

## The French Hijab Ban

Most reasonable people believe that the rule of law should be concerned with the administration of justice rather than the implementation of tyranny. The French government will be breaking its own law if it bans the hijab since :

1. The European Convention on Human Rights has been signed and ratified by France. ECHR rights including *Article 9(i)* rights to freedom of religion and freedom to manifest religion in worship, teaching, practice and observance, have been incorporated into French domestic law since 1974. Article 55 of the French Constitution confirms that any new French law should be in harmony with the ECHR.
2. Wearing the hijab is a voluntary act of religious observance and therefore a valid expression of Article 9(i) rights. The hijab is not worn as “a religious symbol” – it is an integral part of the prophetic way of life which has been embodied by all the true followers of all the true prophets, including Moses, Jesus and Muhammad, blessings and peace be on them.
3. Wearing the hijab is not a threat to anyone and does not violate anyone else’s rights and freedoms. In accordance with the ECHR *Article 9* rights, anyone who believes in accordance with their beliefs that wearing the hijab is **not** necessary is free **not** to wear the hijab - and anyone who believes in accordance with their beliefs that wearing the hijab is necessary for religious reasons is free to wear the hijab.
4. This means that the proviso in *Article 9(ii)* is not applicable since banning the hijab can hardly be viewed as necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.
5. Therefore any French legislation banning the hijab constitutes direct religious discrimination by the organs of state in direct violation of the ECHR. This is a denial of a fundamental human right which the French state is in fact under a duty to protect and secure by virtue of *Articles 1, 13 and 14* of the ECHR.
6. The same reasoning applies to all members of the European Union who have signed and ratified the European Convention on Human Rights.

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## The Relevant Articles and Protocols of the European Convention on Human Rights

As regards the religious rights of Muslims and other religious groups, *Article 9* of the *ECHR* guarantees everyone living in Europe including the UK the right to *choose* their religion and the right to *practise* their religion:

- (1)** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
- (2)** Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Furthermore, *Article 2* of the *First Protocol* to the *ECHR* guarantees everyone living in Europe including the UK the right to have their children educated in accordance with their religious beliefs:

- 2** No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

As a signatory to the *ECHR*, the French government is under a duty (under *Article 1*) to secure the rights which the Convention seeks to uphold and protect, and it is also under a duty (under *Articles 13 & 14*) to ensure that there is an effective remedy before a national authority for *everyone* whose Convention rights are violated:

*Article 1* of the *ECHR* states:

- 1** The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

*Article 13* of the *ECHR* states:

- 13** Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

*Article 14* of the *ECHR* states:

- 14** The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
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