

# STUDY GUIDE



ISTANBUL OKAN UNIVERSITY  
MODEL UNITED NATIONS

UNDER-SECRETARY-GENERAL  
YASIN YILDIRIM

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## 1. Letter from the Secretary-General

### Dear Participants,

I'm delighted to point out that it is my utmost pleasure and honor to serve as the Secretary-General of OKANMUN'25. Throughout the three days of our precious conference, different matters on different committees shall be discussed and very important decisions shall be taken on various past and present events that have already or will have a major impact on our lives. From political controversies to social and daily life problems, we will be creating an active atmosphere for our participants to enjoy and remember every moment they will have during the conference and find efficient as well as prudent solutions by having heated and accurate debates.

Heated and accurate debates require a well-executed and ideally placed preparation process. Therefore, our talented academic team has prepared study guides for their committees so that our participants will have a proper document to get prepared for our conference and perform accordingly.

I believe OKANMUN'25 will be a conference where many first timers will discover their inner diplomats and politicians, who had to hold back and keep it hidden for several reasons that no one knows. Hope to see you dear participants to shape the United Nations and Model United Nations to a better and lasting effulgence. It is thanks to our ancestors who guided us to who we are today. Trust in yourselves and stand out for a better world for everyone. Therefore, I would like to remind everyone of a saying from our Great Leader Mustafa Kemal Atatürk,

“If one day you are helpless, don't wait for a savior. Be the savior, yourself!”

**EZGİ AKPINAR**

**Secretary-General of OKANMUN'25**



## **2. Letter from Under-Secretary-General**

### **Distinguished Participants,**

As the Under Secretary-General responsible for the French Parliament committee of the OKAN Model United Nations 2025 conference, I would like to welcome you all. My name is Yasin Yıldırım, and I am currently studying at Marmara University.

With its procedure, characters, and topic, the French Parliament may seem different from a regular MUN committee. Yet the skills needed to have a wonderful experience are almost the same. I hope you will feel like a real politician and participate in debates passionately. This study guide aims to provide you with a mere insight into French politics. Please make sure to research further on the topic. I am looking forward to a fruitful committee.

Do not hesitate to contact me on any matter regarding the committee.

Kindest Regards,

Yasin Yıldırım.

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### 3. Introduction to the Committee

The French Parliament (*Le Parlement*) is a bicameral (two-chamber) legislature. The French National Assembly (*Assemblée nationale*) is the lower house of the two chambers of the French Parliament, the upper house being the Senate (*Sénat*). The National Assembly plays a crucial role in the legislative process. It is the central institution in the French democratic system, responsible for debating, amending, and adopting laws, as well as overseeing the actions of the executive branch. But following the May 1958 crisis, the Constitution of France in the Fifth Republic greatly increased the power of the executive at the expense of Parliament, compared with the previous constitutions of the Third and Fourth Republics.

The National Assembly is composed of 577 deputies, each elected by direct universal suffrage for a five-year term. These deputies represent geographical constituencies across France and its overseas territories. Following a tradition started by the first National Assembly during the French Revolution, the left-wing parties sit to the left of the president's seat, while the right-wing parties sit to the right; this seating arrangement directly indicates the left-right political spectrum represented in the assembly.

The National Assembly is known for its political dynamism, which is one of its key features. It is the main chamber where laws are proposed and debated, so it often shows what the current political climate is like in the country. The Assembly may dissolve the government with a vote of no confidence, which is a powerful instrument that shows how much power it has over the executive.





Both houses of Parliament examine proposed laws, but if they cannot agree, the National Assembly has the final say, which shows that it is in control of passing laws. New bills (*projets de loi*), proposed by the government, and new private members' bills (*propositions de loi*) must be approved by both chambers before becoming law. However, by Article 49.3 of the French constitution, a government can override parliamentary opposition and pass a law without a parliamentary vote. This does not happen frequently, and in the framework of constitutional amendments, President Sarkozy curtailed the possibility of using 49.3. Laws and decrees are promulgated when the official text is published in the Official Journal of the French Republic, *le Journal Officiel*.

Together, the National Assembly and the Senate constitute France's legislative authority, but the National Assembly has more power in shaping national policy and holding the government to account.

#### 4. Introduction to the Agenda Item

Laïcité, or secularism, is a foundational principle of the French Republic, enshrining the separation of church and state and guaranteeing freedom of conscience and religion. Rooted in a complex historical evolution, laïcité plays a significant role in defining the relationship between religion and public life in France. It is not merely a legal framework but rather a cultural and philosophical stance that continues to shape national identity and provoke intense debate in contemporary society.

The origins of laïcité can be traced back to the French Revolution (1789), which challenged the powerful influence of the Catholic Church over the monarchy and public affairs. Revolutionary ideals of liberty, equality, and fraternity included the desire to reduce the Church's authority and promote individual freedom of belief. The principle was institutionalised with the 1905 Law on the Separation of Churches and the State (*Loi du 9 décembre 1905*), which established that “the Republic neither recognises, pays, nor subsidises any religion.” This law remains the cornerstone of French secularism, aiming to ensure state neutrality in religious matters while guaranteeing the free exercise of religion.

