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The right to manifest religious beliefs
THE "HEADSCARVES" AFFAIR

by Nigel Cantwell

In the latter part of 1989, a debate raged in France ostensibly over whether or not Moslem girls should be allowed to wear 'Islamic headscarves' in the country's public non-confessional schools. The question supposedly at issue was, "Is it compatible with the strictly secular nature of the public school system that pupils should be allowed to make their religious conviction so manifest?" After a war of words composed of a disturbing mixture of prejudice, manipulation and red herrings, the French authorities finally decided on an essentially threefold stance : firstly, there is no justification for a generalised and absolute prohibition of the headscarf; secondly, local circumstances may be such as to warrant some restrictions; thirdly, neither religious propaganda nor the refusal to take part in certain compulsory lessons will be allowed (this latter decision referred to the non-participation of some Moslem girls in, notably, physical education and biology classes on religious grounds).

The policy adopted would seem to be in line with relevant provisions of the Convention on the Rights of the Child, which against the background of the principle of the best interests of the child lay down inter alia:

- the compulsory nature of education to which the child has a right;
- the State's obligation to respect the child's freedom of religion under the guidance of the parents;
- the child's right to manifest his or her religion;
- the right of children of ethnic or religious minorities to profess and practice their religion;
- the State's obligation to ensure that all children benefit from these rights without discrimination on whatever basis.

The French government has announced its intention of becoming one of the first to ratify the Convention. It seemingly had little choice, therefore, but to confirm the girls' clear right to attend school normally barring a decision to proscribe by law the wearing of such attire in the classroom on the grounds that this endangers "public safety, health or morals or the fundamental rights and freedoms of others"..

That this question became such a high-profile matter for public debate was more a result of media hype than intrinsic importance. It was seized on as a human -interest story that fitted neatly with a number of other events concerning Moslems in France. Indeed, the media's harassment of the girls, for interviews and pictures, was often quite despicable and, from a children's rights point of view (privacy, etc.) should probably not have been allowed to happen.

But since the affair was placed in the limelight, it did at least provoke some reflection on the rights of the children involved, for which the Convention gives a good frame-work. In particular, it demonstrated which issues re-quired special consideration because of their direct relevance to children's rights, and which were either pertinent only in a secondary manner or should be dealt with as separate questions (e.g. that Islamic headscar-ves are a provocative manifestation of religion, that such manifestations cannot be allowed in a non-confessional public school, that children are being used by their parents to proselytise, or that the headscarf is a sign of the repression of Moslem women, etc.). The debate also showed once more how much controversy is likely to be aroused over the concept of the "best interests of the child", especially when there is apparent conflict between two rights-such as freedom to profess a religion and the right to compulsory education. (N.C.)

AFDDE and DCI to cooperate in France

On 27 September 1989, DCI signed a cooperation agreement with the French Association for the Development of the Rights of the Child (AFDDE-Association française pour le développement des droits de l'enfant). For all questions relating to France, DCI will henceforth work with and through AFDDE, which will have the status of a DCI "correspondent". The agreement provides that, if both sides are satisfied with the cooperation experience after a trial period of one year, AFDDE will seek recognition as DCI's French national section. One of the major initiatives taken by AFDDE in 1989 was organising (in association with IDEF-the Child and Family Institute, Paris) a symbolism to celebrate the adoption of the Convention on the Rights of the Child. The special feature of the meeting, held 24-25 November in the prestigious setting of the Senate Building in Paris, was the fact that it was essentially designed to give children themselves the opportunity to air their views. Some 120 young people from all over France came together for the occasion. In addition to presenting the results of their own studies and reflexion on children's rights and the Convention, they were able to put questions directly to government ministers, juvenile magistrates, NGO leaders, and even Yves Duteil-the popular singer and composer.

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