

# FOR LIBERTY?

THE IMPACT OF THE FRENCH BAN ON THE  
ISLAMIC HEADSCARF AND OTHER RELIGIOUS  
SYMBOLS IN SCHOOLS.

A REPORT BY THE ISLAMIC HUMAN  
RIGHTS COMMISSION



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This report is dedicated to the thousands of unknown girls affected, with a sincere prayer that their ordeal may soon be over, and France can begin to turn a corner towards being a tolerant and inclusive society.

## Preface

This report started life as a submission to the CEDAW<sup>1</sup> committee in January 2008 on concerns regarding the violation of CEDAW by the banning of hijab and other religious symbols in schools and its social impact on Muslim women across France.

Limited by time and space, and parts of the CEDAW remit, many aspects of the research and fieldwork undertaken in preparation for the report could not be presented. This report is an attempt to provide an accessible introduction to the effects of the ban on girls and women in France to a wider audience. The recommendations made to the CEDAW committee are appended for ease of reference in this report, and the text closely follows the presentation in the original submission.

Added also are many extracts and case studies from the March 15<sup>th</sup> Liberation Committee's excellent book on the ban, *The headscarf ban in French schools: Truth unveiled* (2005).

It is our hope that this report will provide some insight for those interested in the events chronicled herein, as to their effect, and their as yet unresearched potential effects – all negative – on the well-being, opportunities and future of an untold number of women in France. In doing so we hope you will join us in the struggle against the ban. In a fatspaced media age, where only the most brutal of wars reported by embedded journalists retains ongoing media attention, the ban in France is just one of many, many human rights abuses that festers in countries that claim to honour higher codes of behaviour vis a vis their citizens. It is time that concerned citizens of the world, state in unison, that enough is enough.

## Opening Remarks

*Vincent: In France, the problem with the discourse on integration is that it is upheld in the name of tolerance and human rights...*

*Nacira: It's not a discourse on human rights; it's a discourse on women's rights. This affair has become gendered in a very troubling manner of recent years. It is essential to understand that universalism has become gendered.<sup>3</sup>*

This report by IHRC overviews NGO and activists concerns regarding the violation of CEDAW by the banning of the Islamic Headscarf and other religious symbols in schools, as well as laws and policies that have resulted in the exclusion of Muslim women and women of colour from education and employment, and prevented their full and equal participation in French society.

IHRC takes issue with the French government's claim in its sixth report that the 15 March 2004 Act was implemented in pursuance to its commitment to promoting the equality of women and eliminating discrimination against them. Not only are the effects of this law (and other similar laws and policies) demonstrably and catastrophically opposite to this claim, the French government's own discourse surrounding this ban and other such laws and policies has hitherto been grounded mainly in a debate about integration, assimilation, and a very recent and particular interpretation of *laïcité*.

IHRC at this point simply notes and reiterates the concerns of many commentators, academics, NGOs and activists that this debate is grounded in prejudice and racism.

A background of the issue is presented in Appendix 2, from the March 15 Liberation Committee.

## Introduction

Sitting across a table laid with the most impeccably Alstation of meals, I speak with Morah, a lawyer and civil rights activist. Amongst her many tales of horror, is one that I can also relate to. It is that of a young Moroccan girl, now 14, who had in the early days of the ban attended school everyday with a bonnet, not claiming it was a religious symbol, simply wishing to seek attendance to her school. All this was done unbeknownst to her parents. The girl, then 10 approaching 11, was prevented from attending classes by school authorities who proceeded to place her in a room alone for the entire day, including breaks, segregated from friends and denied an education. After three months she was expelled.

This appalling story was one of hundreds, and Norah in earnest sought to expose such tales to the wider public. Finally finding, last year, a journalist willing to listen and document such stories, she set about persuading the young girl to talk to the journalist. Once in the meeting, Norah asked the girl to recount what happened to her to the journalist. At this point, the girls quite simply broke down and cried. She continued to cry for sometime and could or would not articulate further those harrowing events.

We all had a zeal to get these stories heard, and to advocate for the end of these band which dryly deny on paper and in fact the rights of Muslim girls to an education and later employment, and which also deny that Muslim girls have any agency. In attempting to highlight the social and legal impacts of these bans, we forgot that for any victim of such abuses, trauma is not temporary. It remains. Further examination of cases 3 to 4 years after the bans implications, saw accounts surface that suggest some girls are suffering different forms of post traumatic stress disorder (PTSD), in some cases manifesting schizophrenia.

Advocacy for human rights for oppressed peoples usually conjures up images of those imprisoned and tortured. The marginalisation of these women through statute in France confines them in ever decreasing social spaces as this report seeks to highlight, beyond the limits that no education places on them. The effects of their humiliation and oftentimes expulsion and the psychological effects in particular are no less a form of torture than than the denial of books and writing material for political prisoners. There are no prisoner of conscience campaigns for these girls. It is this report's author's hope and prayer that the way this issue is conceptualised begins to reflect the feelings and experiences of those directly affected.

## **When Equality means Discrimination: The French National Institution Against Discrimination and the Experience of Muslim women**

In their fieldwork, the researchers of his report could not find a respondent with a positive comment about HALDE (Haute Autorité de Lutte contre les Discriminations et pour l'Égalité), the French national institution set up to promote equality and combat discrimination. In its sixth report on its implementation of the Convention, the French government cites the creation HALDE as part of its 'strengthening of legislation to combat discrimination.'

This is questionable when looking at the prevailing legal culture with regard to discrimination cases in France. Of the 220,000 recorded discrimination cases in France in 2006, only 43 went to trial<sup>4</sup>. The possibilities of a successful challenge through the courts by a litigant affected by the March 2004 ban with regards to her exclusion from school, looks pessimistic.

HALDE's remit 'to address all direct or indirect forms of discrimination that are prohibited by law or under an international obligation', suggests that it could in theory challenge discriminatory measures that result from laws enacted in France e.g. the practical effects of the law of March 2004, banning ostentatious religious symbols in schools. However a closer inspection of its powers, efficacy and imperative suggests that no such challenge is likely through HALDE.

IHRC notes the complaints of several activists and NGOs regarding HALDE, the government's policy in its creation and the powers and revoked from it, as well as civil society concerns that it undermines both the statistical recording of discrimination, as well as any political impetus to address discrimination.

### ***HALDE powers***

In its report, the French government lists various powers of HALDE and states that 'HALDE's powers need to be further strengthened.' IHRC notes Abdelaziz Chaambi's concerns that:

"... in the beginning it [HALDE] was granted an effective power of sanction but this was quickly removed, proving that the political authorities don't want to fight against discrimination. The system accepts and even thrives on discrimination."<sup>6</sup>

Chaambi also suggests that HALDE is yet another 'phony' anti-discrimination institution that follows the same example of High Council on Integration, and the now extinct Regional Commission for the Integration of Immigrant Populations (CRIPI) and the French Council of the Muslim Faith (CFCM).

Such organisations have been charged by civil society and activists for racial and gender justice as representing the management of ethnic minority communities in a neo-



colonialist way. Such organisations are created by the state but lack any powers of sanction.

### *HALDE and representation*

#### *HALDE and effective tackling of discrimination*

According to Chaambi, HALDE's power of sanction was removed because the government fears the opening of a litigious culture where redress for discrimination is sought and found through the courts. If this charge is true, then the French government's suggestion that the creation of HALDE supports the tackling of discrimination through legislation is questionable.

IHRC notes the concerns of Nacira Guénif Souilamas<sup>8</sup> that:

“The ideologues and managers of the HALDE and, more generally, the policymakers working on anti-discrimination prefer, with only a few exceptions, to handle discrimination within a closed legal context, to ensure that it remains below the media radar. Cases must remain unknown and so a better option is to quietly negotiate compensation payments for the victims.”<sup>9</sup>

Such an approach, IHRC fears, could skew recording of discrimination and public knowledge with the overemphasis placed on conciliation, as suggested in the French government's report in its description of HALDE's powers.

Souilamas also suggests that the prevailing culture within law firms is to support conciliation rather than litigation:

“Some law firms specialise in conciliation with the victims of discrimination in order to avoid politicisation of the issue. It's the preferred choice of business and, to a large extent, it is endorsed by the state.”<sup>10</sup>

#### *Representation*

IHRC fears that women of colour (if not, as the figures cited at the outset suggest, women per se), are not served by HALDE and that the government's efforts in this regard do not represent a serious attempt to tackle universal gender discrimination, or double discrimination against women of colour.

The creation of a new **neutral** body that has effective membership and representation, and that has effective powers of sanction, is an imperative. Such a body must have the power and also the will to litigate and to challenge institutionalised prejudices within the legal system.

IHRC notes NGO and activist concerns with the make up and selection procedures used by the government in the formation of HALDE. According to Chaambi, the republic's interaction with bodies created for minorities or to deal with discrimination evidence neo-colonial attitudes. Referring to the creation of HALDE, CRIPI and CFCM amongst others he states:

“There is a continuity in the Republic’s actions when it deals with our issues; its strategy is to nominate *bachagas*, ‘representatives’ chosen from our ranks... It’s covered everything – both secular and the religious are managed in a neocolonial way. Token Arabs and token Muslims are appointed to speak on behalf of their peers...”

IHRC notes that representation of Muslim women during the Stasi Commission hearings was minimal, with only one woman who wore a headscarf being interviewed, out of 150 invited participants.<sup>11</sup>

IHRC is concerned that prejudice is preventing women who wear the Islamic headscarf as well as women of colour per se from fair representation within public and political bodies.

## **Human Rights and Fundamental Freedoms for Everyone? Are some women more equal than others?**

IHRC has analysed violations of international obligations with regard to various conventions and relevant passages of said reports are appended (see Appendix 3).

In summary the ban involves ‘the intersection of a number of human rights such as privacy, identity, non-discrimination, equality, freedom of religion, freedom of expression and minority rights.’<sup>12</sup>

IHRC notes the concerns of women’s activists that human rights as (a) concept(s) can undermine gender rights notably the promulgation of sexist stereotypes and pornography often defended under rights to free speech and expression etc.

IHRC further notes the oft-cited concerns of the elements of coercion and peer pressure sometimes involved in women adopting the Islamic headscarf. IHRC shares the concerns of activists and NGOs in France and elsewhere that the ban in schools in France has been portrayed by its supporters as supporting human rights and or gender rights. This however is not confined to the issue of the headscarf, but is arguably the case with the entire ‘integration’<sup>13</sup> discourse in France, of which the headscarf ban is part. According to Vincent Geisser :

“In France, the problem with the discourse on integration is that it is upheld in the name of tolerance and human rights... On the basis of stereotypes rather than facts we are told that this neighbour bullies his wife or that community oppresses women – it’s done in the name of the republic and of human rights. So, while a comparison with the anti-Semitism of the 1930s is valid, the difference is that the integration discourse has become more sophisticated. This is something that we need to be aware of: we are not facing a purely sectarian discourse but one which is the bearer of an ideal and which is promoted in the name of human rights.”<sup>14</sup>

However, the promotion of human rights was not explicitly cited in France's report as being a reason behind the ban in schools.

Further, IHRC notes that the prevailing study of the headscarf among young women in France by Gaspard and Khosrokhavar, found that they perceive the headscarf to be an 'autonomous expression of their identity and not as a form of domination'.<sup>15</sup>

This concurs with IHRC's findings regarding the headscarf, and its adoption amongst Muslim women in the United Kingdom<sup>16</sup>. Women further and variously stated that they wore hijab about of pure religious devotion, from feminist principles of the rejection of the objectification and sexual exploitation of women, to subvert the male gaze and to display modesty and humility.

Regardless of whether IHRC, the Committee or the enactors of the March 2004 law agree with such views, it remains of deep concern that the March 14 law effectively enforces a universal model of female emancipation. This not only has practical effect in excluding women who wear the headscarf but denies these women agency. This effectively perpetrates gender inequality against women of colour and/or Islamic faith and perpetuates stereotypes that marginalise women further.

## **Stereotyping and Prejudice: Muslim Women in the Political and Legal Psyche**

The French government in its sixth report to the CEDAW committee states it has taken various measures towards the elimination of stereotypes. In addition to the creation of HALDE, discussed above, the extension by decree of the legal prohibition of public manifestations of homophobic, sexist, and handiphobic attitudes, to non-public manifestations is cited.

However public statements by politicians, media representatives and other high ranking public figures regarding inter alia the headscarf issue, have been marked not simply by anti-Muslim or anti-immigrant racism, but promulgate stereotypes of Muslim and immigrant women as submissive, dominated, victims of violence who are unable to act on their own accord, stay at home women with no will, ability or vocation to work or education etc. Simultaneously, the headscarf and the women who wear it have also been caught up in a security discourse that associates them with violent action against the majority. Further the ongoing enforcement of laïcité has cast Muslim women who wear the headscarf as 'something aggressive'<sup>17</sup>

The stereotyping of women as 'beautiful' and as objects of beauty is a long held stereotypical message and whilst there is no specific reference to this concept one assumes that part of the self-regulation urged by the French government onto advertisers (p.24) would reflect that concern. When the issue of Muslim women is concerned however, public figures have used such terminology and stereotyping at the

highest levels. Indeed most comments on the interview of Chaddhort Djavann (one of only two Muslim women interviewed by the Stasi Commission which recommended the headscarf etc. ban in schools) simply mentioned that she was 'beautiful'.<sup>18</sup>

A further case of note is that of a Muslim woman working in an underwear shop. A court held that she could be dismissed because, in her employer's opinion she was dressing too modestly and therefore was not encouraging shoppers to buy. IHRC is deeply concerned that such a ruling encourages stereotyping of women per se, as well as creating stereotypes about Muslim women and women of colour.

The operation of structural prejudices in whichever national context prevent those marginalised from accessing mainstream discourse, unless it is on the terms of the majority community i.e. it conforms to the majority's understanding of that minority<sup>19</sup> (see Kramarae's (1981) 'Muted Group Theory'<sup>20</sup>).

On the issue of the headscarf in France, notable public figures including actresses Emmanuelle Beart, Isabelle Adjani and the designer Sonia Rykiel have made public statements that speak to the majority perception of the headscarf regarding women's status that supposes a superiority on the part of those making the comments.<sup>21</sup> Such comments only serve to undermine progress for universal women's rights by disempowering minority women from tackling either their own particular patriarchies (as they see them) or to contribute to cross cultural struggles against sexism.

The pessimism of Geissner<sup>22</sup> and Amiraux<sup>23</sup> that the prevailing context in which Muslims in France are discussed are so negative as to simply feed the 'stereotypical representations of how Muslims think, eat, love, and look' pertains here.<sup>24</sup>

Amiraux's concern is that some of the prevailing stereotypes emanate from the public recognition of works from Muslims that typify majority stereotypes about Muslim (particularly Muslim women's experiences).<sup>25</sup> Whilst IHRC (nor Amiraux) do not challenge the authenticity of the personal experiences described in such works, the celebration of such work to the exclusion of counter or simply different narratives, exemplifies the muting of other Muslim women.

The promulgation of such stereotypes must be acknowledged and addressed in the same way as sexism against majority community women. This requires a sea change in political and media cultures, as well as an understanding within legal circles (including practical training of lawyers and judges) as to the normative issues involved. This is clearly an enormous task, but the level of prejudice currently exhibited at the highest levels of French society is of extreme concern.

It is alarming that 'traditional' concerns regarding tensions between human rights concepts and gender justice, where the rights of individuals trump those of groups (e.g. the right of a woman<sup>26</sup> to be a pornographer against the right of women to be free from sexual exploitation<sup>26</sup>) is in this context inverted. Instead, as Amiraux suggests: 'In the public debates on Islam that center on secular issues, the expert becomes marginal and the individual, having directly experienced difficult situations, becomes the referee.'<sup>27</sup>

## Not one of Us: Nationality, Residency, and ID cards

IHRC has encountered various reports that some women who wear the Islamic headscarf are prevented from becoming French nationals despite meeting residence and other criteria. Within those reports it is clear that under operation are very subjective and non-standard criteria in regard to the awarding of citizenship. Chaambi states:

“The concept of assimilation means ‘similarities with the French in terms of mores and language’ – but it is still quite vague. In applying the law, therefore, the administration has a lot of room for manoeuvre. Thus, in instances such as wearing of the hijab, you get relatively diverse sometimes even arbitrary decisions, varying from one regional authority to another. Is the hijab an assimilation deficiency or not? Currently under the law and the jurisprudence of the Council of State, it does not constitute an assimilation deficiency.[n1] But we know that, in certain regions since the early 1990s, nationality has been refused on the grounds of the applicant’s wearing a hijab. As with the case of the hijab in state schools, a ruling by the Council of State can be reversed if there is opposition to hijab-wearing women becoming naturalised.[n2]”<sup>28</sup>

In November 2005, the case of Chetouani El Khamsa came to light, when she received a letter from a regional government official that stated her application for 10 year residency had been turned down because she wore a hijab that was associated with ‘fundamentalist Islam’. El Khamsa was employed, and had<sup>29</sup> four children all born in France. Her husband has 10 year residency granted to him.

IHRC also notes the trend in recent years that has seen Muslim women forced to unveil for the purposes of receiving an identity card. In a 1997, BBC documentary it was claimed that one woman who refused to remove her scarf for her ID card had the words, ‘fervent Muslim’ added to her details on her card.

## Education, Education, Education: Not for Muslim Girls

The French government states in its sixth report that:

“Practices have recently been observed that clearly contravene observance of the basic rights of women and girls, such as partial or skipped schooling, confinement to the family home, moral, and sometimes even physical, pressure, and denial of equality between the sexes.”