Laïcité continues to be a concept that is both highly contested and evolving in modern France, particularly in the context of immigration, multiculturalism, and religious pluralism. The national debate has been centred on secularism as a result of the increased visibility of Islam and Muslim practices. Issues such as the Islamic hijab, public prayer, and halal cuisine in public institutions have garnered widespread attention. Critics contend that laïcité has progressively transitioned from a protection of religious freedom to a mechanism that restricts religious expression, disproportionately impacting Muslim communities. In contrast, advocates of the principle regard it as essential for the preservation of social cohesion and the preservation of state neutrality. Recent political and legal disputes have arisen regarding proposals to further regulate religious symbols, foreign funding for religious organizations, and homeschooling that is motivated by religious convictions.



Under President Emmanuel Macron, the government has promoted a more assertive interpretation of secularism (*laïcité de combat*), most notably through the 2021 “Law Reinforcing Republican Principles.” While intended to combat Islamist separatism, this legislation has also been criticised for potentially stigmatising religious minorities and infringing on individual freedoms.

Laïcité, a key aspect of French identity and legal framework, remains an important topic in political, social, and cultural debates. For many, laïcité is a symbol of universal principles like equality, liberty, and governmental neutrality, ensuring a coherent public space where individuals are treated equally regardless of religion. Its focus on separating religion from public life has helped create a culture where individual rights remain protected from organized religion. Nevertheless, the realities of a diverse and pluralistic society, where religious identities—particularly those of Muslim communities—have become more visible and assertive, are increasingly challenging this idealized vision.

Laïcité regularly challenges the balance between religious freedom and civic inclusion. Critics claim that laïcité may be used to repress religious beliefs, citing legislation banning religious symbols in schools and full-face veils in public, disproportionately harming Muslim women. In a period of globalization, migration, and geopolitical conflicts, worries about religious radicalism and national security complicate religious expression debates. Meanwhile, the state uses laïcité to uphold republican ideals and oppose perceived challenges to national unity.

The balance between inclusion and limitation keeps laïcité not just a legal concept but also a symbolic and political value. France must navigate secularism with sensitivity and inclusivity to defend individual liberties and community cohesion, making laïcité a key topic of public discourse and legal examination.



## 5. Historical Background

The fundamental social and political changes that started with the French Revolution of 1789 are the origin of the secularism, or *laïcité*, ideal. A centuries-long battle to reinterpret the relationship between religion and the state, especially the role of the Catholic Church, which had long been intertwined with monarchical power, began with this crucial moment in French history.

### 5.1. The French Revolution and the Challenge to the Church (1789–1799)

The French Catholic Church was a dominant entity in French society before the Revolution. The estate was the first in the hierarchical social structure of the Ancien Régime, possessing extensive properties, receiving tax exemptions, and influencing education, morality, and politics. The monarchy was regarded as divinely ordained, and the church endorsed regal authority. One of the objectives of the Revolution was to deconstruct this structure and establish popular sovereignty over divine right. The intellectual foundation for this transition was established by Enlightenment thinkers such as Voltaire, Diderot, and Rousseau, who favoured rationalism, individual liberty, and the separation of spiritual and temporal authority.

The Civil Constitution of the Clergy was enacted by the National Constituent Assembly in 1790, which reduced the Catholic Church to the French state. Civil servants were effectively made by mandating that clergy pledge fealty to the state. This law resulted in the Church being divided into "jurors" (those who complied) and "non-jurors" (those who resisted), which led to widespread persecution and profound national division during the Reign of Terror. Revolutionary leaders, including Robespierre and other members of the Jacobin regime, advocated for the "Cult of Reason" and later the "Cult of the Supreme Being," which represents the aspiration to supplant institutional religion with civic religion or deism.



## 5.2. The Napoleonic Concordat (1801) and Reassertion of Church Influence

After the chaos of the Revolution and the anti-religious excesses of the Terror, Napoleon Bonaparte sought to stabilise the relationship between the state and religion. In 1801, he negotiated the Concordat with the Vatican, restoring the Catholic Church as the majority religion of France, but under tight state control.

While the Church regained some of its status, it was not returned to its former dominance. The state maintained the authority to appoint bishops, pay clergy salaries, and regulate religious affairs. This compromise reflected Napoleon's pragmatism: he recognised the social importance of religion but would not allow it to challenge state sovereignty.

## 5.3. The 19th Century: Struggles Between Clerical and Republican Forces

Throughout the 19th century, France oscillated between monarchic, imperial, and republican regimes, and each change brought shifts in church-state relations. Monarchist and conservative regimes (e.g., under Charles X or Napoleon III) tended to support Church privileges, while republican movements pushed for secular reforms.

By the Third Republic (established in 1870 after the fall of Napoleon III), anticlerical sentiment had become a major force. The Catholic Church was seen by many republicans as an enemy of democratic and modern values. It was associated with royalist reactionary politics, especially after the Dreyfus Affair (1894–1906), in which the Church sided with conservative, anti-Semitic factions against the Jewish army officer Alfred Dreyfus. This led to a series of increasingly radical secular reforms during the late 19th and early 20th centuries:



1881–1882: Jules Ferry Laws established free, compulsory, and secular education. Religious instruction was removed from public schools, and clergy were barred from teaching in them.

