing in question but rather because it conceals the face and therefore potentially creates safety issues in France. After this, the 24-year old woman took this case to the European Court, which too upheld the law<sup>6</sup>.

Although the courts seem to uphold the law, there are visible protests from Netizens, who have taken to social media to express their discontent.

## Possible Solutions

One possible solution would be to pass a law which prevents all nation states from regulating women's choice of attire, and consequently allowing them the right of freedom of expression. However, this law would be unlikely to pass since the majority of nation states in the GA6 committee have at least some sort of law dictating women's attire. As a result, delegations that are for this law would be recommended to create persuasive arguments (with incentives) in order to convince other nation states to vote for such a law.

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<sup>6</sup> <https://www.bbc.com/news/world-europe-28106900>

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