The report goes on to justify the 15 March 2004 Act as tackling the above though:

“...banning in elementary, middle, and high schools “the wearing of signs or dress through which pupils ostensibly indicate that religion they profess.””

No empirical data provided as to (a) the prevalence of such practices, and (b) how such a ban would impact on such practices, within the French government’s report. On the contrary, in its practical effect, according to the grassroots NGO, the March 15 Freedom Committee (writing in 2005), a total of 806 young women and girls are estimated to have been affected by the law (see Appendix 4 for a breakdown of cases).

There are disputes over figures which in itself causes concerns as to how the effects of this ban are understood and monitored. The 15 March Freedom Committee’s statistics are acknowledged to be estimates. However they reflect the fact that some of an unknown amount have not been recorded. For the same period the French government produced figures (See Appendix 5) that there were 639 cases in the same period of which 626 involved Islamic veils.

Literature reviewed from the Ministry of Education, the Ministry of Social Relations and Solidarity, whilst dealing with the subject of the Islamic headscarf and secularism, did not claim that the wearing of the Islamic headscarf or any other symbol contributed to truancy. On the contrary forced exclusion from education for women and girls who wear the scarf results from the 15 March 2004 Act.

The claims in its report to the CEDAW committee by the French government are disingenuous. Elsewhere the government hailed the ban as a success because it had “stemmed the Islamic fundamentalist tide and brought calm to the nation’s lycées.”<sup>30</sup> Further, the the ban on religious symbols that primarily targeted the Islamic headscarf was bound up principally in a ‘debate’ regarding secularism and the French state rather than simply or overwhelmingly in terms of gender issues. For the French government to speak of the ban as a measure under the Convention, is not an accurate reflection of how this law came into being or indeed how its implementation has worked.

The March 15 Freedom Committee in its report, *The headscarf ban in French schools: Truth unveiled* has documented and authenticated many case studies of girls and young women’s experiences as a result of the ban.

They describe the start of the new school year and its effects on girls at school after the implementation of the law thus:

## After the term started

When students did not comply rapidly, their families were summoned and told how serious their behaviour was. The students were set apart, alone in a room or sometimes in a mere corridor; they were not allowed any contact with their fellow-students, they could not have their breaks at the same times nor even use the same toilets. All the girls said they felt like plague victims in quarantine.

A “pedagogical follow-up” ought theoretically to have been organised, but teachers insisted they would in no way accept to give “private lessons” to those students who refused to comply. All that most of them got was a few exercises, brought to them by a secretary, and mainly tests on lessons they had not been allowed to attend... This enabled teachers to give them bad marks while most of those students had previously been among the best in their class. Vexatious measures appeared here and there: one student told us that after being left alone in an office for a very long time, she was joined by an adult who did not greet her and did not introduce herself, but who asked dryly: *“What subject do you hate the most?”* The girl, who was an excellent student, gasped: *“But Madam, I like all subjects!”*

*“Then what subject do you like the least?” “I don’t know... perhaps geography?”* Without adding another word, the adult left the room and after some time, she came back with a geography book and said: *“There you are! And now, work!”* Faced with such a faith-grinding machine, the vast majority of Muslim girls keen on wearing a headscarf gave up covering their heads altogether. Thus, they opted for studying and accepted to forget about their beliefs for a while. Many of them rang us to tell about their feelings of torture, humiliation and shame. Some tried to rebel by ceasing to respect their teachers, others spoke of covering their heads again to get expelled, of giving up their studies, of committing suicide...

Some others, few in number but resolute, decided they would not have such a choice imposed on them. They described going through a very dark period, with such consequences as nervousness, loss of appetite, sadness, withdrawal. Many fell ill, some then went back to their schools to again face inquisitorial interviews and then the long and weighty periods of loneliness when they were left with hardly anything to do. In the end they accepted to face disciplinary hearings, the sooner the better to put an end to the situation!

But school authorities let matters drag on, for days, then weeks and months... Too many students were still liable to be counted as “victims of the March 15th 2004 law” and to sue their schools hoping for redress...

Headmasters preferred to negotiate conciliatory settlements. They argued to students and their parents that if they asked of their own accord to be allowed to leave school and register with the National Centre for Distance Learning (CNED), registration fees would be lessened or waived altogether. One student even received a new computer and

a one-year internet subscription, in addition to free registration with the CNED! Faced with their daughters' suffering, many parents who were unaware of their rights accepted such proposals aiming to deprive them of their right to legal action.

A few schools accepted students wearing inconspicuous headscarves, but they were very few. Most of the students who faced difficulties as a result of the March 15th law were Muslim girls. But there were also a number of Sikh boys, four of whom were eventually expelled and deprived of their right to study.

After long weeks and months, the first disciplinary hearings at last took place. The very first was scheduled on October 20th, 2004 in Mulhouse, one month and seventeen days after the term had begun. This first disciplinary hearing came as a relief to everybody, although it did result in students being expelled.

The March 15th Freedom Committee provided defenders free of charge for those students who wished to be assisted. However, most been taken, no consideration was shown for the girls' efforts to wear inconspicuous signs, no attempt was made to adapt punishment to the alleged fault. All the girls subjected to disciplinary hearings were to be expelled from their schools. On these occasions, a very large number of headmasters displayed total ignorance of the rights of defence: they denied the student or her defender access to the brief, they added items at the last moment without telling anybody, they did not allow them to speak or cut them short, they did not let them speak last... Others showed better knowledge and respect for the law. The last disciplinary hearing after the start of the new school year was held in the Isère district on January 13th, 2005, i.e. 132 very long days, or four months and ten days, after schools had reopened. Local education authority appeal commissions were more attached to form, but they all confirmed the expulsion decisions.

The following chapter corresponds to parts of the chapter 'Chronicles of Exclusions' in *The headscarf ban in French schools: Truth unveiled*. They require no introduction or explanation, suffice to say that they are the testimonies of excluded girls and their defenders.



## CHRONICLES of EXCLUSIONS

From *The headscarf ban in French schools: Truth unveiled*<sup>1</sup>

### • BILEL

A man of forty, in a dark suit, enters quickly in the room where we were told to wait. Outside it is pitch dark and the noise of the pupils who had gone back home, still resonate in the corridors. With a cold and solemn stare, courageously directed at the floor: “We can enter, the committee is ready”. I let the pupil follow shyly close on her father’s heels and I walk behind them, slowly so as to keep every detail of the school, and not forget anything.

When we come into that overheated big meeting room, it took us a few seconds to get used to the dazzling lights.

About ten people, looking grave and urgent, were staring at us insistently. Our “*good evening*” remained unanswered. There are three chairs in front of them. It must be the dock. We were systematically ushered in to the disciplinary committee this way. It was always the same heavy atmosphere, which adds solemnity to the decorum and put us in condition. And yet I had warned the pupils and their parents that the disciplinary committee were very often places of extreme hostility. Extreme because of the hostility coming from two sides (*sic*): On the hostility of the institution being asked to sanction the facts is the added hostility from the protagonists themselves who know that for them it is the last moment during which they will be able to express their position.

The disciplinary committee always begins with the reading of the pupil’s school record, a kind of summing-up for the prosecution.

When preparing the defence I had noticed that in the list of facts that were reproached, the violation of the 15th of March law had been added between bullying and drug traffic. This file which had been written by the headmaster himself, and which finally reveals nothing (apart from useless details such as she was wearing an Islamic veil which resembled a bandanna and a long black skirt) but the coming of the pupil to the school opening with a conspicuous religious sign. But none of the details explained in what way we could consider the headgear in question as being religious and to what extent it could be judged as conspicuous. The law specifies that the exclusion must be preceded by “a phase of discussion”, in fact this dialogue of the deaf will only ends in a monologue of the dumb, imposing on the girl “whether you put it off, or you leave”. And during all that time the girl is prevented from attending hers courses, some days she also will be prevented from entering from the same door as the other pupils, she will be prevented from having a break with her friends, and will have to use the teachers’ toilets, etc.

The witnesses are called for: two teachers of the pupil’s class. By the way, those two teachers had never seen the girl since they had prevented her from attending their

courses. Of course they confirm the headmaster's version of the facts, who is after all, their superior, they explain to the audience that since the start of the new school year, the pupil has been confined alone in the study room.

Even if I was forbidden to speak about isolation or quarantine, I nevertheless pointed out the fact that it was not provided for in the law that the pupil had to be prevented from attending the lessons during that period. To put an end to my ignorance in my trying to understand, they avow that these were instructions given by the Education Authority. To paraphrase the legal formula, we could say that the exclusion from the school should be preceded by an exclusion within the school.

And what about the principle of legacy of offences and sentences according to which nobody can be punished, without a law that provides it expressly? What about the Ministry of Education's 11th July 2000's decree specifying that an exclusion from courses for a long time, without a law that permits it, is the most serious act that an administration can be guilty of? The headmaster confesses without feeling embarrassed, that he had never heard about those decrees. Very well then. I question the witnesses about the nature of the teaching that has been provided to the pupil. Before anything, I specify that judicially until the exclusion is officially decided by the disciplinary committee, the pupil is still enrolled and so she has the same rights as any other pupil, among which is the right to follow lessons given by graduated teachers and qualified for that task.

The headmaster answers in the witnesses' place: *"she has been evaluated just as her classmates, she has received all the lessons and she was provided with continuous education support by supervisors who have academic diplomas.* How many hours did this support last? *"It is the quantity and not the quality which prevails".* In practical terms how is this education support happening? *"We allowed the pupils to give her the courses and the class teacher regularly came to see her during the breaks".* Effective for all the courses? *"Yes of course".* So why did this young girl had to write an essay on volleyball when her classmates attended the physical education course.

The tone of the discussion raises, one of the teachers comes to the headmaster's rescue: *"Do you know that the pupil's marks show that the girl has progressed and we are satisfied with that"* Do you mean that the teachers are not essential to improve? The year head, obviously irritated by the way the discussion was going on: *"Listen, the continuous education support that has been set up for the girl are almost private lessons, so what are you complaining about?"*

The secretary of the session called me out to explain the meaning of my presence, threatening: *"we know you"*, hinting at the fact that I conduct the case for the defence of all the cases of exclusion in the region. I reply that I am perfectly aware that the administration "knows" me since they were able to reach me on my mobile, which is not in the directory.

The headmaster feeling the danger of my disclosures: *"Anyway, you are not going to lay down the law, if you are here it is because I have invited you to come"* I stop him straight:

“It is the law which invites me and not you mister. And more precisely the 6th article of December 18th 1985 decree!” “*Oh you know there are so many laws...*”. This certainly a reason to not apply them... And finally comes the time for the defence. This magic moment during which I have all the time necessary to develop my arguments and my criticism. It is well known that the defence always speaks last. But what is less known is that this principle is useless if you are alone to speak and no one to listen to you. Complete silence and looks of utter dismay: I am used to such attitudes, it is the most difficult moment for the members of the committee, because during that moment is crystallised the mechanism of exclusion already irremediably running. Some jurors are scribbling, some are yawning, the others are looking down at the floor or by through the window. The message is very clear: The wall is listening to you... [*sic*]

You can start.

I take my breath and begin, my mission is triple. First as a law-lover, I am eager to take apart point by point all the elements in charge, hoping that the secretary will indeed put it down in the report. ( that day the global approach of the state workers were at its depths, a one and lonely sentence will sum up my intervention : “*And M. XX spoke for 45 minutes*” ).

Secondly I centre my defence on the masquerade of equity which is going on: statements of rigged interviews, headmasters who are both judges and judged, decision to sanction the pupils taken per advance by the education authority without even knowing the situation, transformation of the committee into a mere formality of registration of a decision already taken, an illegal quarantine of the pupil which lasted more than four months, a degrading treatment from the teaching staff, administrative blindness, evidences for the prosecution presented by the headmaster himself, etc.

Finally in a surge, I become the spokesman of the pupil, although directed at the members of the committee, my words were also directed at her. May she forgive me if she reads those lines, I knew she was ill at ease, angry in front of so much injustice and dishonesty of her future “former-teachers”. To my mind this anger, even if legitimate had to stay within the school, she did not have to bear it anymore. So I make it a point of honour to destabilise the headmaster, to bring him down from his administrative height, by means of arguments for and counter arguments I bend him to the diktat of my logic. I perceive a knowing smile on the pupils’ representatives and a pupil’s parent who were part of the disciplinary committee Surprised, the headmaster went red and tried to hide behind an ultimate refuge: “*This is my interpretation and I assume it*“

Today, I must confess that I very often took pleasure to lengthen my interventions and to keep my audience waiting. More than difficult for the members of the disciplinary committee, my interventions very often proved to be salutary outlets for the girls. This is what they always told me when thanking me during the deliberations: This moment that immediately follows the final plea, this particular moment when tired by the violence they were subjected to, by the efforts made to defend themselves, we are back to the room in which we had waited at the beginning of the evening. Now it is late, and as it was predictable, we won’t be waiting a long time. Ten small minutes were enough

to end the deliberations, the debate and the vote.

The sanction is obvious: definitive expulsion. Hearing those words, without looking at each others and almost instinctively, the girl, her father who remained dumb all that time, and I got up naturally. When we were about to cross the threshold, the pupil looked back and with complete dignity looked at the members of the committee. And dragging out the instant by her little voice: *“Thank you... and good evening“*

In the playground passing the Christmas tree, a teacher who had remained silent during the committee caught us up and stood in front of the girl, stopping her walk. *“I wish you a lot of courage for the future...”* And could not help answering: *“obviously you need more courage than this girl... You are in no position to talk about courage... but if you are really sincere, then don't worry for her. She has just given you a lesson of courage“*

When saying goodbye to that girl that I knew I would never forget, I remember Ghandi's words and the sometimes paradoxical relation between exclusion and justice... In the absence of freedom, the place of free men is in prison. The law has determined in it's highbrow language that “the decision of the disciplinary committee is immediately executor”. In practice the following day, a pupil was missing in the school.

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## • ANGEL

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A few days after the first day of class, some girls who went to school in my town called me to inform me of the problems they were facing because they wore a veil at school. Indeed I was designated as mediator by the CRCM (Regional Council of the Muslim Worship) and I also asked the “March 15th Freedom Committee” to help me in this task.

Quickly I met the four young girls and their parents. Two of them were in high school and the two others in middle school. They told me how they were asked to take off their headscarf the first day of class. They looked really quiet, serene, well balanced, very confident and they were supported by they parents in their choice.

After that, we kept in touch, they used to call me to tell me how the situation was at school and asked me for advice. I called the “March 15th Freedom Committee” to get information and I also asked some members of the CRCM for support. As a mediator of the CRCM, I called the local education authority to have an appointment with the chief education officer or any person who was responsible for these cases to start talking and to find the best solution to this issue. I was sent from one department to another before they told me to ask for an appointment by mail, which I did. I am still waiting for an answer. However, I know that the chief education officer did not hesitate to go and talk with the headmasters of the schools. It seems that the discussion was unilateral.

The “dialogue phase” already started between the young girls and the principal. In fact, there was no real dialogue since nobody listened to the young girls nor did they

understand them. Their only purpose was to force them to take off their headgear. And everything was done to reach that goal: intimidation, discrediting, teasing of their dress, negative judgement of their religion and sometimes humiliation. The girls endured bravely these moments. Three of them accepted to take off their headscarf and wear a hat instead. The younger took off her headscarf in the headmaster's office encouraged and cheered by the administration members: it really looked like a planned show.

Despite all those efforts, nothing stopped their exclusion. Once the dialogue phase was over the young girls were excluded from class, isolated without any pedagogical follow-up, they had no right to talk to their friends and were sequestered in a room all day, every day, in order to make them crack down. Then they had to go to the disciplinary committee. It was like a play whose end everybody knew: a real masquerade for a definitive exclusion. Finally, the local education authority appeal commissions confirmed the decision taken by the disciplinary committee. This moment was hard for the girls who felt like going on trial and being judged for crimes they did not commit. They had to bear every step although they already knew the end.

Today the girls study at home. They hope they will succeed despite this injustice. All the girls who hope to be heard took the cases to court.