1880s–1900s: Numerous laws reduced the Church’s public influence, including restrictions on religious congregations and their activities.

#### 5.4. The 1905 Law on the Separation of Churches and the State

The culmination of these efforts came with the passage of the 1905 Law on the Separation of Churches and the State (*Loi du 9 décembre 1905*), the cornerstone of *laïcité* in France. This landmark legislation formally ended the Concordat system, disestablished the Catholic Church, and enshrined the neutrality of the state in religious matters.

Key provisions of the law include:

**Article 1:** Guarantees freedom of conscience and the free exercise of religion.

**Article 2:** Declares that “The Republic neither recognises, nor pays, nor subsidises any religion.”

Under the law, religious buildings became state property but were granted for free use to religious associations, a compromise to protect cultural heritage. The law also prohibited religious symbols and instruction in state institutions and promoted secular civic values in public life. This law institutionalised a strict form of secularism that went beyond American-style separation of church and state by excluding religion from the public sphere, particularly in schools and government.





### 5.5. 20th and 21st Centuries

Over the 20th century, *laïcité* became a core element of the French Republican model, widely accepted as a unifying principle. However, post–World War II immigration, especially from North Africa, introduced new religious diversity, most notably Islam, which tested the traditional framework of *laïcité*.

This shift became especially pronounced from the 1980s onward, with controversies surrounding the wearing of Islamic headscarves in public schools. In 2004, France passed a law banning conspicuous religious symbols in public schools—a measure widely seen as targeting Muslim students, though it applied to all religions.

From the revolutionary overthrow of clerical power to the contemporary regulation of religious expression, the history of *laïcité* in France reflects a broader national quest to define the role of religion in a democratic, pluralistic society. While it emerged as a reaction against the Catholic Church's dominance, it has evolved into a more comprehensive doctrine of state neutrality and public secularism. Today, *laïcité* is not only a legal framework but a symbol of French identity, representing both freedom of belief and state impartiality, even as it continues to spark debate in an increasingly diverse nation.



## **6. Key Concepts**

### **6.1. 2004 Law**

The French secularity and prominent religious symbols regulation prohibit wearing religious symbols in public primary and secondary schools. The French Code of Education modification extends on previous concepts, including the constitutional necessity of *laïcité*, which separates state and religious activities. France's national legislature enacted the bill, which President Jacques Chirac signed into law on 15 March 2004 (law 2004-228 of 15 March 2004) and took effect on 2 September 2004.

The law does not name any religious symbol; therefore, it forbids Christian (veil), Muslim (veil), Sikh (turban), Jewish (yarmulke), and other religious signs. Many believe it targets Muslim schoolgirls wearing headscarves (*khimars*, a required hijab element of faith). Foreign press sometimes calls it the French headscarf ban. Some argue that the law disproportionately affects Muslims because Christians rarely wear large crosses and Sikhs have successfully lobbied to wear a simple under-turban, while Jews have more opportunities to enroll their children in private Jewish religious schools due to their long presence in the country.

#### **6.1.1. Report of the Stasi Commission**

In July 2003, French President Jacques Chirac established the Commission Stasi to investigate the implementation of *laïcité*. It was led by French ombudsman Bernard Stasi and had 20 members. Although religious dress in public schools was the commission's main concern, its report recognized other difficulties.



The Stasi Commission reported on 11 December 2003 that showy religious demonstrations breached secular French school norms. The report suggested prohibiting students from wearing "conspicuous" religious symbols. Muslim girls' headscarves, Jewish boys' yarmulkes, and Sikh boys' turbans are banned. The Commission advised wearing miniature crosses, Stars of David, or Fatima's hands.

The Commission's report stressed that French publicly funded schools should educate knowledge, critical thinking, autonomy, cultural variety, and personal growth. Schooling prepares pupils for careers and makes them excellent French citizens. The paper adds that such a purpose requires standards like gender equality and secularism.

President Jacques Chirac implemented the Stasi report's recommendation to remove religious symbols from schools in December 2003. Under the emergency approach, the legislature might adopt the recommendations in January or February for implementation in September 2004. By a huge majority (494 for, 36 against, 31 abstentions), the lower house approved the prohibition on February 10, 2004, with the stipulation that it would be revisited after one year.

The law only concerns "ostentatious" ("conspicuous") emblems, not the headscarf or veil, which the measure's initiators reportedly targeted. The law's short, broad, imprecise language leaves much to administrative and judicial interpretation.

The headscarf (hijab in French and English) covers the hair, ears, neck, and shoulders, but not the face. Most school-covering Muslim females wear headscarves. Girls may rarely wear a full dress (djelbab). The full or Afghan burqa, which covers the body except for a slit or grille, is more frequent on adult women than schoolgirls. A mother wearing a complete burka represented city school parents, causing uproar. Her fully covered participation in classroom deliberations was criticized rather than encouraged. Tolerated ultimately.

