

# Position statement on the burka/niqab

The National Secular Society has serious concerns about the wearing of the burka (full veil with face covering) or niqab (face covering), relative to their symbolic role and the subjugation of women; their making an issue of female gender and sexuality; their potential to cover-up evidence of abuse; and their potential to hinder a woman's communicative abilities and integration within civil society.

These concerns notwithstanding, the NSS does not support attempts to legally ban the burka or niqab. We oppose a general 'burka ban' two grounds of principle: a woman's right to choose what she wears, i.e. her right to free expression; and her right to religious freedom.

An individual's right to express herself and to freely practise her religion constitute two of the fundamental principles upon which the NSS's ideal of secularism is based. We reject any legal interference with these principles, provided their realisation does not unjustifiably undermine the rights and freedoms of others.

The NSS sees as unjust and paradoxical, any attempt to promote freedom for women by limiting their freedom to dress and practice their religion in the way that they choose. Forcing a woman not to wear a burka or niqab contravenes a woman's right to choose in the same way that forcing her to wear one does; both cases represent an attempt to control the woman and dictate how she should express herself.

A law which prohibits the burka and niqab also punishes the very women society is seeking to liberate. The NSS takes the position that if a woman is being forced to wear the burka or niqab, the person forcing her to do so should be punished – not the victim of that enforcement.

The NSS is also concerned that a prohibition on the wearing of the burka and niqab would serve to further alienate women already on the margins of mainstream society. Furthermore, imposing a burka/niqab ban could exacerbate tensions between various communities in the UK and merely encourage some women who had not previously worn the burka or niqab to do so in protest or on principle.

The NSS condemns any view that rejects women as equal to men and abhors violence and harassment against women.

We recognise that the European Court of Human Rights has upheld the French ban on face coverings, accepting the argument of the French Government that the law was based on "a certain idea of living together".

Nevertheless, in a British context we are not convinced that the banning of the burka would aid social cohesion.

Instead, we urge the government to put greater focus on the creation of mechanisms designed to help women escape subjugation and domestic abuse, leave oppressive family structures without the fear of violent reprisals, as well as equip them with tools to better integrate within society and ensure their autonomy.

Whilst the NSS does not support a general ban on the wearing of the burka and niqab, religious freedom is not absolute and should be limited proportionally in response to legitimate security

concerns. The state has every right to ensure that a woman removes her burka or niqab for security purposes where necessary. Thus, we would support any requirement to remove a full veil in places such as airports or for the purposes of identification.

Likewise, where there are legitimate security concerns, legal identification requirements, or a reason why the ability to communicate unhindered is considered paramount, we fully support the right of public institutions to implement their own policies restricting face coverings.

## **Schools**

In the interest of protecting young girls from being compelled to wear the burka, we consider it appropriate to prohibit the wearing of the burka/niqab in schools.

School leaders who consider face coverings to be an impediment to good communication in the classroom should be fully supported in implementing uniform policies prohibiting them. We would however urge the Government to legislate on this rather than leave it to individual schools.

## **Courts**

We regard it as a component of a fair trial in the UK that under ordinary circumstances all participants should be seen. It therefore follows all individuals taking part in courtroom proceedings, irrespective of their religion, race or gender, must be plainly and publicly identifiable.

We are opposed to any privileging of religion in court rooms. Either all people have the right to cover their faces while participating in court proceedings, or they do not. It is clearly unacceptable to have individuals wearing masks, for instance. Given this, we believe it would be injurious to grant a religious exemption and privilege allowing some people to cover their faces for religious reasons but not others. Religious sensitivities must not be allowed to obstruct the legal process.

We therefore maintain that face coverings should not be allowed in court proceedings, whether civil or criminal. This should apply regardless of whether someone is giving evidence or not, or serving as a Juror, Judge, Barrister or Solicitor.

We believe there is a need for clear central guidance to avoid individual judges having to make his own or her own decisions whenever the matter arises.