#### • RIDA

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Before leaving for the Regional Educational Authority's hearing audience, the parents state of mind, and mine was between serenity and anxiousness. Serenity, because their daughter, has always been a good pupil, studious and with no problem. No disciplinary action had never been taken against her, in fact she had nothing to reproach herself with, on the disciplinary level, or concerning the respect towards her teachers or classmates. In a word, an exemplary schooling. Anxiousness, because we were aware that what was supposed to be at stake in that room, the reintegration or the exclusion of Hatice from her school, was already settled. The chief education officer welcomed us into his big office, and invited us to take a seat around the table where were already sitting the other members of the commission. The faces were fixed and impassive. On the moment I asked myself: *"Are they trying to hide a feeling of ill being at the idea of excluding an irreproachable young girl, or was it the expression of hatred at the sight of Mrs B and her daughter, wearing their head scarves? Are those people fully aware of the gravity of the decision they are about to take? Certainly not, they have limited its import to the life here below."*

This whole performance and the act played by every character seemed to be fixed up as a music paper, but in this production something did not hold together: the solemn tone and the gravity of the faces that were used to judge a mere clothing...on the other side, the defendant who persisted in wearing her cap. I told myself: *"To think that with a Britney Spears, the institution, the teachers and all the persons that were in front of us might well have been praised this pupil. But... Emancipation is not only a matter of look!"*

After having explained the course of the session, the president opened the debate by a

brief recall of the facts. He had the headmistress enter into the room, in order to be heard as a witness. I asked to be allowed to speak and pointed out:

*“Following the meeting of September, the 10th, 2004, a compromise was reached, and you seemed to be satisfied with it since you allowed the young girl to go back to school after having accepted to put off her head scarf. An yet a week later, you decided to expel her for good from the courses invoking the non respect of the school rules. Can you please explain, why you go from the law to the school rules to justify the exclusion of the young girl? What can justify such a swing?”*

Headmistress explains that she had noticed that the girl was always keeping the cap on her head, and the fact that she didn't take it off gave that cap a religious meaning and hence entered in the ban. *“Mrs the headmistress, you would agree with the fact that a cap has no meaning in itself, it is not related with any religion. It is common headgear and despite the fact that this hat is not a conspicuous sign, you give it a religious meaning only by mentioning a temporal notion. If according to you, it is indeed the continuous wearing of that cap that makes it enter in what is forbidden by the law, then can you please show us where in the law the notion of the continuity is mentioned, or how it can be objectively deduced from it, or else is it your own interpretation of the law?”*

The headmistress doesn't answer my question. The president of the session comes to her rescue and told me not to argue on a semantic question. I am not intending to be controversial, the aim is only to clarify the terms, hence it is about semantics. Mr President what does “a conspicuous sign”? As far as I am concerned I make a distinction between:

- 1- A conspicuous sign which in itself is marked for a religious or an ethnical membership (a headscarf, a cross a kippa).
2. A proselyte behaviour that gives a common object (a cap, a bandanna for instance) a conspicuous character.
3. A common headgear, which does not mean anything in itself (worn continuously or not) to which we cannot attribute a religious or ethnic membership as soon as the person who wears it does not claims it as so.

Mr President answers that they are objects that can have different meanings and that they are new signs appearing and aiming at circumventing the law, so the headmaster has the power to appreciate whether an object is more than a dressing accessory Mr President this is your own interpretation of the law: to scrutinize and tract down the least sign and to sanction it, under the pretext of an attempt at circumventing the law.

Yet the law is perfectly clear, it forbids any sign that conspicuously marks a membership to a religion. It does not forbid common headgear. I am suspicious about the headmaster's objectivity or subjectivity in his assessment of the conspicuous character of a sign. In other words, are we trying to respect the law or are we intending to lay down the law?) From the beginning of this debate about the veil, many voices had warned about the absurdity and the risks of overflowing of such a law.

The politics have made the decision to vote a law banning conspicuous religious signs at school. But under the pressure of a few extremist laymen, the political power has also given the headmasters the right to assess and identify, the apparition of new signs that would aim at circumventing the law and to sanction them. From the point of those who are subjected to this law, the experience enhances the paradoxical possibility of having unfair laws in our country. And when we questioned the legitimacy of such a bill when it was discussed at the assembly, it was in the name of a need of justice which is constituent of the law.

Yet here, the law is splitting in two, showing on the one hand the figure of the law and on the other part that of the just. From that splitting in two, we can uphold that those veiled girl are guilty of breaking the law and we can support that in the name of justice they are the victims of intolerance. Now, our society needs just laws, in order to achieve the ideals of freedom, equality and brotherhood.

### • LEILA

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*“...the will to submit was stronger”*

I worked for three years as a lawyer and I already knew that the legal system could be the origin of iniquity, but I could not imagine that school which is the institution par excellence supposed to transmit knowledge and teach tolerance, could produce so much injustice, so many discriminations with most of the education community assent. I left school ten years ago and the feelings I kept from that time are feelings of hope with the idea that the world was open to us and that everything was possible.

What would these girls who have been excluded say about school? What was the message behind their exclusion? What hopes can they keep? I had to face the educational system at the end of the year 2004 when I had to defend young girls, who supposedly offended the March 15 2004 law, in front of the disciplinary committee and the Local education authority appeal commissions.

There I met brave, studious and even brilliant young girls. However, their smiles could not hide their pain caused by a discriminatory treatment based on religious belonging that they had manifested with supposedly “conspicuous sign” while they were wearing a bandanna or another discreet headgear.

I saw how a law could allow some individuals to discredit some others, how it could allow them to harass and to isolate young girls, to put a Christmas tree which is a conspicuous religious sign next to the room where the disciplinary hearing took place, and to announce in this same room the exclusion of a young girl who was not wearing any conspicuous religious sign. It was awful to see almost all the members of this self-styled disciplinary committee vote in favour of the exclusion. They did not think about the teenager’s interest and the protection of her personality; the will to submit was stronger.

The answer to all our flaks against the education community: lack of pedagogical follow-up, forced isolation, derogatory treatment, outrage to human dignity, psychological damage... was silence and disregard. As for the local education authority appeal commissions the principal was insidiously or conspicuously defended by a cohort of defenders. I will always remember this parent representative moved by what was happening who asked the principal why he refused to let the young girl go to the playground during the break; there were no answers for the inquiry since nothing could justify this decision.

I wonder if we are living in France what Georges Orwell described in his fiction?

### • AKIM

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*“... I felt that he was proud of himself, proud of being able to exclude those girls”*

I have conducted the case for the defence of three girls who were to be excluded due to their wearing a conspicuous sign in a public school. Two of them were in high school and the other in a junior high school.

Concerning the disciplinary hearing that took place in the high school, I felt right from my coming into the school that everything was already settled, and that we were taking part to a play which had to justify a sanction that had already been decided. We came into the disciplinary hearing room and we were introduced by the headmasters to all the members of the committee. As far as I am concerned, from the beginning I found the headmaster very tense, ready to answer all my assertions. I also immediately felt that the possibility to exclude that girl was considered as a victory by those people, and that they were hoping since a long time for a law to allow them to exclude the pupils and to be able to get rid o the head scarf issue in their school. So of course, hypocrisy was complete, and since the beginning we were told that those girls would have a fair trial and that we could count on the fact that if we had strong arguments and if we were able to demonstrate that the law had not been broken, the girls would be allowed to keep going to school It is true that from that status we were sure that the decision was already taken, but we nevertheless wanted to honour our commitment to the disciplinary hearing, and at least do what we had to do. This is about the high school.

I felt two different behaviours from those headmasters' part. I felt that the high school headmaster was proud of himself and happy to see those girls expelled. I felt a kind of embarrassment on the junior high school headmaster's part, he was ill at ease in playing the part his office had given him and with the decisions he had to take concerning the conspicuous signs within his school.

The defence of that young girl was easier because a few days after the start of the new school year she accepted a compromise solution and chose to wear different headgear, substituting her veil for an “Adidas cap” that any pupil could have worn apart from any religious belief.



So I was able to prove to the committee that her dress did not conspicuously show a religious membership and I get an approving silence. So I felt a bit confident.

Then, the members of the disciplinary hearing deliberated in camera. I was telling myself that considering the way the exchanges had gone, we could hope to cancel the disciplinary hearing and allow the girl to go back school. Unfortunately, when we came back into the room, despite the positive exchanges and despite the fact that none of the members of the committee or the witnesses were able to confirm or invalidate the fact that the girl's dress a religious conspicuous one, the headmaster nevertheless announced, looking down and very ill at ease, that the exclusion had been voted by the majority.

Concerning that case I can say that the outcome had already been decided. This man had not taken that decision by himself, as a headmaster but it is a decision that had been taken by his superiors no more, no less. This is about the disciplinary hearings.

Now concerning the Local education authority appeal commissions, I felt the same hypocrisy, there again it was clearly established that the decision had been taken beforehand. Nevertheless there was a sort of kindness in the way we were welcomed and an effort to make us feel at ease on the chief education Officer and the other member's part, in order to show us, once more that we had no enemies in the State education. There were here to judge in an intransigent and impartial way the decision taken by the disciplinary hearing.

Again we were taking part to a play where a number of persons had to be present this includes the defence which had to be represented. Whatever would be said during that commission, the decision would be the same, the exclusion.

Indeed I was surprised to see that despite the hurtful remarks that I made before the teaching and the administrative staff of the State education, pointing at a number of problems and inconsistencies in the state employees' behaviour, the inspector and the chief education officer did not utter a remark nor ask a question. This was the case for the three appellate commissions to which I took part within three days.

Never at any time at the end of my defence I was asked questions, or were my words challenged. I felt at that particular moment that the status of the appellate commission indicate that the defence had t express itself but in fact what we had to say would not be taken into account. They did not want to debate with us there were not interested d in such a thing.

During the appeal commission I also felt that the high school headmaster was there as part of a great family, and that the one who was put in the dock was judged by people who were on his side, so we had no chance to get out. Then the headmaster came out and the Chief education officer told him that he could stay in the waiting room so as to say him good-bye at the end of the commission. I found that very astonishing since the headmaster did not have to come back, he was not part of the appeal commission he was not allowed to deliberate, so I don't see in what way his presence was necessary unless in order to allow the State education officer to give him a feed back of the

deliberations and to make a fun of us once the commission is finished.

Of courses these suggestions only commit, and they can be wrong but this is the impression I had.

Now concerning the appeal commission of the young girl from the junior high school, the headmaster has adopted a quite strange behaviour. He came into the room and asked the State education officer if he intervened in the commission as a headmaster or as president of the disciplinary hearing, as if he was ill at ease and wanted to make clear some points or as if he had something to reproach himself for.

When I asked him if the girl's dress showed a religious membership, he answered that he would not answer that question as a person but as a headmaster. I found that quite strange. So I told him that we did not want to answer as a free thinking person but according to his status as a headmaster, which maybe imposed on him a particular vision of this issue.

It is true that I give you my impressions and what I saw and heard any old how. These are ideas that are coming back to my mind and date back to several months now.

These are what I consider as the most astonishing ideas.

#### • SAMY

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*"...all the students and teachers agreed that the young girl was serious, kind and friendly"*

I was called upon to defend a 13 years old girl during the disciplinary hearing that would take place to punish her for having violated the March 15 2004 law. The case was not new. She started wearing a headscarf in 6th grade.

At that time nothing could prevent her from wearing it. I looked at her school records and I saw that she was a serious and motivated student. When the day of the disciplinary hearing came, the weather was cold but nothing was colder than the atmosphere that reigned at the entrance of the school. We could read in the teaching staff's eyes the wish to get rid of the young girl.

We entered the room where everybody was ready, and the young girl, her parents and I sat at the end of the table. The meeting started with the presentations, the principal introduced me as the defender and then she specified my profession although I never talked about it. I noticed that they had investigated on me and that information that had nothing to do with the meeting had been collected, in contradiction with the laws of our Republic. It was lack of respect of my liberties. Even my boss knew about it and called me in to talk about it. He understood my position, I really felt like I was in a crazy republic. The headmaster did not even know what to say.

I started explaining that the young girl was a good student, that her dress never caused

any trouble and that she had already accepted to take off her veil to wear something more discreet. The members of the disciplinary committee started talking, their affirmations were stereotypical, they did not want to find any agreement and the decision had already been taken before the meeting. Then the witnesses came: the students, the teachers, all agreed that the young girl was serious, kind and friendly. Only the assistant principal who was the last witness gave a bad opinion of her: we could not expect anything else from him.

We left the disciplinary hearing room and waited for 5 minutes. The principal came to announce the decision: “the disciplinary committee decided unanimously to exclude you”. Now it was official. I felt bad when I looked at the young girl, who would have to be separated from her schoolmates. She could hardly refrain from crying.

I looked at her mother, a French woman of Turkish descent who spoke perfect French and could not do anything for her daughter, and her father tired by such a masquerade. We left this school that excluded a young girl that nobody could complain of; but a law had been voted and had to be applied. And I cannot refrain myself from asking this question: Is that school more secular now?

## • NOUR

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*“If an exclusion is decided, it would be a real human waste...”*

The girl I have defended was named Amal, she was 17 she was in upper sixth form. In that particular case the “phase of dialogue” lasted two months. This looked more like a “phase of monologue” which only consisted in reminding the terms of the school rules forbidding any “head gear” within the school. Then came the “final phase” with Amal being summoned to the disciplinary hearing. Amal and her parents asked me if I could assist them in this hardship. I accepted, telling myself that if there was one chance on a thousand to avoid the exclusion we had to take it.

When I arrived in front of the school door, I learnt that the pupils of the high school had decided a strike all the afternoon to support Amal. The scene was set ! The disciplinary hearing that was to last half an hour (a mere formality) finally lasted almost three hours! It looked like a real tribunal! Among the “jurors”, there were representative of pupils parents’, representatives of pupils, members of the administration of the high school, ... etc.

And facing them in a table apart, “the accused” surrounded by her parents and me. I came to assist her and I found myself conducting the case for her defence!

As an introduction, addressing the audience, I asked for what “serious offence” Amal had to face a “disciplinary committee”? The only and most obvious answer was that she had worn a “bandanna” which is commonly worn by many pupils apart from any religious signification. To the question: “In what way this bandanna conspicuously expresses religious affiliation?”

To my stupefaction , the audience's answer was: "... because the previous years Amal was wearing a head scarf! ... This is a manipulation! "

To my mind what is taking place has a name: "this is putting words into her mouth! ... Worse this is prosecution for one's beliefs!" After seeking the views of all the present, we have to confess that there was the "witnesses ballet" that followed one another at the box!

Here are some powerful testimonies that I have scrupulously picked out:

The form teacher:

"... Amal is a good and brilliant pupil. She could pass her A level with distinction. She is beyond reproach. If she is excluded, I would regret it a lot!

Mathematics teacher:

"... Amal is one of my best pupils, she is very clever, and of a great subtlety. She could be accepted in the class which prepares students for the entry exams to the "Grandes Ecoles". She is beyond any reproach. If she is excluded it would be a real human waste"

The class representative:

"... On the whole, the pupils have accepted Amal with her dress. I asked the question to pupils of Christian, Jewish and Muslim faith,... None of them is choked by her dress. For the whole school there was no problem with Amal's dress. This is discrimination against Muslims !"

The testimonies were sincere and moving... Nobody saw time passing.

I asked: "finally after all these testimonies, what is disturbing you in Amal's behaviour and dress? " Again the answer was astounding: " ... it is because we can't see here ears !"

I dared ask a last question: "... And if Amal accepted to wear her bandana letting a part of her ears appearing, would you be ready not to exclude her?"

After twenty minutes of deliberation, the answer and the sentence broke: Amal a brilliant pupil and destined for great things is excluded from school for good.

In the evening, when I was back home, I could not sleep! It was a real hardship this "disciplinary hearing". An idea was preying on my mind: In 2004, France allowed itself to exclude some of its best pupils... Only because we couldn't see their ears!

## • DORA

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*“and finally, she is scarified”*

I have attended the disciplinary committee of a young girl in a junior high school, her family told me to conduct the case for the defence of their daughter. What I can say, apart from the fact that the institution is a stickler for form, we could clearly perceive that the decision was already taken. I had the feeling that this committee was playing a part that was settled for its member who were not trying to understand or listen to our arguments, but they kept turning over questions which were poles apart from an issue which dealt with schooling, with a pupil.

I have lived this committee and its numerous metamorphosis all through the four hours that it has lasted: Now it is a television program where we debate about the problems of France, now it is a court which judges a convict, searching for charges, or an institution which tries hard to avoid the “thrown out on a technicality” which could have serious consequences. It is also a round table where all the commonplaces and the a priorities accumulated for more than a year during the debate over the head scarf issue.

And in this crush, I asked myself how long we have really discussed the file that concerned us: The future of this pupil without problem, hardworking and sociable. In fact not very long, and finally, she is scarified.

## • BOUCHRA

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*“If I don't apply this law it would mean that I support the abductors”*

I am a student in last grade. I had to take off my veil the first day of class and wear a bandanna and a turtle-neck, in order to feel more comfortable and not to claim any religious belonging. I cried for ten minutes before doing that, but as I knew the importance of studying, I had no choice but to obey the principal's order.

Nobody said anything when I entered school, but once I arrived in class I saw that they were waiting for me. My teacher asked me to go see the principal about what I had done. I do not remember exactly what we said. I was very nervous and totally lost. I am only going to write what I remember about this interview. We were three in the office: the headmaster, his assistant and I.

**The headmaster:** What is that on your head?

**I:** A bandanna, why?

**The headmaster:** You knew about the law that bans all religious signs in the public schools.

**I:** Yes, but what does it have to do with me?

**The headmaster:** We know that you wear a veil. We had a conversation with your former teacher on your case.

I: I don't see why the way I am dressed outside should prevent me from going to class.

The headmaster: The veil on your head...

I: It's not a veil, it's a bandanna!

The headmaster: A veil or a bandanna, what's the difference? To me any piece of cloth is a veil.

I: If was wearing it in a different way you could say that's a veil. But here I am just wearing an attire.

The headmaster: Don't play on words, your bandana cover all of your hair, and the minister said that everything that covers the hair has to be considered a veil!

I: And I say that this bandanna is an attire. If you want me to wear it in a different way, tell me clearly but don't ask me to take it off because of your interpretation of the law.

The headmaster: If you refuse to take it off you won't be able to go back to class. What is most important to you: going to class and graduating or wearing your bandanna, since you say it is an attire.

I: Who are you?

The assistant headmaster: I am the assistant headmaster.

I: OK. If I thought that school was not important I would not have come today and I would not have this conversation with you. I just want to understand why since 8 a.m you keep talking about religious signs when I don't wear any of them. You ask me to take off my bandanna because it could be considered as a religious sign but your tie could also be considered as a religious sign!

The assistant headmaster: and how?

I: This blue reminds me of the Israeli flag colours, but you may not be Israeli?

The assistant headmaster: Listen, my tie is not the point.