Effective decisions about "ostentatious" items are needed to implement the law.

To accomplish that:

- The Minister of Education will issue instructions for services, prohibiting large crosses, full hijabs, and yarmulkes, while allowing small symbols like Stars of David or pendants.
- Headmasters will determine if attire is legal.
- Families may challenge school authorities' decisions in administrative courts.

French courts cannot challenge the law (since this would have required action before the Constitutional Council before its signing), but they may significantly limit its application, especially given the inherent margin of appreciation of what is ostentatious or not.

The legislation applies in France and its overseas territories (which France manages as part of its metropolitan region), although given the statute's margin of appreciation, enforcement may depend on the local situation. Exemptions will be given to overseas countries and territories with large Muslim populations. Mayotte girls may wear little bandanas and light veils.



### 6.1.2. Legal arguments

Some critics argue that the bill violates the European Convention on Human Rights. The Stasi Commission stated that the European Court in Strasbourg safeguards *laïcité* as a fundamental state value. It inhibits free speech in public services, especially when shielding kids from external pressures. The Commission believes that religious expression in France must comply with the secular nature of the state, gender equality, and minors' rights. In secular-yet-Muslim Turkey, debates over girls' education in headscarves have long raged. The European Court of Human Rights upheld Türkiye's laws, which are more restrictive than the French law, so it seems unlikely it would declare the French law contrary to the Convention.

Another legal criticism is that a full-fledged statute was not needed to implement a provision that essentially creates new educational regulations. Smaller binding documents like *décrets* or *arrêtés ministériels* would have had the same effect. French law has been "general and abstract." Since the Napoleonic Code, according to the renowned legislator Portalis. Thus, critics contend that the French legislature devalues the law by legislating on topics that can be resolved with other texts. Parliament can legislate on the "fundamental principles of teaching" under Article 34 of the French Constitution, but the executive branch applies them. The argument is that Parliament may have overstepped the Constitution's "domain of the law" (*domaine de la loi*) by legislating on such minutiae to please the media and some interest groups. According to current statute law, the Conseil d'État found administrative bodies' broad bans on religious garb or headgear illegal.



### **6.1.3. Human rights NGOs**

Some international human rights groups criticized the law. Human Rights Watch commented: According to, the proposed law violates the right to religious practice. Many Muslims wear a headscarf due to religious obligation.

The US Commission on International Religious Freedom's February 2004 statement expressed alarm over the proposed law. The planned limits may contravene France's international human rights responsibilities, the Commission said. The Commission also noted that increased immigration in France in recent years has presented new challenges for the French government, including integration into French society and public order issues, but these issues should be addressed directly rather than by restricting freedom of thought, conscience, religion, and belief. The French government's advocacy of secularism should not violate the internationally recognized right to freedom of religion or belief.

The 2008 expulsion of a Sikh student from his school for wearing a Sikh turban or kesh violated the International Covenant on Civil and Political Rights signed by France, according to the UN Human Rights Committee in 2012.

### **6.2. 2010 Law Banning Full Face Covering in Public**

France banned face-covering headgear in public places, including masks, helmets, balaclavas, niqabs, and full body costumes, except under specific circumstances, in 2010 through an act of parliament. Due to its lack of face coverage, the hijab is exempt. Burqas, full-body coverings, are banned if they cover the face. France was the first European country to outlaw full-face veils in public in April 2011.



Immigration, nationalism, secularism, security, and sexuality concerns grew during public discourse. Face coverings prevent clear identification, which may be a security risk or a social hindrance in a society that relies on facial recognition and expression in communication, and forcing women to cover their faces is sexist. Muslims who continue this practice should be forced to assimilate into traditional French social norms.

Opponents say the ban violates individual freedoms, discriminates against interpretations of Islam that require or encourage women to cover their faces, takes away women's choice to dress modestly, and prevents anonymity in socially or personally desirable situations. President Nicolas Sarkozy was accused of Islamophobia and lawbreaking. According to some academics, the restriction "reduces the secondary educational attainment of Muslim girls and affects their trajectory in the labour market and family composition in the long run" and "social integration of Muslim women into French society".

Since April 11, 2011, wearing a face-covering veil or mask in public settings is forbidden. This regulation does not apply to faceless headwear like veils and scarves. The law fines violators up to €150 and requires citizenship education. Anyone who forces someone to wear face coverings by violence, threats, or abuse of power faces a €30,000 fine and one year in prison, which can be doubled if the victim is under 18. The rule restricts women from wearing face-covering veils in public, save when traveling in a private car or worshiping in a religious site.

French police estimate that fewer than 2,000 of France's five million Muslims wear veils. The French secularity and conspicuous religious symbols in public schools law of 2004 banned all religious symbols in public schools. This affected the schoolwear of Islamic veils, headscarves, turbans, and other distinguishing clothing.

On July 1, 2014, the European Court of Human Rights upheld the French law, supporting the French government's claim that it was founded on "a certain idea of living together". The UN Human Rights Committee found in October 2018 that France's ban disproportionately harmed two women [plaintiffs] religious freedom and could "confine them to their homes, impeding their access to public services and marginalizing them."