I: So what is the point? Is it the way I am dressed? I don't tell you how to dress and I would like to deserve the same right. Unless you want us to wear uniforms. I respect the laws, I know my rights and duties and I know that I respect them.

The headmaster: I am here to make everybody respect the laws and I ask you to take off your bandanna. Did you see what happened in Iraq, to the two French reporters? They could be killed. If I don't apply this law it would mean that I support the abductors.

I: Excuse me but why are you talking about that? I know what's going on and like many French people I am sorry for them but this has nothing to do with my presence here. And you talk about applying laws as if I was not respecting them. After one hour of sterile talks I decided to take off my bandanna. I took the headband (a black headband of 6cm) that I was using to tie my hair and put it on my head. I thought that the discussion would be over but it was only the beginning of another debate. When the headmaster saw that headband on my head he questioned me again.

The headmaster: What is this?

I: A headband, why? Is there a problem?

The headmaster: Why did you put on this headband?

I: Because I like it? Are you going to tell that it is also forbidden?

The headmaster: If you want to go to class you will have to take it off also.

I: I won't take it off. You said earlier that I had to take off my bandana because it covered all my hair. Now you can see my hair. What's the point now?

The headmaster: It's black.

I: So?

The headmaster: It looks like a helmet on your head.

I: That's too much...

He called the chief education officer who asked him to call back later. The headmaster brought me back to class maybe because he did not want me to hear the conversation. I went to class with my headband. I had to go back to his office at 10 a.m. At 10 a.m I went to his office where he told me nicely that I could keep the headband for today. It surprised me and annoyed me so I asked why only for today?

I: Why? Since 8 in the morning I made an effort, I took off my bandana, and you keep constraining me with your own laws that do not even exist.

**The headmaster:** You know you can't do whatever you want...it's a community!

I: I am conscious that I can't do whatever I want. I never had problems with the teachers nor with the students. You can check my school records. I respect everybody and I want

to be respected the same way.

**The headmaster:** Anyway; I will stop by to be sure that you don't wear this headband all the time and if I can't I will send a supervisor to check.

**I:** I want to go to class in peace like every student.

**The headmaster:** So behave like every student.

**I:** Why do you say that? Did I come to class dancing? No, I came to stay in class like every student and you called me to go to your office.

**The headmaster:** Now go back to class. We will see how things will go on.

That is what happened the first day of class. I do not feel very well since that day, and I am nervous. I did not sleep well the next day, but they probably had beautiful dreams.

## • CENNET

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*"I took a pair of scissors and I started to cut my hair in any such way"*

### **Where and how did you get the idea of shaving your hair?**

It was during summer 2003. Actually I did not feel good and my parents did not take this story seriously, they were like: *"I know my daughter won't keep the veil, she does not take it seriously, she will take it off, and it will be too bad for her."* They did not understand me! But even if I did not speak properly I was Muslim and I loved my veil!

### **How long have you been wearing your veil?**

I have been wearing it for five years, since I was eleven. I was in 6th grade. My parents did not know; I used to put it on in the stairs. They found out when they came to meet my teachers. It was kind of weird for them, but they took it well.

### **How did you know about the law? How did you know it was changing?**

They kept talking about it in the news and it drove me crazy and the headmaster of my high school (I was in 9th grade last year) told me: *"Cennet I hope you won't cause any problems at school next year"*. I did not answer, but it killed me. There is no way a teacher says anything about my veil! I didn't like that! I was shocked! I finally said, *"Yes, but you know the law hasn't passed yet..."* He answered: *"Oh don't worry it is going to be passed soon!"* I told him: *"Maybe we will have a little chance with the Concordat"* He replied: "Don't even think about it."

### **What does your veil represent to you?**

At the beginning, I just wore it and nothing more. I knew why I was wearing it, it was part of my religion and that's it, and I liked it, I looked better with it. But the thing is that I did not know why I was wearing it. And when everything happened I told myself: "That's it! That's why I am wearing it! It is for the honour of Islam."



As for school, I wanted to become a construction worker or a house painter because I thought that with my veil I had no future. That's what I was thinking until one of my friends told me: "Even if you do not find a job afterwards you still have to have a degree! Having a good degree is a great thing! If you are educated you can educate your children!" I wondered how I could get a job if I kept my veil. So I told myself: "The veil is my life. I suffered so much to keep it. The veil is not just a piece of cloth! I have to fight; I have to fight to wear it! And if I take it off, what are my friends going to think? They always saw me veiled and then from one day to the next they are going to see me without it? I could not bear it!"

It would be a shame! I would feel like I am undressed, as if I were naked! It would be too hard for me and my parents did not understand! They used to say: "Come on Cennet, It's not a big deal!"

But it was! Where did I fit in this story? Was I a doll? Plus I didn't like to play with the veil: one day you wear it, another day you don't etc. Even when I went to class and I never wore a veil, I wore a hat. It hurts when I had to take the hat off, but it hurt even more to take the veil off! It killed me! I get heartache to see girls do that! It kills me!

#### **When did you contact the "March 15th Freedom Committee"?**

It was the first day of class. I did not know what to do. I called them many times and they always gave me information.

#### **How was your first day of class?**

Since the first day I was wearing a cap, I was told to take it off. I did not say anything. They left me and I tried to find a way to come to class. I tried to take short cuts but as soon as I entered the classroom, the teacher said: "Go see the assistant headmaster because the headmaster is not here". So I went to see her, she read the new law to me a thousand times. She said: "This is about you, you are an outlaw. If you don't take it off I will have to send you to the board to have you expelled..." She wanted to scare me. But nobody told me that before! She said: "You won't be able to keep it. You have to take it off!" So I said to myself: "ok she wants to put me down, I am going to put her down!" At that time I still had my hair.

On Sunday, my parents were not home, they went to a wedding. Nobody was home. I stood in front of the mirror in my room. I sat on the floor, I looked at myself and said: "I can't, I can't, I can't...I can't take off my veil, it is too hard for me!" I took a pair of scissors and I started to cut my hair in any such way, it was weird to see my hair falling. I cut it carelessly because it did not matter anymore. For a moment I looked at my hair on the floor and I felt weird, so I told myself: "Anyway! I don't care!" Then I thought: "There is no need to start crying". So I picked up my hair with a towel and I put them in a plastic bag to keep them. I thought that it would be better to keep them warm...that's stupid!

I was doing anything with my hair and when I showed that to my mother she was so shocked! I thought she would kill me! First she did not say anything. I said: "Say

something! I don't like when you are like that!" Then she said: "Why did you do that! You did not need to do that, God is with us and He could have helped us." Then I explained to her everything, that nobody has ever forced me to do anything in all my life, also that some people were trying to prevent me from practicing my religion and that it killed me!

Then my mother shaved me but she could only do half of my head, she stopped because it was too hard for her. So my father finished the work. As I was psychologically prepared to see me bald I did not feel bad. That's weird! When I started cutting my hair it gave me heartache, I felt like I could die, but when my parents shaved me I did not feel anything! My brothers took it bad. First I was ashamed, not to look at me but to let them see. And when my four-years-old brother saw me he said: "Oh sister! Bad! Bad!" My six-years-old brother asked me: "Where is your hair! You are ugly now! I want your hair back! Why do you want to look like me! Don't look like me, keep your hair!" And I said: "It's over now, I don't have hair anymore!" Then he cried. I felt weird. My two old brothers said: "What did you do Cennet? What a shame! Why didn't you take correspondence school? You can even stay home, it doesn't matter, you'll get married and your husband will take care of you..."

**It seems that your brothers are male chauvinists. They would prefer you to stay home to prepare food. According to them you don't even need to study.**

That's right. They are men and I am just a girl.

**What happened then?**

The next day I did not go to class. I called the "March 15<sup>th</sup> Freedom Committee" to tell them that I did not feel good and that I wanted to meet them. Once I was there, I told them that I had shaved my hair. They wanted to see, but I refused! I don't know why I always refused until the day when I went to school without veil. That day I regretted not to have let them see. They had been supporting me for a month and it could have helped me. You often went to see "March 15<sup>th</sup> Freedom Committee" during September, what did they tell you?

They advised me not to take off my veil right away. The French hostages' case in Iraq just started, and any incident could have provoked their death. If I had went to school bald at that time it could have been dangerous for the hostages. They advised me to stay a few days at home and to go to school with a hat.

Every morning I went to school with a hat, and I refused to take it off. The first day they put me in a room. Then as the headmaster was absent they left me in his office.

**Did they give you anything to study?**

At the beginning I did not have any book but after my parents came to say that I would take off my hat they gave me some books. But before that they gave me nothing.

**At many times you wanted to take off your hat, why didn't you do it?**

At many times I was decided to take it off. I used to call the "March 15<sup>th</sup> Freedom Committee" to let them know as we agreed that I would let them know when I would

do it, but each time they said that it was too early and that I should wait a little bit more because it would have been dangerous for the hostages. It killed me...but it could have killed them...for real. So each time I accepted to wait thinking that it would be for only one more week

On September 24th I could not bear it anymore. The day before I was so nervous that I thought I would have a heart attack! I could not stand being isolated and treated like a plague victim in quarantine at school.

The administrative staff at school was too selfish; they always made me cry. They put me under pressure, they disrespected my religion. One day I said: "You know what? I don't have any hair!" "That's a different thing" they answered. The assistant headmaster told me: "Don't do that Cennet, it would be so cruel to you, everybody will look at you? Unless you plan to take a sign with you saying 'Please don't look at me'. If you want we can also buy you a wig and don't worry for sports you can find very good cream so the wig won't fall". I said: "What are you talking about? I don't want any wig, It's dirty and ugly." They said I was too rude. I told them that I was sorry but for me wearing a wig was stupid and I disliked it.

### **They wanted to buy you a wig?**

Yes! And it killed me! They treated me as a kid...what I was anyway... Then they asked me if I had a medical or a baldness problem but each time I refused to answer. So they thought I had a medical problem. They asked me to bring a doctor with me so they would talk to him. They thought that they could allow me to cover my head if I really had a problem. I told them: "Whether it is for medical reason or not I want an answer from you: 'Can I wear something or not?' I don't like you to play with me!" They just answered that I was too rude. I was very patient. Usually I am not very patient, but I wanted to give a good image of my religion, so I tried not to say too much. I just answered them, that's it.

Last year, I was a "tchava" at school that means a girl who is always fighting for nothing. All the teachers knew me because I was insolent, but "al hamdulillah" I changed. Now I have a better behaviour. But I kept a bad reputation because of my old behaviour. So now when I look at them and they feel that I am going to say something they say, "Ok that's it, we won't insist."

One day they told me, "We looked in your records, you are very rude" and I answered: "Do you want me to show you", they answered, "No, that's ok." Sometimes I abused because I was upset! They told me, "In Islam the veil is not mandatory, many girls took it off." It killed me! I know some girls are manipulated by their parents. Now they are not forced to wear the veil anymore, which is good. But who cares about us who decide to wear it on our own will.

### **So you decided to go to school with your hair shaved?**

Yes. I went to see the "March 15th Freedom Committee" again and I told them to call the press to tell them that many girls were suffering. The press said that everything was ok the first day of class as many girls took off their veil. But the girls who took their veil

off were suffering! They did not feel well! I wanted to show that everybody did not agree and that everybody did not accept to shut up, that all the girls who were wearing the veil were not suffering from pressure from their parents. I wanted to show the whole world that we were suffering. I thought that we should fight for freedom, mostly in such conditions. I don't feel that I humiliated myself by shaving my hair; on the contrary they have been humiliated because I revealed their real face! If I had taken my veil off and if I had kept my hair then I would have been humiliated.

The night before October 1st, the day when I decided to go to school without a hat, I thought a lot. I told myself: *"Oh my God! They all are going to take it bad! They will look at me differently. My friends will think that I gave up. But I will never give up!"* In fact, I was wrong. I stressed all night, I prayed God all night long. I overstressed! It was crazy!

My father brought me to school early in the morning. There, we met the reporters and we talked to them. It was 7:32 am when I saw my friends coming. Then I thought: *"I won't do it, it's too hard! They saw me veiled and in few minutes they will see me shaved."* It hurt me! They talked to me and said: *"If you decided to do it, just do it."* It relieved me. When the bell rang, a couple of friends were waiting for me. They knew what I was going to do although I did not tell them anything. I just told them that I would take off my veil. But they did not know that I was shaved.

When the moment came, I could not take it off. In all my life I never had to take off my veil in public, never! When I fought I used to stop when I felt my veil was falling. It was weird to take it off for the first time. Moreover, journalists were taking pictures. It hurt me. Then I told myself: *"Anyway! I don't care about it! They can think whatever they want, I have to go to class, and I have to study."*

And when I started walking, I felt like falling. I looked at the camera and I told myself: *"I don't care,"* and I went to class. What killed me more was my friends' reaction. One of them started feeling sick. If I had had time I would have taken care of her. I thought that maybe she looked sick because I was crying and that everybody looked the same way to me, but in fact she really looked sick. My other friends took me in their arms as if they wanted to protect me but then they ran to flee. When I arrived in class I became upset because my teacher did not let me come in. Students from all classes came to surround me. The assistant headmaster came and told me: *"Come to my office!"*

And then I broke up. I was overwrought. I was *"tchava"* again and I answered: *"No way! I better die than come to your office! Now I am going to class! There is nothing anymore on my head! What else do you want! I don't want to stay in your office anymore!"* Then a friend who was Christian, his sister and another student threw their cross on the floor and told the assistant headmaster: *"She shaved her hair because you rejected her religion! You want to humiliate her religion, now we humiliate your religion which is no longer mine! I convert to Islam!"*

Then a girl who used to wear the veil and who took it off came to tell me: *"What a shame! Why did you do that! You have no dignity."* I answered: *"What are talking about? You think you can be proud! I am not proud but you are not better!"*

Then my friends came to pull me into class, so the assistant headmaster said: “*Come to my office right now!*” I said: “*What are you expecting from me?*” My friends went back to class and started debating about my case.

After that, many other students came. I did not even know them. Most of them were in last grade. I was happy to see them supporting me because I thought that they would think I was stupid. But in fact they took it well. If they had not supported me I would have given up! Eventually, they called the school nurse, the social worker, the doctor... they thought that I became crazy. They were very upset. The administrative staff asked me: “*Cennet why did you call the press?*” I told them: “*Why not?*” They said: “*It’s a shame for us.*”

The students in class were debating, they said to the assistant headmaster: “*You are an outlaw, you don’t want to let her come in class, and she has nothing on her head! Now everybody can see that you are racist!*” They were so upset that they took chairs and said they would break everything if they did not let me come in class. That was too much, I know!

#### **Did they start breaking things?**

Yes, they were so nervous. They said: “*We want our friend with us.*”

It lasted three hours!

The administrative staff was scared. They threatened the students in last grade saying: “*If you don’t stop you will have problem with your graduation*”. So they stopped and left. Then they talked to me. They made my head reel for three hours. I could not stop crying. They asked me: “*Why did you do that?*” For three hours I kept saying: “*I want to go to class.*” Those were the worst moments in my life. It was amazing! They made my head reel, I made their head reel. I just wanted to go to class. I told them: “*What’s the problem with you? What don’t you want to let me go to class? Stop acting like fools!*” I told them everything that came to my mind.

#### **Did you really say that?**

Yes. I was so nervous, I did not know what to say and I cracked down. Then a woman told: “*Now we can see your real face as it is written in your records.*” I answered: “*I know what you are going to say!*” Then I did not say anything more. Three hours later they let me go to my English class.

#### **Who told you that you could go back to class?**

It was during the break, in the playground. All the students of the high school surrounded me. They told me: “*Cennet, you are going to come back to class.*” When the administrative staff saw that, they probably thought that they should let me go to class to avoid any problem.

## • RANIA

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*"... I hated my teachers, I also hated school"*

My name is Rania, I am 14. I had to take off my head scarf before the school entry so as to be able to keep going to school, I have faced many conflicts I am going to tell you in details what happened to me, first because I need to speak about it and secondly because I hope that it will bring something, a result.

As soon as went into the first form, I began to wear the hidjab, this by love to Allah and I decided to do so under no parental pressure contrary to what people generally think.

There was no problem at the new school year, I was too young to bear conflicts, so I chose to put off my hidjab in front of the school door because I knew it would not be accepted that easily. As a new pupil in the junior high school, I wanted to start the school year just as any young girl of my age. In the Second form, I felt I was much more mature so I decided I was free to practice my religion. But the school is secular, I understood very well what secularity meant, I appreciated it and it is indeed at school that I learnt to estimate it. But I also knew I could not keep taking off my headscarf to go to school, I suffer from it, it is very difficult. Only girls who have gone through and experienced that can understand. I have the feeling that I am not accepted as I am, since to be accepted I must remove something, which is part of me. I may not express what I mean clearly, but I am trying to. I had to find a compromise solution that would be accepted by the school.

The bandanna was a compromise solution since many pupils within the class commonly wore it, it was "fashionable". And the surprise was complete when the school staff told to my two sisters and to me : "You remove your veil school is secular"; I answered: "Why? This is not a veil, it's only a bandanna, everyone wears it here... Why should I be prevented from wearing one? No I won't take it off, that's not right !" I was really disappointed. I tried to understand, but there was no answer. For a while my sisters and me refused to take off our bandannas, so we had been expelled several times. I was not provided with educational support, I was left during hours in the school with nothing to do, alone or with the supervisors, who were the only one to support us.