The COVID-19 pandemic raised questions about whether face masks were consistent with the restriction on facial coverings, but it was established that they were under health and safety exclusions.

French government efforts to restrict full facial coverings began with the 1989 "Scarf Affair". Hijabs were banned from French public schools under this law. School officials were allowed to report student violations of this law. A countrywide, religiously consistent method was adopted due to noncompliance. A law on secularity and religious symbols in schools was passed in September 2004

This rule banned kippahs, Catholic crosses, and Muslim religious apparel in public schools. Despite protecting all religions, the law looked to unfairly target Muslims. The French Parliament initiated an inquiry after President Nicolas Sarkozy declared religious face veils "not welcome" in France in June 2009. Sarkozy said the rule protects women from face-covering and upholds France's secular principles. A Pew Research Center study before the referendum found that 80% of French voters backed the ban. Approximately 2,000 women wore head coverings outlawed by this bill.





In 2010, the Belgian lower house of parliament passed a facial covering ban measure, but the government collapsed before the Senate could vote on it. In 2010, while the French law was debated, partial bans were being discussed in the Netherlands and Spain; bans had been announced locally in Italy but later declared unconstitutional, prompting a national law; and public debate was starting in Austria. Germany, the UK, and Switzerland did not consider legislation, but in the UK, directives had been issued, leaving the issue to school directors. Fadela Amara, a Muslim junior minister in the French government, stated that the veil symbolizes women's servitude and has no place in France's secular state schools.

The French government's actions originate from the lengthy separation of Church and state. Since 1905, *Laïcité*, the French phrase for the separation of church and state, has prohibited religious influence on government policies and affairs. According to Anastasia Comminos, "The State abolishes the particular rights granted to institutions or religious congregations, and confines religion itself to personal and private subjectivity". The French government claims Muslim face coverings violate women's rights and endanger public safety.

The National Assembly approved the bill 335–1. The National Assembly's single opponent of the ban, Daniel Garrigue, cautioned that "to fight extremist behavior, we risk slipping toward a totalitarian society." The Senate approved it 246–1, with 100 abstentions. The bill bans face coverings in public and extends to international tourists visiting France. The law fines violators up to €150 and requires citizenship education. Anyone who forces someone to wear face coverings by violence, threats, or abuse of power faces a €30,000 fine and one year in prison, which can be doubled if the victim is under 18.

On October 7, 2010, the legitimate Council of France deemed the prohibition legitimate, eliminating the measure's final legal hurdle. However, the law was planned to take effect six months after its publication in the Journal Officiel Article 2 of the law says "The prohibition provided for in Article 1 does not apply if the attire is prescribed or authorized by legislative or regulatory provisions [for example a motorcycle helmet], if it is justified for health or professional reasons, or if it is part of sporting activities, parties or artistic or traditional events." This law allows public surgical mask use, which was common during the COVID-19 pandemic.

During bill development, parliament heard from Paris Mosque grand mufti Dalil Boubakeur, France's largest and most prominent mosque. He acknowledged that the niqāb is not prescribed in Islam, associated with radicalization and criminal behaviour, and incompatible with France's secular state. However, he suggested a case-by-case approach due to legal challenges. President of the French Council of the Muslim Faith, Mohammed Moussaoui, opposed a law but supported deterring Muslim women from wearing the full veil.

Karachi, Pakistan, saw hundreds of Muslims protesting the bill in July 2010. The Pakistani Jamaat-e-Islami Party head sought swift UN action against France. Pan-Malaysian Islamic Party chairman Nasharudin Mat Isa said the ban had angered Muslims worldwide but hoped it would not lead to terrorism.

Before the law took effect, the impacted population would be educated. In cities and suburbs with considerable Muslim populations, NGO representatives and social workers held individual and group information talks with women under the Muslim women-led Ni Putes Ni Soumises. After learning their rights, some women filed complaints against their husbands, while others waited for the law to change to force their husbands to remove the veil, and some stopped wearing the veil after the information meetings. Individual meetings with women were peaceful, but representatives reported instances of local Islamic clerics issuing fatwās, verbal harassment, threats, and physical assault by men. The final preparations included larger gatherings and public debates.

Before the law took effect, French Interior Minister Claude Guéant ordered the police to enforce it "with tact and sensitivity" and to never force people to remove their face coverings in public. Instead, they should be asked to show their faces for identification. As required by law, Guéant advised arrestees who covered their faces to be educated about the law's goals.





### **6.2.1. ECHR Case**

On 22 September 2011, Hind Ahmas and Najate Nait Ali became the first women to be fined under the burqa ban after being arrested in May for attempting to deliver an almond cake to the mayor of Meaux, a ban supporter, while wearing niqabs. They received 120 and 80 euros in fines. Hind Ahmas indicated she would appeal to the ECHR. Kenza Drider declared her presidential candidacy in a niqab.