The school staff has organised three meetings within a week, at the end of those meetings they decided to forbid any headgear in the school. After that we have decided to withstand, we had a bit of hope left. After convoking my parents, the headmaster decided to allow us to wear the bandanna within the school and in class it was let to the judgement of each teacher within the classes. At the beginning, I only had to take it off during one or two lessons but progressively all the teachers refused to let us with it.

Further to all these problems I have hated my teachers, I also have hated school. My marks dropped in all the subjects; I went to the year head and told him what I thought of all this situation. I told him that the only explanation I have found is that they are against my religion and my faith. I am really sorry to have said such a thing but this is how I felt.

Here is how went my awful second form year. The worse was when the teachers seemed happy to tell me : “next year , the law will be implemented , we are really sorry but we can do nothing against the law”. I was deeply affected; I could not hold back my tears, hoping that the “next year” they were talking about would never come. But this year came. So let’s go back to the conflicts, the hours spent in the year head’s office, being under pressure:

The start of the new school year for the third form was on Tuesday. At 8:30 the headmaster, his assistant and the two year heads and some supervisors were waiting for me. When I saw them , I wanted to go back home or throw a tantrum so as to avoid the “drama”, but of course I had no choice. At the door, I take off my veil and I keep y bandanna, I walk with a group of pupils, but I hear my name called and they told me: “Either you take it off and you go with your friends or you refuses and you go to my office or the study room !” I tried to speak with the year head telling him that the law did not forbid the bandanna but only conspicuous signs. He answered : “But I am not talking about the law but about the school rules which forbids any headgear”. Nothing to say, only tears to cry, and I find myself in the headmaster’s office enduring their hurting remarks.

Then I was sent to the study room, I did not see my friends nor my teachers, I did not even know in which class I was. I told them that I could not stay here all the day without lessons. So they gave me my mew school report and my books. I was very afraid to lose my schooling, I am very young, I want and I must finish my studies. So I unfortunately had to make a decision, which costs me a lot, I have decided to take off my bandanna to keep on going to school in order to secure my future. A “future” which grieves me a lot

### **• A YOUNG GIRL WHO DECIDED TO STOP HER SCHOOLING.**

*“I am leading a battle which is not only mine but also the fight of every single girl who wants to wear her head scarf at school”*

I am 14 and I was outside the school system since the age of 12. Last year I was not enrolled in a public school. In fact I had fallen behind at school so the CNED (National Centre for Distance learning) told me to follow my lessons during the summer. I was directly enrolled at the CNED without being registered in a public school. I wish I had been at school it is better than staying alone at home; even if I see people here it is not the same, I feel I am alone. I was outside school since my fifth year in primary school. I was enrolled in the National Centre for Distance Learning, since my first grade in the junior high school, now I am on my fourth grade and I have never kept down a year. I have been wearing a head gear for four years now and I am outside the school system since I have decided to wear it. To me, the head scarf is the symbol of my religion. God commanded it, so we have to hear and obey Him. I am wearing a headscarf only for those reasons and not because my parents have forced me to; I wear it with my heart. When I first heard about the March 15th 2004 law, I was shocked and I was very upset

to see girls being excluded. I felt anger and hatred against the people who voted this law, I was disgusted.

The fact of being out school reduces my freedom and I feel excluded from teenagers of my age. I cannot laugh with them, I am always alone, it hurts me so much( during the recording the young girl starts crying and says: “I am sick of being left alone all the time. Now I am helped psychologically, but I was left alone during three years at home and it hurt me to see the others going to school, however, I have never regretted my choice to leave school- even if it is painful, I will keep on studying”);

I would like to work in the future, but for the moment I am leading a battle which is not only mine, but also the fight of every single girl who wants to go to school with her head scarf. I wish the State gives us more religious freedom. It is not because we are in school with our head scarves that we are going to force others to practice our religion. In fact, everyone should be allowed to do what he wants. But people think that we are going to influence the pupils and that they are going to follow us.

*It's been four years since I am at home, when I go out I don't feel quiet. People sometimes look askance at me. Last time I was called "bloody Turkish" and a person told me that she did not like Turkish people and that she was against the fact that Turkey joins the European Union. I have gone through a period during which I Wanted to stop everything because I could not stand being alone anymore. After a while, you feel that you can't stand anymore but now I feel better.*

#### • MOHEIRA

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*“That's not a dress that you are wearing but curtains.... You should move with the times”*

I am 17 years-old almost 18 *Inch'Allah*. Last year I was in a technological fifth form in 10th grade. I had a very bad year. I used to wear a tunic with a long coat. My communication teacher always talked about sex in class and criticised me in class saying: *“That's not a dress that you are wearing but curtains... You should move with times”*. I refused to work in these conditions. The teacher used to throw pens in some girls scope neck to make them laugh. Isn't it rubbish!!! We went to complain but then our relationship with her got worst. I had very good grades. I was congratulated the first term, encouraged the second term, but the last term I stopped studying. They never let me in peace because of my veil. I could not wear any headgear in class.

The girls who used to wear a veil could not wear anything on their heads. But the other girls wore bandannas! That is not fair! They made differences between us and were not ashamed about it. I had a good relationship with my teachers except with my communication teacher. I have no plan for the future. I did not go to school the first day of class. As I was a good student the school insisted on me to come. I came with a veil and when I arrived in the headmaster's office with my mother, I took it off. Under my veil I had a bandanna that covered my hair and my ears and I wore a turtleneck. I covered everything so the headmaster refused to let me go to class. I put my veil back



on and a few days later I went to give him a “resignation letter”.

The headmaster, the advisor and my teachers did not understand my decision. They thought that it was due to a teenage crisis. The headmaster thought it was a pity and insisted for me to stay. The teachers thought it was ridiculous. The students thought that I made the right decision.

The pedagogical follow-up was good, but I could not totally benefit from it because I had to take off my veil. Except some hurtful words, I did not suffer from any vexation or humiliation. What hurt me most was that they forbade me to enter school as they forbade an animal to come in just because I had a veil on my head. That is a shame!

### • ALAE

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*“I was placed in a room isolated from any contact with the other pupils”*

My name is Alae I am 17. Last year when I was in the lower sixth form, I was wearing the hijab at the high school. In spite of some difficulties in the fifth, I had good marks.

According to the teachers I was a brilliant pupil who could hope to accede to the class, which prepares for the entry exam to the “Grandes Ecoles”. I was known and supported by many pupils. I wanted to reach a business and scientific class in order to integrate the top French business school.

I have been wearing a headgear since my fifth form; to me it is a religious prescription and a sign of modesty. So to me it is a religious obligation. I have contacted the March 15th Freedom Committee and I am satisfied with the support they gave me.

The media have focused on that law during several months; it was impossible not to hear about it. At the start of the new school year the headmaster was categorical: Either I came to school with no headgear, no bandanna or I was immediately excluded.

I came to the high school the day before the start of the new school year in order to speak with the headmaster. In front of his categorical statements, I was at a loss how to act, so the day after I did not come back to school. I only came back at school the following Monday, refusing to put off my bandanna I have been parked in with other girls in a table at the back of the library, there we were “cars” and this was our car park for two weeks. Then I was placed in a room part isolated from any contact with the pupils and the library.

The headmaster has not been very understanding; he even put pressure on me. The teachers did not support me and almost brainwashed me.

As for the pupils they did support me by proxy. I was not provided with a sufficient continuous educational support, but I was very closely watched, I have been forbidden to sit at the same table with “normal” pupils or even to answer their greetings, and even

more... I found that disciplinary punishment completely inordinate, I felt rejected, humiliated, attacked...

Nevertheless, I was not disappointed at learning that I was excluded: I am not naïve.

The disciplinary committee was long and tiring. The appellate commission was less tiring since everyone new the verdict.

Nevertheless it seemed to be late for some people since those poor people were yawning while my counsel was presenting his speech. To think that among the persons who decided about my future they were people who did not even have a minimum of education. In fact the memories I keep from this adventure makes me laugh more than it makes me cry. Most of my study projects were jeopardised, I cannot reach a class that prepares for the entry exams to the "Grandes Ecoles" or a vocational training certificate. Hence, my social future is also jeopardised.

#### • ASMA

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*"People only see our head scarves, they don't see us as human beings"*

My name is Asma, I am, I was in junior high school in the third form, and everything was going well, I had no problems. I had excellent marks. My relationships with my classmates were good. I only had problems during my first two years at the junior high school, it all was forgotten with time. I would like to integrate a school to become an engineer. I am wearing the veil since I was six, but in the primary school I took it off. This is a religious duty and as I am a believer, I implement my religion.

My father got in touch with the March 15th Freedom Committee during the summer holidays. I am very happy with their support. Two persons really helped me a lot, one of them is the jurist who defended me during the disciplinary committee and the appellate commission. If we had not met them, we would not have known what to do, with them we have avoided many mistakes. They helped us a lot.

Last year, the teachers very often asked us what we were going to do when the headscarf will be forbidden. I could not believe it; I could not think that such a law could be voted. They lied when they said that the law only concerned public schools, they knew very well that no private school would accept us with our veils. We have contacted all the private schools, they all refused to register us. It seems to me they have done everything possible to put us in an awkward situation, for instance, recently when I have contacted the national centre for distance learning to do sports, they told me that it would not be possible because those lessons were taking places within the high school from which I had been excluded, and since I was still wearing my veil, I would not be accepted. I answered that it was the reason why I had registered in the centre for distance learning. They replied that I could contact the centre in order that they send me all that is useful to do sports at home... At the start of the new school year, all the pupils were gathered in a room and the headmaster gave his speech. And to conclude it,

He told us to put off our head scarves in front of everyone, we refused. All the fourth form classes left the room and the headmaster brought us to his office and again told us to put off our headscarves. WE refused, and this time we were placed in a really isolated room. During that interview, I was alone with him but for most of the other interviews.

My father was with me. These were supposed to be private interviews, but a morning I read in the news one of these interviews, which had of course been distorted, the headmaster had given an interview without us knowing it. The first day of our being put in the isolated room, we were not allowed to have the break with the others, neither to go out of the room nor to open the window. We were placed in the part of the administration so as not to be seen by the pupils, we were like in cage. The headmaster of our junior high school was much more friendly than the high school's headmaster.

Honestly, I have never seen a headmaster like this one. He reproached us for having enrolled in his high school. I remember that the first day during his speech he warned the pupils that anyone who comes drunk at school would be immediately excluded, but if they drank wine, it doesn't matter because wine is healthy. He added that if we had just coming from a party and that we were still half-drunk, we should just as he does, take an aspirin and come to school. What a good example!

Only the physics teacher, with whom we had good relationships, came to explain us the lessons. It was the only subject in which we were not late since he explained to us the lessons we did not understand. The other teachers, we have never seen them. The pupils were against our exclusion from the classrooms. We sometimes talked about it, they asked us why and when we replied that it was because of our veils that they isolated us, they could hardly believe it, because for them we were as any other pupils. We personally think that this comes from the pupil's parents who are afraid that we abused their children. I say that because during my disciplinary committee, I saw the pupil's parents being very aggressive against us, almost ready to attack us. I was shocked by their behaviour

We were not provided with a continuous educational support. Time passing I become aware of the fact that I have to take all my courses from the beginning. They even gave us a report, when we only had three or four marks. I remember that in English, the first day the teacher gave us a test and this only mark served as an average.

The headmaster's son who is supervisor in the high school, was constantly following us, he was stuck at us during the breaks, to a point that we were not able to talk to each other without being heard. My friend dared to wear a Christmas father's bonnet without being bothered.

I did not think that the disciplinary committee would go so wrong, I was shocked. Fortunately, our defender was there to support us, because I had imagined that the delegates would defend us, in fact they only heard without saying anything. They yielded to the committees' decision without trying to defend us.

When we received the statement, we noticed that it was not true, they said and added things that did not happen. They issued a statement that was at their total advantage. The headmaster started to justify his position evoking the Qur'an, without knowing anything on that subject. He did not understand that it was not proper at all. We told them that we were not supposed to speak about religion. We made the proposition to change dresses everyday if it was necessary.

Nobody wants to leave school. It is not only for education it is also for the pleasure to be surrounded by our classmates. IT is very hard to find oneself and have to work at home.

Our former classmates cannot help us because we had to change our optional subjects to be registered in the national centre for distance learning. This committee has thrown us without caring about what we were going to do after.

But they say that we wanted to be excluded since we refused to take off our veils. The headmaster told my parents to force me to put off my headgear since I was minor. Since the law protects the girls who are forced by their parents to wear the veil, I am wondering why it does not also protect the girls who are forced to put their veils off. My father told them " How ridiculous I would be in front of my daughter after breeding her as I did to tell her to forget all I taught her and to do the contrary".

During the disciplinary committee, a parent's children said that it was the headmaster who had to protect his pupils. It was as if we were a danger to the other pupils. It really makes me laugh when they say that the ban was voted to protect the girls that are forced to wear, since when they come to school they are forced to put it off, and then the problem is solved...

I have not felt something particular at hearing the announcement of the exclusion. What shocked me the most is when the year head said, that we had to stop beating about the bush, and that we had things more important to deal with. He was saying that and the day after, we were totally deprived. I have read somewhere that secularism was applicable to the teachers and to the schools premises, but not to the pupils. So in fact they had nothing to say about the headgear. When we had to appear before the chief education officer, he was kind. He dared to tell off the headmaster about the fact that we did not attend to the courses during the dialogue phase, since we were supposed to do so despite our wearing the head scarf. Our rights were scorned, and nobody has objected or protested against that, people only see our headscarves, they don't see us as human beings.

We are like everyone; we want to go to school. What I fear the most is that this law also gains the universities. What shocks me the most in his law is the fact that we are somehow asked to chose between school and our religion. This are two fundamental things for the building of a person, and if one of them is denied it is dangerous. Religion is a right, which is recognized everywhere It is clear that this is not the best experience to live, but this is how things are and I have learnt a lot from it. Maybe one day this law will be abrogated.

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**• BELGIN**

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*“I thought about my friends who were in class, my life would be changed totally”*

I am 17 years old, and I am a child of a family of three. I have been excluded by the disciplinary committee and also by the local education authority commission. Everything was ok at school except that I was having problems because of the way I was dressed. The headmaster told me that he expected that a law would be voted on to exclude me. My teacher often referred to the way I was dressed and used to make fun of me in front of the other students. Many of my teachers, like my history teacher wrote a letter about me and a friend of mine that wore a head scarf, in which he made derogatory comments about me. He wrote that we were like commercial signs, that we could not think by ourselves and that we were inferior to men. This letter was read in all the classes.

I was in 10th grade but I started wearing a headscarf two months after I entered 6th grade in 1998. My veil is a part of me. I already had to face that kind of problem and I was excluded for two years. I remember that they locked me up in a room; I was alone all day long. I could not go out or walk inside the room. When I talked with the headmaster we agreed that we would not make any comment to the media after I would leave. But the headmaster did not respect this agreement and he gave his version of the story. My grades were quite good. I had good relations with my friends and with most of my teachers. Everything was ok. Later I want to become a psychologist or an orthodontist.

I heard about the “March 15th Freedom Committee” thanks to the CRCM. I called them a few weeks after the first day of class and I was content with their services. The first day of class the headmaster put pressure on me. He did not let me talk. The headmaster worked on bad faith, he took this case personally. He did not want to hear anything; he asked questions and never listened to my answers. The headmaster was fierce. My history teacher’s remarks were also inappropriate. He gave class as if I was not present. My friends always supported me; they often came to see me when I had to stay alone in the room. They came to see if I was ok and to bring me the class notes, but each time the headmaster or his assistant pushed them back and told them that I deserved to be treated that way. Even students I did not know came to support me.

Only three teachers brought me class notes during the time I was locked up in that room. I had no pedagogical follow-up contrary to what they told me previously. On September 6th, my history teacher injured me in class. He made fun of me. He told us that usually he takes time to get acquainted with the students during the first days of class, but as I was present he would not. He also said that he would have preferred to have a student that does not do anything in class than having me, and this was also said during the disciplinary hearing.

During a meeting with the headmaster, one of education advisor told me that it was forbidden to come to school with a clown suit or a weird dress. I remember one day the headmaster and his assistant shouted at me to go to their office while I was waiting with

my friends to go to my German class. He was mad at me. All the students came to see what was happening. They were chocked by the headmaster's behaviour towards me. Then he asked me if was happy to show off. At that moment I felt that it was the end for me. I thought about my friends, who were in class, my life would be changed totally.

The disciplinary hearings took place in a cold atmosphere. I could see joy in the headmaster's eyes. The local education authority appeal commissions confirmed the disciplinary committee's decision to exclude me.

My future is going to be hard. I wonder where the "liberty, equality, brotherhood" is.

### • ESMANUR

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*"During the interviews I could not look at the principal's face; watching him made me sick"*

My name is Esmanur and I am 18 years old. I have worn a headgear since the 6th grade. I called the "March 15th Freedom Committee" in mid-September 2004; I was content with their support.

Since the first day of class on September 2nd 2004 at 8: 15 AM the headmaster was waiting for me in front of the school with a supervisor. Then we went to his office, where we found the librarian. The headmaster gave me the school rule. Then he asked me if I knew why I was in his office. I said that I did not know. Then he asked me if I had a problem. I said no. He took the school rule from my hands and read the new law. He told me that my veil was the problem. He asked me to take it off and I refused. So he called my parents and took an appointment with my father for the same day at 9 a.m. Before he left I told him that I was not wearing a veil because my father wanted to but because it was my choice so I asked him why he wanted to meet my father. The interview finished at 8.25 and I went to class with the other students. Some teachers wrote a letter against us in which they said that we were animals and extremists, that we were making propaganda and that we promoted inequality between men and women. They read this letter in all classes except in mine. I knew about it through a friend of the school.