In August 2012, Marseille arrested Pussy Riot sympathizers wearing balaclavas for violating the prohibition. They were convicted for wearing a niqab outside Elysée Palace in 2013. In 2014, French criminal courts ruled that the lower court had erred in dismissing her Article 18 rights but dismissed her appeal: 16. The French delegation said face coverings undermined "living together". Judges Nußberger and Jäderblom disagreed, calling the idea "far-fetched and vague." :61 He added that deciding what women can wear was hypocritical and against human rights.

In 2018, the committee found that a single judge had improperly dismissed the case because "the conditions of admissibility laid down in articles 34 and 35 of the Convention had not been met." The committee found violations of the applicants' human rights under articles 18 and 26 of the International Covenant on Civil and Political Rights:13. The committee dismissed "living together" as a nebulous concept unprotected by international law. The Optional Protocol allows France to respond before the committee decides.

### **6.3. S.A.S vs. France**

S.A.S. v. France was a case before the European Court of Human Rights, which ruled 15–2 that the French ban on face covering did not breach the ECHR's privacy and religion sections. The two minority judges partially dissented. The Court unanimously dismissed S.A.S.'s additional claims.

The French ban on face covering, “loi n° 2010-1192 de 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public”, took effect on 11 April 2011. The rule forbids all facial coverings, but it was thought to target the niqab and burqa.

S.A.S., a French lady born in 1990 of Pakistani descent, filed a complaint against the French state on the same day the law took effect because it prohibited her from wearing the niqab in public. The woman claimed that the law violated ECHR Articles 3 (against inhuman or degrading treatment or punishment), 8 (privacy), 9 (religion), 10 (expression), 11 (assembly), and 14 (discrimination).

The French authorities claimed that Articles 8 and 9's paragraph 2 exclusions apply. France cited "respect for equality between men and women", "respect for human dignity", and "respect for..." in its case to limit the right to wear the burqa under Article 9.2.

The French government's claim that a ban was necessary for "living together" harmoniously was legal, but the court rejected gender equality and human dignity arguments. It showed the states' substantial appreciation margin in such cases.





### **6.3.1. Background**

The French parliament established a nonpartisan commission to study full veil use in June 2009. The January 2010 survey claimed that 1,900 French women wore such coverings in 2009, up from nearly none in 2000. Full-face veils were seen as a sign of submission, which violated liberty, gender equality, and fraternity by hindering social contact, according to the report. The full-face veil undermined the French principle of "living together" (le vivre ensemble), the research claimed. It proposed many measures to combat the veil in France, but did not abolish it.

In January 2010, the National Consultative Commission on Human Rights (CNCDDH) issued an opinion opposing a full-veil ban, arguing that secularity did not justify it and that a ban might stigmatize Muslims and make life harder for veil-wearing women.

On 29 January 2010, Prime Minister François Fillon instructed the Council of State to investigate legislative options for banning the veil or face-covering. In March 2010, the Council submitted its report, which discouraged a ban on religious veils and limited face-covering bans to security or other specific situations.

The government considered a limited ban on face-covering impractical and introduced a measure in May 2010, "prohibiting the concealment of one's face in public places" to ban all face-covering in public spaces. The National Assembly voted one against the measure in July 2010, while the Senate voted unanimously in September 2010. The Constitutional Council approved the measure on 11 October 2010 after finding no violations of the French Constitution.

S.A.S., a French woman who wore a full-face veil, filed a complaint with the European Court of Human Rights against the French government on April 11, 2011, saying that the statute infringed her human rights under the ECHR. The Fifth Section Chamber declined to rule on the application in May 2013 in favour of the Grand Chamber.

In March 2013, the French Court of Cassation rejected a woman's appeal of an order to undergo a citizenship course for wearing a full veil, ruling that the law did not breach the ECHR.

French, Belgian, and applicant representatives appeared before the Grand Chamber on November 27, 2013. The July 2011 Belgian ban was similar. The ban did not breach human rights, according to the Belgian Court of Cassation in December 2012. Amnesty International, Liberty, Open Society Justice Initiative, ARTICLE 19, Human Rights Centre of Ghent University, and the Belgian Government provided written submissions.

### **6.3.2. The Law**

The law passages that apply are:

1. "No one may, in public places, wear clothing that is designed to conceal the face."
2. "I. - For the purposes of section 1 hereof, 'public places' comprise the public highway and any places open to the public or assigned to a public service. II. - The prohibition provided for in section 1 hereof shall not apply if the clothing is prescribed or authorised by primary or secondary legislation, if it is justified for health or occupational reasons, or if it is worn in the context of sports, festivities or artistic or traditional events."

Section 3: "Any violation of section 1's prohibition shall be fined at the rate of second-class petty offenses (contraventions) [150 euros maximum]."

According to paragraph 8 of Article 131-16 of the Criminal Code, a citizenship training may be required in lieu of a fine."





### 6.3.3. Decision

The French government argued that S.A.S. was not a victim under the convention's Article 34, which allows anyone who claims to be a victim of a violation to apply to the Court. They also questioned how important the full veil was for her religious practice, given that she only wore it on certain occasions and was never stopped by the police. S.A.S claimed she was a possible victim as a devout Muslim and valued wearing a complete veil. While protection after Article 9 on religious freedom required a certain level of seriousness and cohesion, the court stated that a state could not overrule which religious practices a person considered important and that a manifestation of religion did not need to be mandatory within a religion to be protected. The court also agreed with S.A.S. that she was a victim because she needed to change her behaviour to avoid prosecution or belonged to a group that risks being directly affected by the law.

The Court rejected the French government's assertion that the case should be dismissed due to non-exhaustion of domestic remedies because S.A.S. had a viable claim notwithstanding no French measures. In another 2013 decision, the Cassations of Courts upheld the law as not infringing the Convention.

The Court found S.A.S.'s claims that the law violated the convention's Article 3 ban against torture or degrading treatment and Article 11 right to freedom of association manifestly unfounded, so this part of the application was found inadmissible under Article 35. The complaint over article 8 privacy, article 9 religious freedom, and article 10 free expression was admissible.

#### 6.3.4. Privacy Article 8 and religious freedom Article 9

The Court addressed Article 8 privacy allegations and Article 9 religious freedom complaints simultaneously. It decided that the full-face veil prohibition was an "interference" with or "limitation" of both these rights, but it emphasized Article 9 because religious freedom was the core of the matter.

After finding that the ban violated the right to religious freedom and privacy under the first paragraph of these articles, it considered whether the interference was legitimate under the second paragraph of Article 9 (and an almost identical paragraph in Article 8), which states that freedom can be subject to "such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety."

The French government's claim that a ban on full-face veils was necessary for public safety was rejected by the Court because other restrictions, such as the obligation to show the face for identification, could address public safety concerns.

The French government contended that "the protection of the rights and freedoms of others" required a prohibition under Articles 8 and 9's second clause. The Government said it was important "to ensure respect for the minimum set of values of an open and democratic society"—"respect for equality between men and women", "respect for human dignity", and "respect for the minimum requirements of life in society".

The Court ruled that "respect for equality between men and women" and "respect for human dignity" are not "protection of the rights and freedoms of others". In response to the gender equality argument "a State Party cannot invoke gender equality in order to ban a practice that is defended by women – such as the applicant – in the context of the exercise of the rights enshrined in those provisions, unless it were to be understood that individuals could be protected on that basis from the exercise of their fundamental rights and freedoms."



In contrast, the Court concluded that "respect for the minimum requirements of life in society" might entail "protection of the rights and freedoms of others" in some circumstances. It says: "The Court takes into account the respondent State's point that the face plays an important role in social interaction. The Court is therefore able to accept that the barrier raised against others by a veil concealing the face is perceived by the respondent State as breaching the right of others to live in a space of socialisation which makes living together easier. That being said, given the flexibility of the notion of "living" and the resulting risk of abuse, the Court must engage in a careful examination of the necessity of the impugned limitation.

The Court stressed that the restriction had grave consequences for women who wanted to wear the veil, since it curtailed their freedom to make private choices and expression and could lead to isolation. The Court noted that several human rights actors opposed the prohibition and expressed concern that the French debate on the measure had contained Islamophobic arguments.

The Court believed the French government's claim that a full-face ban was incompatible with French culture. It said: "From that perspective, the respondent State is seeking to protect a principle of interaction between individuals, which in its view is essential for the expression not only of pluralism, but also of tolerance and broadmindedness without which there is no democratic society".

Only France and Belgium prohibited the full-face veil, but the Court concluded that other countries considered bans and that there was no European consensus on their legitimacy.

The Court considered the fact that the ban targeted all face coverings, not only religious ones, and that the punishments were light (small fee or mandatory citizenship training).

The Court concluded that the ban could "be regarded as proportionate to the aim pursued, namely the preservation of the conditions of "living together" as an element of the "protection of the rights and freedoms of others". The impugned limitation can thus be regarded as "necessary in a democratic society".



### 6.3.5. Minority view

The minority contended that the ruling "sacrifices concrete individual rights guaranteed by the Convention to abstract principles".

The minority believed the full-face veil symbolized subservience, self-confinement, or other bad traits, which was the main reason for banning it. Even if valid, the state could not outlaw dress insignia tied to offensive ideas. The minority stressed that communication was not a human right [29]. The minority also noted that while the face was vital in most social encounters, it was not necessary, citing skiing and carnival as examples of social interactions that worked without faces.

The minority identified a consensus against banning full-face veils in European countries and emphasized that human rights organizations opposed a ban. The minority believed the particular state's margin of appreciation should be narrower than the majority had agreed.

Even if "living together" were a permissible goal under paragraph 2 of Articles 8 and 9, the minority thought the ban unreasonable. Even without a restriction, few women wear full-face veils, so most people rarely see them. For the handful who wear the veil, a ban could force them to choose between staying home and disrespecting their religion or culture. The minority claimed that even if the punishment was minimal, women who wore veils risked several fines and had to consider the cumulative effect [32].

The minority concluded that the ban violated Articles 8 and 9 and stated: "We find that the criminalization of the wearing of a full-face veil is a measure which is disproportionate to the aim of protecting the idea of 'living together' – an aim which cannot readily be reconciled with the convention's restrictive catalogue of grounds for interference with basic human rights."