Some teachers directly gave me their opinion saying: "I want you to know that I am against the veil and if the other teachers go on *strike I will join them*". One of my teachers asked me why I was wearing a veil. The headmaster was not honest; he did not respect me and enjoyed provoking me. He was in bad faith and he did not hesitate to insult me. During the interviews I could not look at his face; watching him made me sick. Even now remembering him makes me feel bad. I felt that he took this case personally; he kept thinking he was right and never let me talk.

During the disciplinary hearing, I felt serene, quiet and I felt a force growing inside me: I was proud of my veil. I wondered why I was her; just because of I wore something on my head? I am just like every other student. They were talking about laws and talks but since the first day of class they knew what decision they would take. In fact, what they

told me during the disciplinary committee did not surprise me.

They wrote a report on me in which they changed almost everything about what I said during the interviews with the headmaster. Thus, I could read in the report “*Esmanur was wearing a scarf attached under her chin, a black skirt and a long tunic*”, but that day I was wearing a black skirt with white pearls and a beige shirt.

During the disciplinary hearing, I was well defended. The local education authority commission took place, but the 18 letters wrote by my teachers to exclude me from class and that I send to the headmaster and to the local education authority were not in the file. The headmaster told me that he took them off because according to him they had no relation with the case, what my defender denounced. However, I was well defended during the local education authority commission.

Now I study at home, I will fight until the end and I will go on trial to denounce this unfair decision, because I can't bear being treated as a slave. I feel confident because I trust justice and liberty. What marked me most in this case was the pressure they put on my friends' support and me.

#### • HATICE

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*“the headmistress told me to let appear tufts of hair from my bonnet”*

I am 13 and half years old, I was born in France. Last year everything was going right. This year I am in the fourth form. During my first form at the junior high school I had some problems, my teachers wrote on my school report that I did not respect the school rules because I was wearing a headgear.

Every fifteen days I received a letter signed by my teachers saying that I did not respect the school rules. From my first to my third form, my marks were good, and so were my relationships with my teachers and my classmates. The junior high school contacted my parents at the start of the new school year, they gave them the circular of the ministry of education Friday, September 3rd, 2004 at 9:30, the headmistress reminds me the law and asks me to put off my headscarf and let it on my shoulders. I refused saying that it was my everyday dress. The headmistress told me that France was a State of law and that I had to respect it.

Monday, September 6th, 2004 at 9: 00 an interview with the headmistress, her assistant and m parents. She reminded us the law saying that the headscarf is a conspicuous sign. My mother told him what it was my everyday dress and not a special dress for school.

Friday, September 10th, 2004, my parents have asked that I may attend the interview, after half an hour of discussion, I took off my headscarf crying ( I kept a small bonnet). The headmistress and her assistant congratulated me for my efforts. The headmistress asked that I let appear tufts of hair from my bonnet. I was saying no with a nod.

As I was crying I could not speak. My mother intervened telling the headmistress that she was exaggerating because I had just made a great effort and that I had bent to her will. The headmistress said that it was enough for today.

Following this interview I kept taking off my headscarf at the entry of the school and putting it on when coming out. Tuesday, September 16th, 2004 at 10:30, the headmistress told me to respect the school rules and to take off my bonnet. I answered that I was respecting it and that my bonnet was not against the law. Friday, September 2004, last phase for the period of dialogue. The issue of the interview was not anymore the law but the school rules.

The headmistress added that she was not able to control the teachers, and my mother replied: "If you were at my place how would you react towards these teachers who had been very harsh to your daughter, and send you every fifteen days a letter to harass and discriminate you ? "

Monday, September 20th, 2004, I have taken off my headscarf and I have let it on my shoulders keeping only the accessory which holds my hair. Since that day I am excluded from courses without reason. During the phase of dialogue, my English teacher excluded me because I was wearing my headscarf, and told me that it was not the winter season.

During that period I was not provided with a continuous educational support. At each inter-courses I went by myself to get the lessons. Two teachers gave me tests knowing that they did not provide me with the corresponding lessons. I was sometimes in the headmistress's office and sometimes in her assistant's office. When they were both absent, I went in the supervisors' office. One day a supervisor did not let me go and search for my lessons, saying that she had received this order from the headmistress.

I really felt humiliated during the disciplinary hearing, I know that they are so many other problems in this junior high school (cigarettes, drugs...). I have taken off my headscarf, I have bent to the headmistress' will and they nevertheless excluded me on the purpose that I did not respect the law.

They did not give precision during the disciplinary hearing because they knew they did not have a serious reason to exclude me. They were four testimonies which were not against me, saying there was no problem with me. In the headmistress' report we had contested many points but they did not deal with that, they had nothing to say. During the local education authority appeal commission, the headmistress said that it was because of my continuous wearing of the headscarf that she had excluded me. The commission therefore confirmed the disciplinary hearing decision.

I have been excluded for not respecting the 15th of March law, despite the fact that having taken off my headscarf I have respected it. I really think that it is them who have not implemented it.



## • IHSEN

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*“During the disciplinary committee I cried, it was hard”*

My name is Ihsen I am 13 years old. I have two sister, one older and one younger. My older sister has also been excluded. I am in middle school, in 7th grade. Last year everything was ok at school, as every year. I used to wear my veil at school. My older sister wore it from 6th grade to 9<sup>th</sup> grade and I did the same thing. My grades were good I was a regular student. I only had problems with one of my teachers who already caused trouble to my sister when she was in 6th grade. My friends were all nice with me. We also had problems because we did not want to go to the swimming pool. Later, I want to study arts, I like everything related to art.

I wore a headscarf since I was 8 years-old. At that time my parents told me that I was not obliged to wear it, but it was my choice. That is part of my religion and of my education. I like wearing it.

I was very content with the support of the “March 15th Freedom Committee”, they helped me to move on. At the beginning we had meeting to see if we would go on trial. I really felt supported, I also met a psychologist.

I heard about the March 15 2004 law in the news on TV. The first days of class the headmaster called us to line up and go to class. When he called my class he called me and asked me to go to a room where other girls who wore veils were waiting. He asked us to take off our veil and we refused. He stayed with us in this room everyday until they excluded us. Some teachers came to give us some homework and the exams but we had no answers to the questions we were given, we had to make our own way.

Some students asked me why I did not want to take off my veil and were critical, but most of them encouraged me to keep it. The headmaster never told me anything about my veil the previous years. I can even say that he supported me to keep on studying. He is a good headmaster. One of my teachers was mean. He wanted me to be excluded. Some others did not do anything although they were upset. We could go in the playground for the break with the other students, but we had to stay in the room during class.

The teachers gave the class notes to the school advisor who came to give them to us. Some teachers helped me in history, math, and arts. For a while we did not have anything to do so we read books at the school library or we went to the computer lab.

The students did not make fun of us because they knew us. I think that compared to other girls in other regions we were lucky. I went to the disciplinary hearing with another girl. I was excluded on November 25th and she was excluded on December 2nd. I cried during the meeting, it was hard. The parents were present, so were the student delegates, the headmaster, the school advisor and the assistant headmaster. The exclusion was difficult.

Despite all that, I think that it is better to study at home. Even if at the beginning it is harder for us because we can not study at school, I see that I move on faster and we have lots of explanations in the correspondence courses. Moreover with the breaks at school they only study twenty minutes over one hour, whereas at home we have more time.

## • IMEN

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*“When they announced my exclusion, I felt angry. They presented us as criminals while we were the victims”*

### **Could you introduce yourself?**

My name is Imen I am 16 years-old and I am in 10th grade.

### **How was school last year? In which school were you studying?**

In 6th grade my English teacher did not let me go to class. At the beginning I had problems with him but after some years our relation was better. I wore a headscarf until 9th grade without causing any trouble. I had good relations with my friends and my teachers, and I had very good grades. Later I want to study sciences.

### **What does the scarf or the veil represent to you?**

It represents my faith, my religion. It is part of my education that's it. When did you contact the “March 15th Freedom Committee”? Were you content with their support? My father contacted them during the holidays. The organisation always supported me. They helped me morally and psychologically. They gave us the desir to keep on studying. I take correspondence courses and it is very hard although some teachers help us here. We have lots of homework and we have to send back 2 /3 of it to graduate. But this made me want to study more to show them that I can succeed even if I can not go to school anymore.

### **Who told you about the March 15 2004 law? How was it presented the first day of class?**

We talked a lot about it, as if it was in fashion, as if all schools made an agreement together; it looked like a conspiracy to exclude us.

### **How was the first day of class?**

Since the first day of class I felt like I was in front of a wall. We were hidden, nobody could see us.

### **How did the headmaster react? What was the headmaster's behaviour?**

Our school has a very good reputation and the headmaster feared that we would dirty it. As it is a technical high-school with a majority of men he asked us what we were doing here. When we enrolled we were wearing a veil. Right away he asked us if we planned to take it off the first day of class since the new law would be applied. We said no but we were ready to make a compromise and to wear a bandanna or something else instead. But despite our proposition, he refused.

During the dialogue phase, my father and I had a meeting with the headmaster and his assistant. I was choked when the assistant headmaster asked me what I would do after the disciplinary hearing. I said that I would take correspondence courses or go to a private school. She told me that only 5% of the students that take correspondence courses succeeded, that I would fail and that would end married with many children. I was really choked, she thought she knew my destiny as if all Arab people would have that kind of life. During the disciplinary hearing, the headmaster said that wearing a veil was not written in the Quran. I answered that religion had nothing to do with that and that I covered my hair for modesty.

When we proposed to wear different headgears, they said that there would not be any negotiation.

**Did the school give you a pedagogical follow-up?**

No! I had no pedagogical follow-up from the school, we were alone. The CRCM helped us well, they led us. They did their best to convince the private schools. It did not work but at least they tried. They have always supported us.

Because of this lack of pedagogical follow-up, I was late with my studies. I missed the first semester. They did everything to isolate us and put us down.

**Did you suffer from vexations and humiliations? What did you feel during the disciplinary hearing?**

There are some students who wear other headgears at school (hat, bonnet...) but nobody says anything to them. During the disciplinary hearing I tried to ask some questions but they answered me that what I said was away from the point. Through the media they tried to make everybody believe that the law was perfect, that everything was ok, and that there were only few exclusions. In fact they never let us speak although we were directly concerned. We were excluded from school but also from the debate. We never saw a veiled girl talking on TV. When they announced my exclusion, I felt angry. They presented us as criminals while we were the victims.

**How do you see your future now?**

Now I live each day as it comes. In as sense they took my liberty of worship off. I will never forget what happened even if it made me stronger for the future. I want to fight for my rights, I want to keep on studying and to succeed without them. It was just a bad time in my life. And even if it is not easy to study with the correspondence courses I am not left by myself.

**To conclude:**

We cannot major in sciences anymore since we can not do practical work anymore. They have no right to tell us how to practice our religion and how to dress. Fortunately we could make them understand that our parents did not force us to wear the veil, contrary to what they thought, that it was our choice, and that even if our parents would ask us to take it off we would not do it. My father told me that if I wanted to take it off to keep on going to school I could. But I refused.

## • MERIEM

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*“They came with a clear idea, they wanted to exclude me”*

### **Can you introduce yourself please?**

My name is Myriam, I am 14 and a half years old, I am a pupil of the fourth form to whom was denied the access to the courses right from the first day of the new school year, in September the 2nd, 2004

### **How did you spent your schooling last year?**

Everything went off smoothly. During my third form I had no problems. My average for the year was of 15, my relationships with my teachers and my classmates were very good. I never had problems. I want to become an ophthalmology surgeon.

### **For how long have you been wearing a headgear?**

I am wearing the headscarf since September the 1st 2001.

### **What is the signification of the veil or the headscarf for you?**

To me it is a religious obligation, it is a way to show my love to God and to serve Him.

### **When did you get in touch with the March 15th Freedom Committee? Where you satisfied with the support they provided you with?**

In fact I never called the March 15th Freedom Committee, My mother did. We got many ideas after contacting them, I thank her for that.

### **Who told you about the March 15th 2004 law? How was it presented to you at the start of the school new year ?**

The headmaster read it to me and to my parents at the start of the new school year.

### **How did you spend that start of the new school year?**

From the first day, I did not wear my headscarf as I used to do. In order not to have problems I have worn a large bandanna which covered my hear, despite that I was kept during an hour in the office with the year heads and the headmaster. They ordered me to take it off, or else I would not be accepted in class. They told me that I had to chose between my schooling and letting my religion out of the door, or to start the phase of dialogue which will lead me to the disciplinary hearing and Finally towards the exclusion.

Then the year head told me: *“You should not waste your schooling for that. You don’t cover your head because they are dirty or because you have a disease?”* . Then he said to me: *“I have a daughter, her mother is Algerian, if she wants to wear the headscarf, she may but she won’t wear it at school. The law must be respected, one has to think, one must succeed in life you can’t stop your schooling”* . At the end he repeated: *“One must think”* . We were going to the classrooms when the second year head told me that the headmaster wanted to see me. While waiting for the headmaster to come and take me, I stayed in the year head’s office. During that time , the second year head said to me:

*“What are you going to do? You have to take it off to succeed in your schooling?”*

Anyway, then the first year head told me: *“and if you follow private lessons, are your parents able to pay for that?”* I replied *“Yes enough!”* And then the headmaster came. He asked me to follow him to his office and he read at loud voice the law. He told me to sign a document saying that he had read the law, and then he told me that if I wanted to go into the classroom I had to take my headgear off. I answered that I was not wearing a conspicuous religious dress and that it was an accessory as any other. Then He accompanied me to the classroom, I took my books and we have read the school rules.

### **What was the headmaster’s behaviour? The teachers’? The pupils’ ?**

The headmaster’s behaviour was normal. Concerning the teachers it depended. Some of them came to the classroom where I was to tell me that I was mad and that I would rather take it off. They were speaking about equality between men and women, and things like that.

Of course they made no bones about humiliating me, asking ironical questions such as: *“ You don’ t wear it because your hair is dirty or because you have a disease?”* And other similar remarks. I refused to take it off so I was placed in an isolated room. I was neither with my teachers nor with my classmates, I was in an office with no lessons to work on.

They denied me the access to the playground, they even denied me the access to the toilets during the other pupil’s break, fearing that I may melt with my classmates.

They even issued a file concerning me, I had the feeling I was a criminal, I felt like I had committed something very serious. My mistake is having a piece of fabric on my hair. I have spent nights of anguish, having nightmares. A teacher even made a fuss of me and my belief. Then I was placed in the year head’s office, facing a window, I was as an animal in a zoo.

I came to school to be in a classroom with my teachers and my classmates and I found myself locked up just as a criminal.

### **Were you provided in your junior high school with a satisfying continuous education support?**

At the beginning and during the first fortnight, I was left with anything, and it is only when the headmaster received the letter From the lawyer that she gave me a copy of the math lesson. Then, whether they gave me all the lessons in one piece and not all the subjects, or they gave me nothing at all

### **How did you feel during the disciplinary hearing?**

I felt that it was useless to talk with them, they came with a clear idea, they had already decided the exclusion, full stop.

**How did you feel at the announcement of the exclusion ?**

I was expecting such an outcome, but this is unjust

**What happened the disciplinary hearing and the local education authority appeal commission ?**

The disciplinary hearing last four hours and twenty minutes, It is very long so I cannot describe it. The local education authority appeal lasted an hour and a half. I was not present to defend myself. Only my mother and the lawyer attended it, and we have not received the Chief education officer's decision

**What memories do you keep of this issue?**

I have bad memories of that, a feeling of injustice and I hope that things will change. Laws change for us and our rights are flouted, I am denied the right to go to school.

**And now how do you see your future?**

I see it very clearly. I will undertake my GCSE and next year I will register at the Averroes high school (the first Muslim junior High school in France, situated in the city of Lille), insh'Allah and then to the faculty of medicine

**A last word.**

I am subjected to a real discrimination, I have changed the accessory I was wearing, I have made great efforts, but they didn't want to know. The headmaster said that I was wearing a conspicuous sign and even if I changed of accessory everyday, to his point of view it will remain a conspicuous way of dressing since it was continuously worn. Since the start of the new school year I have no lessons, since they forbade me to go to the classrooms. I am isolated from my classmates and this is an injustice that a girl of my age should not be subjected to.

**• SAIDA**

*"The teachers excluded me from class and called me a liar"*

I am 20 years old; I study at a technical high school in order to become an assistant manager. I have good relations with people and especially with my family. I have worn a veil since the 8th grade and the teachers and the headmaster have always put pressure on me. It has always been a problem for some of my teachers and the headmaster who were sometimes mean with me. Last year my teachers even told me that they considered it a lack of respect to work as an intern in a company with a veil.

The professionals never said anything about my dress and I could do all my internships with my veil. My friends never made me feel that my dress disturbed them. The only problem was the teachers. At that time their reluctance made me uncomfortable. Morally, it was hard.

I have a plan for the future. I plan to do a masters degree in management. I want to evolve, to be active. This year I already had to make some concessions and wear

something more discreet on my head. I hoped that the headmaster and the teachers would accept it and let me go on with my studies.

Psychologically, it would have been difficult for me to go school without anything on my head. I thought that with a bandanna or a bonnet it could have been possible. I had to keep my dignity and feel good about myself, about my beliefs. To me wearing a veil is a part of practising my religion, asserting my thoughts. It is being myself. It was my choice not my family's. I thought a lot before the first day of class 2004. I was very anxious all summer and I tried to find solutions. Two days before the first day of class I called the "March 15th Freedom Committee". It was my sister who talked to me about it. A member of the Committee informed me about the law and the limit of its application. But the first day of class I was choked, I did not think it would be that hard. I was isolated in a room. The relations with the teachers were tense although I tried to find an agreement. When I told them that the March 15 2004 law did not forbid discreet religious signs or hats that has no religious connotation the teachers answered meanly and told me that the school rule forbade categorically any hat or veil.

The relations with the teachers got worse day after day. I had no right to go to class. It seems that nobody cared about it. I could get some class notes thanks to a friend. Moreover she had to insist because the teachers did not want to give them to me. On September 9th, three days after school started, I took the decision to wear a bandanna. But, the headmaster who received me in his office did not notice that I had changed my headscarf, and he was quite angry.

He tried to scare me. I felt very bad after that. I didn't understand why I was treated in any such way. This violence gave me the feeling of being hated and rejected. I felt that they wanted to spoil my future, to destroy me, without letting anybody know about it. But it was only the beginning of a long period of isolation and suffering. All the administrative staff came to see me from the nurse to the social worker.

The message was always the same: they wanted me to take off my headscarf. Their argument were: "we have to protect ourselves from terrorism as much as we can" or "*you look like a member of a terrorist group*", and so and so. I did not like their visit. There was no dialogue; it was a monologue in which they explained that I was not as I should have been. I felt that they hated me because of my veil. Because of my veil, I was dangerous, I had to be punished. It was hard, I felt weak in front of these persons that aggressed me and hurt me.

I do not think that my dress disturbed people more than a racy dress. But for them there was no doubt about it. The disagreement between our ideas was strong. They were fierce but I hoped that we could find an agreement. But the teachers excluded me from class and called me a liar. I was hopeful until the last moment. I really thought that I could go join my friends in class to study. But it never happened. Nobody cared about my situation at school, or about my future. Nobody cared about me at school. I was nothing anymore. It did not matter if I was rejected, it did not matter the way they talk to me, and it did not matter if my future was threatened.

During this time, I felt very bad morally and uneasy. I felt harassed and depressed, I could not sleep anymore. The supervisors followed me in the halls of the school. On November 28th the headmaster slammed the door in my face. I was shocked. His aggression had no limit, he hated me. I was nervous. The school place became my prison. I had no rights, and I did not deserve any consideration.

When I did my formation in a secular association for scouts to become organiser in day-care centres, I saw things differently. At that time I was in contact with the society, with citizens from different origins and of different philosophies. There, I could see that I had become different. I had become paranoid. Each time someone talked to me I thought it was a trap. It was crazy, I know. My relations with the other members of the group were tense, but it was my fault or more precisely it was because of my way of thinking. I understood that psychologically I had changed- I became distrustful, I did not trust anybody anymore.

I reached this state because of the constant persecution I suffered. At school, the difficulty was everywhere, in every area of the administration, everything was complicated: the scholarship form, my student ID, the access to my school records. The headmaster always refused to sign an approval on my student ID because I wore a veil on the picture. He took a long time before giving me the form to apply for a scholarship. We had to ask him many times before I could have access to my school records and he waited until the last minute to give them to me. The violence of the critics directed toward me in front of the other student exhausted me. I also contacted the Human Rights Organisation. Their mail made me feel that I was despised. I searched for any organisation or institution that could have helped me. I wrote to the President, to the Home Secretary, but nothing worked. When I finished my internship and came back to school the situation was better. I did not see the headmaster anymore, and some of my teachers accepted to give me the class notes. But I had to pass exams for courses without getting any explanations from the teachers.

Now I have a different opinion of people working in Education; I felt bitterness toward them. Words like *"we gave you the class notes just because we are nice with you"* shows why I do not accept anything from them anymore. Even the school inspector expressed his contempt to me when he came: *"I know French better than you and what you have on your head is not a bandanna but a veil"*. It seems that he did not fear to hurt me because I was alone and nobody was there to hear what he said and to defend me.

Tonight is the disciplinary hearing. I am nervous. I fear their lies since the headmaster already lied without scruple about what I said. But I have a clear conscience. Only God knows the truth, he knows who is lying and that is the only thing that comforts me. I think that their lies show that they have no moral values.

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• CAROLINE

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*"We are not going to measure the inches of fabric! "*

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My name is Caroline, I am 20 years old, I am taking my technical A level in a private secretarial college. Since January the 16th I had decided to wear a headscarf tilted backwards. In January the 19th, I went to see the year head to tell him that I was a Muslim girl and that I was wearing a headscarf tilted back as a sign of modesty. But that day I came to school with nothing on my head, because knowing the controversy about the religious signs at school, I had chosen to be diplomatic.

He told me that I had to speak with the headmaster, but until the moment of that appointment I had the right to wear a bandanna. From that day began the long and difficult battle. The three following days I was wearing a bandanna, that is to say the little square of fabric that you fold in two.

The fourth day, the headmaster who told me that my dress was problematic convoked me in an emergency. Then, taking his remark into account I came to the high school with only a headband, because in fact, the year head wanted to say a headband and not a bandanna, it was only a question of inches.

The headmaster told me to wait like that, until a vote of the teaching staff concerning the headscarf within the high school. At the end of June, I was convoked by the headmaster, who told me that he accepted neither bandanna nor a headband, because we are not going to measure the inches of fabric”!

He told me that the high school depended on the diocese and the State. The diocese had given him the decision-making power. To me the headscarf is a sign of submission to God, I obey the obligation to cover one’s head and to be modest in one’s dress which is contained in the quranics verses and confirmed by the Muslim scholars. This is part of my dignity, of my freedom of choice and of my religious freedom. This is part of me and to take it off is hurting my dignity I got in touch with the March 15th Freedom Committee at the 2004 start of the new school year. The problem in my case which was explained to me by one of the people involved in that committee was that my high school was not submitted to the March 15th law, and that I was in fact allowed to go to school with my headscarf. I was scandalised and revolted to learn that, but reality has its rules and I must think about my studies and my future. I am the only veiled girl in the high school.

In September 2004, I began my second year to prepare my technical A level. The first day of the start of that new school year, I had problems with my headband. After a few minutes of presentation of the classes, the headmaster convoked me to his office. I came to the high school with a headband but a bit wider than usual ones. My chignon was visible. Very coldly he told me to take off my headscarf. I answered that it was not a headscarf but a headband. He told me that for them it was a headscarf and that we had come to an agreement on that subject in June 2004. I replied that I was precisely not wearing a headscarf or a bandanna and that I had respected what we had agreed about; He didn’t want to know, so I took it off and replaced it by a common headband that I had brought with me. He asked me if I had read the school rules.

He threatened me. I all the same told him that according to the school rules if I came

in nun dress, this would cause no problem : “that wearing dress or signs that conspicuously express religious affiliation other than Catholic affiliation are banned” He could not answer anything. Ever since, I am wearing a headband even if now I know that the high school is not respecting the law.

Since the beginning, the headmaster let me believe that my wearing the veil did not disturb him. Actually the law is not applicable in my high school and yet progressively through the interview that I had with him, I have remarked that he did not agree that much with my choice.

Then I came back to the classroom, very angry and my classmates noticed it. Then the headmaster came to the classroom and spoke about the headscarf issue saying that: “In our high school all origins, colours and religions are respected”, then he ended up saying that the Islamic headscarf was not accepted, because according to him it represented a degrading image of the woman and that it questioned the women’s battle for freedom.

Since I immediately abode by the headmaster’s will, wearing a common headband, problems have vanished. I still suffer stares, but no bad words. The headmaster says hello and we act as if everything was right in order to finish the year in the best conditions My future is my vocational training certificate as a management secretary in school courses combined with work experience. For the headscarf, we will see what the company will say.

For those who are able to fight, this is a good thing, but in my case being married, I have to make a living in order to be independent from my mother who has helped me until now.

May Allah forgive me.”

## **Employment, Health, Law and Marriage: Not for Muslim Women**

Women excluded from education as a result of the ban on religious symbols, will subsequently face greater problems in securing employment. The UN Special Rapporteur on Freedom of Religion’s observations that: “...the stigmatization of the so called Islamic headscarf has triggered a wave of religious intolerance when women wear it outside school, at university or at their workplace.”<sup>32</sup>

The knock on effect of the ban has moved into public and private sectors other than schools.

### ***Public Sector***

According to McGoldrick<sup>33</sup>, whilst there has always been a ban on religious symbols worn by government employees, and the number of cases challenging that prohibition has been rising. The ‘reasoning’ behind the prohibition was emphasised by Jacques Chirac in 2003, and again the issue was dealt with in terms of secularism and was not

discussed in terms of women's rights.

Reference is made by McGoldrick to the case of Nadjet ben Abdallah<sup>34</sup>, a work inspector who was sanctioned for wearing a headscarf to work. The court in Lyon supported the decision against her. Further reference is made to a 2005 case<sup>35</sup>, of a Muslim tax inspector prevented from wearing her headscarf to work. McGoldrick also states that teachers are forbidden to wear headscarves at work.

Clearly the public sector employment has been made a no go area for women who wear the headscarf.

### ***Private Sector***

McGoldrick<sup>36</sup> also highlights the situation of women in the private sector, who have been dismissed for wearing the Islamic headscarf. Listed amongst reasons cited by employers include, business need and respect to disciplinary rules. There is no uniformity in legal rulings on this issue, with cases based on similar facts receiving very different outcomes. A court held that a Muslim woman<sup>37</sup> working in an underwear shop could be dismissed because, in her employer's opinion she was dressing too modestly and therefore was no encouraging shoppers to buy underwear (see *Stereotyping* pp 13-15, above). This contradicts another ruling where even upon appeal the decision to dismiss a hijab clad woman, Dallila Tahri, from a telemarketing post in 2002 was found to be 'manifestly illegal.'

McGoldrick<sup>38</sup> and Bell<sup>39</sup> make reference to cases where women have been banned from crèches, banks<sup>40</sup> and even human rights organisations<sup>41</sup> on the basis of wearing a hijab.

There have been many anecdotal reports of such discrimination made particularly in the last 4 years. However in terms of direct reporting, IHRC highlights 2 of those that it received, one back in 1999 where a British national was denied a work permit for not removing her hijab, the second in 2004, when a woman was refused treatment by her local doctor because she was wearing a scarf. The doctor's surgery later put up a sign asking women who wore the scarf not to enter. This case also highlights the possible impact that societal hostility caused by the school and public sector bans can have on women's health (not discussing issues to do with trauma and humiliation).

Women wearing hijab have been removed from juries<sup>42</sup>. Women wishing to marry have been asked to remove their hijab, or denied entry to places of civil registration if they refuse.

## Concluding Remarks

This report was set out with one premise, i.e. to oppose the `15 March 2004 Act that banned ostentatious religious symbols in schools, as well as other laws, policies and rulings with similar basis, based on their practical effect.

Much work has been done by NGOs such as Collectif Contre l'islamophobie en France (CCIF) and Comité 15 Mars et Libertés (March 15 Freedom Committee) in documenting the effects of these laws and policies.

It is IHRC's contention that although effecting primarily Muslim women, these cases effect the equality of all women in one way or another and must be urgently addressed by the French government.

## Appendix 1

### Recommendation to the Committee for CEDAW

Needless to say, IHRC calls for the repeal of the 15 March 2004 Act.

The creation of a new **neutral** body that has effective membership and representation, and that has effective powers of sanction, is an imperative. Such a body must have the power and also the will to litigate and to challenge institutionalised prejudices within the legal system.

IHRC as with relevant NGOs in French civil society recommends the repeal of the March 2004 law.

IHRC further recommends that a process of dialogue between Muslim women who wear the scarf and their chosen representatives with government and public institutions be initiated by government in order to tackle the normative issues raised above but also to give authority to women to deal with problems associated with their communities.

IHRC urges CEDAW to impress upon the French authorities the importance of such projects in tackling discrimination against women of colour, including in this context women who wear the Islamic headscarf, as part of a robust drive towards gender equality in France.

Courts and lawyers need to be trained in effective anti-discrimination norms that reflect stereotyping across the board.

IHRC urges the French government to desist from interfering in the representative politics of minority communities. It further urges the French government to ensure that bodies such as HALDE have effective representation from minority communities.

The French government needs to open up sincere and representative and diverse lines of communication with women from minority communities that reflect their aspirations as citizens.

It is imperative that the wearing of the Islamic headscarf is not used as a criteria for refusing nationality to women. Further the French government must ensure that this is not only made explicit but that a standardised policy is implemented across the regions. Women whose applications for nationality were rejected on these grounds must be given recourse to redress.

The ban on public sector workers / government employees from wearing 'ostentatious' religious symbols, hitherto argued to be based upon enforcing laïcité of a particular recent vision, should be lifted.

A more robust understanding of anti-discrimination needs to be taken on board by the French government.

A systematic review of how many cases that have gone through the courts or been settled outside with regard to discrimination faced by Muslim women, needs to be urgently held, and measures and policies that facilitate headscarf wearing women's role in the public and private sectors implemented.

Court officials, judges and lawyers need to be trained in effective anti-discrimination practices that ensures the spirit of anti-discrimination is consistent in judgements and cases, and that women are not excluded from work for their choice of dress.

Judges need to be trained in the effects regarding stereotyping that such decisions have.

Medical practitioners need to be trained to uphold the Hippocratic oath.

Sanctions against medical practitioners who refuse treatment to women must be implemented.

## Appendix 2

From *The headscarf ban in French schools: Truth unveiled* (2005), Comité 15 Mars et Libertés (March 15 Freedom Committee)

### Historical background

The French Republic has always been very proud of its educational system, said to be free and open to anyone regardless of their social status, origins or religion.

This of course is but a theoretical vision. Many people do accuse that system of actually perpetuating social discrepancies, of seeking to standardise those who are different and of excluding those who cannot be standardised, such as the disabled for instance.

Since 1989 and the first “Creil headscarves” affair as it is known, the French educational system has been excluding girls who chose to practise this Islamic injunction. At first, this was but a marginal problem, both among Muslim schoolgirls and among school staff, most of whom had better things to do than chasing this attire.

The *Conseil d'État*, the supreme body arbitrating administrative disputes, repeatedly stressed the limits of this freedom which students could enjoy so long as it did not interfere with public order, health and morals. Muslim practice had found some kind of balance, occasionally disturbed by some few, but particularly spiteful teachers who refused to accept this albeit quite standard interpretation of laws. Upset by those albeit most classic judgements, determined to fight what they thought was an outright violation of republican secularism, the supporters of the exclusion of girls choosing to wear the “Islamic headscarf” organised into lobbies. At first, those included teachers and senior educational staff; they later secured footholds in the main French political parties.

They managed to convince the highest levels of the State, who were but too happy to find a derivative to real issues such as the reform of retirement schemes, the restriction of individual freedom and of the rights of defence entailed by the “Perben II” law, and numerous financial scandals.

In early June 2003, after a conference on that theme, Jean-Louis Debré, the President of the National Assembly, announced that a parliamentary information commission on religious signs in schools was to be set up.

On July 3rd, 2003, the President of the Republic personally ordered ombudsman Bernard Stasi to gather a more general, 20-member commission to reflect on how best to implement the principle of secularism.

The only topic common to all the hearings carried out by either commission was the “Islamic headscarf”. Obviously, under cover of discussing more general subjects such as secularism and religious and political signs in schools, the aim was to find the means of

taking action only against the wearing of headscarves by the Muslim girls who wish to do so.

Similarly, most of the twenty members of the Stasi commission were known for their actions or statements opposing the freedom for young Muslim girls to wear the “Islamic headscarf” at school. In line with a deep-set parliamentary tradition, the National Assembly set up a commission chaired by Jean-Louis Debré. This commission was careful to hear all sorts of key figures and the most diverse viewpoints were voiced.

This was not the case in the Stasi commission. This latter got more media coverage, and its story remains to be told: on what criteria were its members selected? Who chose the persons to be heard, and on what criteria? This remains a mystery. A large number of persons hostile to the freedom of wearing a headscarf were heard. On the other hand, those favourable to this freedom were very few.

Surrealistic discussions followed, with the obvious aim not of defining problems in order to seek solutions, but of justifying to public opinion the restriction of a formerly deep-set freedom. Those discussions mixed together such ill-assorted topics as sex-based discrimination, suburban security problems, anti-semitism, collective rapes and women’s status in Iran...

In the meantime, the Stasi commission turned out to be unable to hear a single student wearing a headscarf at school: the future victims were to keep silent...

Despite the unanimous opinion of all religious organisations of all denominations, of all human rights defence groups and even of some secular organisations such as the “Ligue de l’Enseignement”, both commissions opted for the verdict that was expected of them: a law must be made to ban the “Islamic headscarf” in schools! Of course, the Stasi commission did come up with other recommendations, but who still remembers them now?

On December 17th, 2003, President of the Republic Jacques Chirac stated that he believed “*that wearing dress or signs that conspicuously express religious affiliation must be banned in state schools, junior cross, a David’s star or a Fatima’s hand, will of course remain possible. On the other hand, conspicuous signs, that is to say those which lead to the wearer being immediately noticed and recognized through their religious affiliation, cannot be accepted. Such signs – Islamic veils, whatever they are called, skullcaps or clearly oversized crosses – do not have their place within state schools.*

*State schools will remain secular.”*

Exceptionally, the parliamentary procedure was exceedingly quick. A bill was proposed in the National Assembly as early as January 7th, 2004 and it came up for discussion as early as February 3rd. The debate lasted only three days, and the bill was eventually passed with 494 votes in favour, while 36 MPs opposed it and 31 abstained. The Senate adopted the text unmodified on March 15th, 2004.



On May 22nd, 2004, the French Republic's official organ, the "Journal Officiel", published the May 18 National Education Ministry guidelines on how to implement the new law. The text asked state-funded schools to add the following rule to their school regulations: *"In accordance with article L. 141-5-1 of the education code, wearing signs and dress by which students conspicuously show a religious affiliation is forbidden. When a student ignores the above-mentioned ban, the headmaster will arrange a dialogue with the student before starting any disciplinary procedure."*

However, schools often outran Ministry guidelines and added – when it did not already exist – the overall ban of all head-coverings on school premises, although former judgements had constantly declared this to be illegal.

## Appendix 3

### From: Muslim Women, Human Rights and Religious Freedom:

### Europe Under the Spotlight of National and International Law

First published 8 March 2004, <http://www.ihrc.org.uk/show.php?id=1025>

And subsequently as Chapter One in *Hijab and Democracy: The Ways Of and Against Secular Fundamentalism*, by Fahad Ansari and Uzma Karim, Islamic Human Rights Commission, ISBN 1-903718-36-8, pp4-5

### Introduction

In December 2003, French President Jacques Chirac declared his support for a law that would ban the hijab (the headscarf worn by Muslim women) and other 'ostentatious' symbols of religious expression from all public schools. As the rest of the world geared up to show disgust at this flagrant violation of basic human rights, certain other European countries, such as Germany and Belgium, echoed calls for legislation along similar lines. In an increasing determination to uphold the values of secularism, considered to be under threat by the 'aggression' of religious belief, the governments of so called civilised, pluralistic societies are abandoning the core of human rights principles enshrined in the treaties that they themselves have ratified.

The idea of human rights is that people make national laws in so far as they are compatible with the fundamental values enshrined in certain treaties – freedoms that are considered so important as to transcend the vagaries of human decision making. A brief look at, inter alia, the European Convention on Human Rights, will reveal that freedom of thought, conscience and religion is one of the most basic of all human rights that must be protected by states. Yet, perhaps it is one of the greatest ironies that as we witness the emergence of international human rights standards to protect the diversity of an increasingly globalised world, we are also witnessing a congruent willingness to accept of the violation of these fundamental standards.

### Proposals

Whilst a debate relating to the wearing of the hijab could be expected in countries such as Tunisia and Turkey <sup>(i)</sup> where the issue has been controversial for some time, it is perhaps surprising that the debate has come to Europe – in countries traditionally considered as the champions of rights and freedoms. In this briefing, the cases of France, Germany and Belgium will be considered. However, it is important to note that similar issues have been raised in countries as diverse as Norway <sup>(ii)</sup>, the UK <sup>(iii)</sup> and Canada <sup>(iv)</sup>.

#### a. France

In December 2003, French President Jacques Chirac, following the recommendation of a Commission headed by Bernard Stasi to look into the issue, decided to support a new law to ban 'conspicuous' religious signs from state schools. Earlier in the year, French Prime Minister Jean-Pierre Raffarin had already shown his support for the view that state educational institutions were no place for the 'ostentatious expression of religious

affiliation,' declaring that, 'schools cannot be a place to express religious commitment or launch political or religious propaganda'.

On 10 February 2004, a bill containing proposals for legislation to this effect, passed its first reading in Parliament with 494 parliamentarians voting in its favour. The bill would prohibit the wearing of the Muslim headscarf, Jewish kippa, Sikh turban and large crucifix in state schools.

During its passage, Parliamentary Speaker, Jean-Louis Debré, a member of the ruling UMP party, stated, '[w]hat is at issue here is the clear affirmation that public school is a place for learning and not for militant activity or proselytism'. There were only 36 votes opposed to the legislation largely on the grounds that it was discriminatory against Muslims. The bill is now set to be debated in the Senate in March 2004 and will then return to the lower house of Parliament for final approval – a mere formality since both the UMP and the opposition Socialists are in favour of it. It is set to be implemented from September 2004 – the next academic year and will be in place for one year, following which it will be reviewed.

The reasoning behind the legislation is based on the notion that France's principles of long established secularism are under threat without such a law. Secularism, it is claimed, is crucial to the social harmony and national cohesion of France and its citizens. According to statistics, up to 70% of public opinion in France supports this ban and indeed, this is the culmination of a long history of incidents in France concerning the hijab beginning over a decade ago<sup>(v)</sup>...

## Notes

<sup>i</sup> In 1999, in one of the most shocking aspects of its implementation, a democratically elected MP from Istanbul, Merve Kavakci, was publicly forced out of her elected position in the Turkish Parliament for refusing to remove her hijab.

<sup>ii</sup> In Norway, the Progress Party's deputy leader Siv Jensen raised a debate along the same lines as in France. However, he did not propose the prohibition of religious symbols such as the crucifix, turban or calotte because according to him, the hijab was not considered a religious symbol but a political one.

<sup>iii</sup> On 29 January 2004, Liberal Democrat MP Dr. Evan Harris declared that he would support a ban similar to the one proposed by the French Government's symbols in state schools.

<sup>iv</sup> In September 2003, a Muslim teenager was expelled from a private school in Quebec for wearing her hijab. In 1995, the Quebecan Human Rights Commission had declared that banning headscarves from school contravened the Quebecan Charter of Human Rights and Freedoms.

<sup>v</sup> In 1989, 3 Moroccan girls were denied admission to the Caprielle Hafaz Institute in Paris for wearing the hijab. Since then there have been over 400 'veil problems' according to statistics released by the French Le Nouvelle Observateur. In November 2003, a 12 year old was expelled from school in Northern France as she refused to respect the school rules by insisting on wearing clothes 'of ostentatious religious sign on purpose to harass her colleagues, which runs counter to the secular nature of the school.'

## Appendix 4

### From:

### **French Ban on Religious Signs in School violates Freedom of Religion, and Rights to Education and Work**

by Fahad Ansari, first published 16 December 2003

<http://www.ihrc.org.uk/show.php?id=851>

and subsequently as Chapter Three in *Hijab and Democracy: The Ways Of and Against Secular Fundamentalism*, by Fahad Ansari and Uzma Karim, Islamic Human Rights Commission, ISBN 1-903718-36-8, pp18 - 19

### Note

This chapter is provided as a background only, being written originally before the French law was enacted and many other decision were made across Europe as listed in Chapters 2 and 3.

### Background

Approximately 5 million out of France's 58 million people are Muslims, many of them descendants of immigrants from former French colonies in North Africa. Furthermore, an estimated 50,000 French citizens<sup>(ii)</sup> embrace Islam each year . Muslims in France face a number of daily problems. One recurring difficulty them is the ban on the Islamically prescribed headscarf from public institutions. The main reason given for this prejudice is that the headscarf conflicts with France's secularism.

The problem stems back to 18th September, 1989 when 3 Moroccan girls were denied admission to Caprielle Hafaz Institute in Paris by the school's director, due to their wearing of the hijab<sup>(i)</sup>. Since that day and up until the 21st May 2003, there has been over 400 "veil problems" according to statistics released by the French Le Nouvelle Observateur.

Two of the most recent incidents occurred in September 2003. On the 25th September, 2 sisters, Lila (16) and Alma Levy (18) were expelled from Henri Wallon lycee in the Parisian northern suburb of Aubervilliers, for refusing to remove their headscarves. Four days later, 12 year old "Hilal" was temporarily prevented from attending classes at Charles-Walch de Thainn in the north of France, for refusing to remove her hijab. On the 10th October, the school irreversibly denied her access to the school. Finally, on the 28th November, the school's disciplinary council decided to expel her. The council stated that "Hilal" refused to respect the school rules by insisting on wearing clothes "of ostentatious religious sign on purpose to harass her colleagues, which runs counter to the secular nature of the school."

On the 1st July 2003, President Chirac appointed the presidential media attaché, Bernar Stasi, as head of a commission assigned with applying secular principles in

France and preparing recommendations on the possibility of passing a law that bans the veil in French schools. On the 21st September, French Prime Minister Jean-Pierre Raffarin stated that there was no room for religious symbols in French educational institutions. Expressing his opposition to any “ostentatious expression of religious affiliation”, he claimed that “schools cannot be a place to express religious commitment or launch political or religious propaganda”. On the 28<sup>th</sup> November, Prime Minister Raffarin secured a majority approval of his ruling party to pass a bill banning religious signs in school. On 6th December, President Chirac antagonised the Muslim world by declaring that the hijab was “a sort of aggression that is difficult for us [the French] to accept”. On 11th December, the Stasi Commission recommended issuing a new law to ban “conspicuous” religious signs from schools, including hijab. Now the world awaits President Chirac’s decision on the 17th. [Since originally being written this ban has now come into force].

Opponents of the bill’s primary concern is that such a bill will violate the right to freedom of religion, guaranteed by the European Convention of Human Rights, the UN Charter and other international treaties. The IHRC further fears that such a bill would compel many Muslim girls to have to make the extremely difficult choice between their education and their religion. This may well lead to many girls deciding to leave school rather than abandon an essential element of their faith. This will also lead to a violation of the right to education and the right to work, both guaranteed under many international human rights treaties which France has ratified...

## Notes

<sup>i</sup>. Hijab is the headscarf worn by Muslim women as part of their faith.

<sup>ii</sup>. Gurfunkiel, Michel, ‘Islam in France: The French Way of Life is in Danger’ in *The Middle East Quarterly* (March 1997) Vol. IV(1)

## Appendix 5

From: *The headscarf ban in French schools: Truth unveiled*, March 15 Freedom Committee, www.15mars.net, Bayane Editions, p22

### SUMMARY TABLE LOWER NATION-WIDE ESTIMATE

CLASSIFICATION	NUMBER
Illegal drop-outs under sixteen (estimated)	30
Drop-outs, over sixteen (estimated)	100
Studying abroad	67
Private schooling	3
“Successful dialogue” (Ministry’s figures)	533
Students having accepted CNED registration Without expulsion	26
Students expelled after a disciplinary hearing	47
<b>Minimum total number of victims of the March 15th 2004 law</b>	<b>806</b>
Accepted with an inconspicuous sigh	12

## Appendix 6

From: *Human Rights and Religion – the Islamic Headscarf Debate in Europe*, by Dominic McGoldrick, Hart Publishing (Oregon, 2006) p100

“A Report by an Inspector General and Headscarf-*Hijab* Mediator, Hanifa Chérifi,[n361] was submitted to the Education Ministry in June 2004.[n362] It found that there had been attempts to wear religious signs in 639 cases, down 50 per cent on the preceding year, 626 were Islamic veils, 11 were turbans, and 2 were large crosses. 287 were taken to *lycées*, 337 to *colleges*, and 15 to *écoles*. The vast majority of the cases were in six cities with high immigrant populations – Strasbourg, Lille, Créteil, Montpellier, Versailles and Lyon. Most of the 639 gave up wearing the signs and returned to study. 96 went for alternative provision, private, abroad or distance learning. 47 were excluded: 44 for the Islamic veil and 3 for the turban.”

## Notes:

<sup>1</sup> The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women (from <http://www.un.org/womenwatch/daw/cedaw/>)

<sup>2</sup> **The headscarf ban in French schools: Truth unveiled** (2005), [http://www.ihrc.org.uk/file/The\\_headscarf\\_ban\\_in\\_French\\_school\\_Internet.pdf](http://www.ihrc.org.uk/file/The_headscarf_ban_in_French_school_Internet.pdf)

<sup>3</sup> Bouteldja, N. (2008) “*Integration, discrimination and the Left in France: a roundtable discussion*”, *Race and Class* 49(3), p83.

<sup>4</sup> Bouteldja, N., (2008) “*Integration, discrimination and the Left in France: a roundtable discussion*”, *Race and Class* 49(3), p86.

<sup>5</sup> Abdelaziz Chaambi works with the Coalition of Muslims from France (a national network of Muslim associations) and with DiverCités, a campaigning coalition in Lyon bringing together feminists, anti-racists, Muslims, Catholics and atheists.

<sup>6</sup> Bouteldja, N., (2008) “*Integration, discrimination and the Left in France: a roundtable discussion*”, *Race and Class* 49(3), p85.

<sup>7</sup> *ibid*

<sup>8</sup> A sociologist at the University of Paris XIII and co-author with Eric Macé, of *Les Femmes et le Garçon Arabe* (Paris, Editions de l’Aube, 2004).

<sup>9</sup> Bouteldja, N., (2008) “*Integration, discrimination and the Left in France: a roundtable discussion*”, *Race and Class* 49(3), p85-6.

<sup>10</sup> *ibid*

<sup>11</sup> Bell, S. ‘*France finds its cover girl for veil battle*,’ *The Sunday Times*, London, January 25, 2004

<sup>12</sup> McGoldrick, D., (2006) *Human Rights and Religion – the Islamic Headscarf Debate in Europe*, Hart Publishing (Oregon), p32

<sup>13</sup> Vincent Geisser a researcher at the National Centre for Scientific Research and president of the Information Centre for the Study of International Migration, a Catholic research institute

<sup>14</sup> Cited in Bouteldja, N., (2008) , “*Integration, discrimination and the Left in France: a roundtable discussion*”, *Race and Class* 49(3), p83

<sup>15</sup> *Ibid*, p.61 referring to Gaspard F and Khosrokhavar, F, *Le foulard et la république* (Paris, La Découverte, 1995)

<sup>16</sup> Ameli, S.R and Merali A.,(2005) “*Hijab, Meaning, Identity, Otherization and Politics: British Muslim Women*”, Islamic Human Rights Commission, London.

<sup>17</sup> Comments by Jacques Chirac, December 5, 2003 at school in Tunis.

<sup>18</sup> Amiraux, V (2006) ‘*Speaking as a Muslim: Avoiding Religion in French Public Space*’, in eds Jonker, G. and Amiraux, V. *Politics of Visibility: Young Muslims in*

*European Public Spaces*, Transaction Publishers, New Jersey, n13, p26

<sup>19</sup> See also Ameli, S.R., Marandai, S., Ahmed, S.T., Kara, S. and Merali A. (2007) *The British Media and Muslim Representation: The Ideology of Demonisation*, Islamic Human Rights Commission, (London)

<sup>20</sup> Baer, J. (1998) *Muted Group Theory by Chris Kramarae*, Human Communication Theory, Colorado: University of Colorado.

<sup>21</sup> Beart, Adjani and Rykiel joined 57 other women to sign a petition that calling for a ban on headscarves as “this visible symbol of the submission of women”

<sup>22</sup> Geisser, V. (2003), *La nouvelle islamophobie*, (Paris, La Découverte)

<sup>23</sup> Amiraux, V’ Speaking as a Muslim :Avoiding Religion in French Public Space’, in eds Jonker, G. and Amiraux, V. *Politics of Visibility: Young Muslims in European Public Spaces*,(2006), Transaction Publishers, New Jersey

<sup>24</sup> Ibid pp25-26

<sup>25</sup> Ibid pp26-27

<sup>26</sup> See Kappeler, S. *The Pornography of Representation*, on the striking down of Minneapolis City Council ordinance on pornography in 1983, pp11-15

<sup>27</sup> Ibid p.27

<sup>28</sup> Bouteldja, N., (2008) ‘Integration, discrimination and the Left in France: a roundtable discussion’, *Race and Class* 49(3), p79

<sup>29</sup> AP, ‘Hijab costs woman French residency’, Thursday 17 November 2005

<sup>30</sup> Sage, A. ‘Headscarf Ban is Judged Success as Hostility Fades’ *The Times*, 5 September 2005

<sup>31</sup> [http://www.ihrc.org.uk/file/The\\_headscarf\\_ban\\_in\\_French\\_school\\_Internet.pdf](http://www.ihrc.org.uk/file/The_headscarf_ban_in_French_school_Internet.pdf)

<sup>32</sup> ‘Special Rapporteur on Freedom of Religion Ends Visit to France’ UN Press Release, 30 September 2005 [www.un.org](http://www.un.org) cited in McGoldrick, D., *Human Rights and Religion – the Islamic Headscarf Debate in Europe*, Hart Publishing (Oregon, 2006), p100

<sup>33</sup> McGoldrick, D., (2006) “*Human Rights and Religion – the Islamic Headscarf Debate in Europe*”, Hart Publishing (Oregon), pp73-4

<sup>34</sup> Ibid, p74, Cour Administrative d’Appel de Lyon, 27 November 2003

<sup>35</sup> Ibid p74

<sup>36</sup> Ibid, pp80-81

<sup>37</sup> Ibid. p81

<sup>38</sup> McGoldrick, D., (2006) *Human Rights and Religion – the Islamic Headscarf Debate in Europe*, Hart Publishing (Oregon,), p81

<sup>39</sup> Bell, S. ‘France finds its cover girl for veil battle,’ *The Sunday Times*, London, January 25, 2004

<sup>40</sup> E.g. “A security guard at a Paris branch of the French bank Société Générale refused access to a woman wearing hijab. As a justification he invoked the standard security measure forbidding scarves, caps and other head coverings which could



provide disguise for robbers.” Source: Paris, December 27, 2003 ( IslamOnline.net & News Agencies) *Additional Reporting By Hadi Yahmid, IOL Correspondent*

<sup>41</sup> Ibid. Saida “Kada said she had been excluded from a human rights association run by Gerard Collomb, the mayor of Lyons, after another member, a feminist, insisted she resign.”

<sup>42</sup> McGoldrick, D.,(2006) *Human Rights and Religion – the Islamic Headscarf Debate in Europe*, Hart Publishing (Oregon), p74