## **7. Major Parties Involved**

To outsiders, the French political system can often seem bewildering and difficult to follow. Compared to Britain or the USA, France seems to have a plethora of political parties. Politicians, supposedly of the political right, may be heard defending positions more often held by political parties of the left in many other countries, and in recent French history, a good proportion of the economic liberalisation that has taken place in France has been pushed through by governments of the left.

Note: In French politics, the word "liberal" is used in the sense of "economically liberal" or "free market liberal"; "le libéralisme", in contemporary French political vocabulary, is thus often seen as the opposite of "socialisme", and the Left in France uses the word "libéral" as an abusive term to denigrate their right-wing opponents' perceived "anti-social" policies. In this perspective, it is roughly equal to "neo conservative,"... making it the opposite of the term "liberal" as used in US politics.

### **7.1. Mainstream Right**

**Les Républicains**, a French conservative party, is one of the largest political parties in France, encompassing a broad range of political opinions, including traditional conservatives, social liberals, and Thatcherite or neo-conservative right. The party also projects itself as a "Gaullist" party, a flagbearer of "Gaullism" in French political life. In parliament, the Républicains are allied with the centrist federation called the "UDI," formed in 2012 from an alliance of the Radical Party and the "Nouveau Centre."

In recent years, the Républicains have been in the doldrums, moving to the right when party militants chose Laurent Wauquiez as the new party chairman in 2017. The party has tried to return to a more centre-right stance since Wauquiez was replaced in 2019, but is still divided and has lost a lot of electoral support since the start of the Macron presidency.

The other centre-right party is the MoDem, or Mouvement Démocratique, formed in 2007 when its leader, François Bayrou, and his supporters defected from the UDF to form their social conservative party. Although the main French conservative party is now called "Les Républicains," it would be wrong to imagine it as a French version of the "Republican Party" in the USA.

### **Far-Right**

The far right in French politics is primarily led by the Rassemblement National (RN), a classic extreme far-right party. Marine Le Pen has made it through to the second round of the presidential election in 2017 and 2022. In the 2022 presidential election, the political landscape was disrupted by the arrival of Reconquête, a single-issue party run by Eric Zemmour and Jean-Marie Le Pen's niece Marion Maréchal. Reconquête took just 5% of the vote in the 2024 European election.

In 2024, the RN won more seats than any other party due to low turnout in the European parliamentary elections. President Macron called a snap general election to ensure the RN's predominance in the national parliamentary election. Heavy tactical voting against the RN in the second round led to far-right candidates being rejected in all but 143 of the 577 constituencies. In March 2025, Marine Lepen and 24 party officials were condemned by the Paris court for embezzlement of millions of euros of EU funds.

## **7.2. Centre**

### **Renaissance - Macron's Party**

Emmanuel Macron, the president of France since 2017, has been a unique figure in French politics, standing at the centre of the political landscape. He has never held elected office before and was brought into government as Economics minister by Socialist president François Hollande. Before that, he worked as a banker with Rothschild. Macron's case stands out as he is neither extreme left nor extreme right but an extreme centre. His political enemies on the far left have taken to calling him, the former investment banker, the candidate of "extreme finance."



Macron's "En march" (In movement) was not a party but a movement supported by hundreds of thousands of people across France who had become disillusioned by traditional politics and politicians. This allowed individuals from various parties, including the Socialists, Moderates, Greens, and Republicans, to give support to the Macron cross-party movement while remaining members of their current party.

After winning the first round of the 2017 presidential election, Macron immediately received backing from both Republican candidate François Fillon and Socialist candidate Benoît Hamon. The new centrist political party, "LREM", was born out of the En Marche movement and won an absolute majority of seats in the 2017 general election. In 2022, the name "LREM" was changed to Renaissance, and Macron won a second term as president. However, his party lost its absolute majority while remaining the largest party in the National Assembly.

In January 2024, Gabriel Attal was appointed as the world's youngest serving prime minister. However, in June 2024, following the victory of the far-right RN in the European elections, Macron unexpectedly dissolved Parliament and called a snap general election. The gamble failed, and the Renaissance lost its absolute majority. Since then, it has governed as part of a broad coalition of moderate parties from the centre left to the centre right.

Other parties of the Centre include MoDem, created by former presidential candidate François Bayrou, which aimed to distance itself and its followers from the perceived "liberal" policies of President Sarkozy. However, after losing a lot of credit after supporting François Hollande in the second round of the 2012 presidential elections, the Modem has since fallen into relative insignificance.

### 7.3. The Left

The 2024 general election saw the Parti socialiste, Greens, France Insoumise, and Communists field joint candidates under the label Nouveau Front Populaire. The main party of the left is the Parti Socialiste, or Socialist Party (PS), formed in 1969 by the alliance of existing parties of the non-Communist left. The party had much in common with the old Labour Party in the UK, before it turned into "New Labour". The party never really turned itself into a modern social democratic party in the way most other European socialist parties did.

In 2009, the party took less than 15% of the national vote in the European elections due to strife between modernisers, reformers, and traditionalists. In 2011, moderate former party-leader François Hollande was chosen as their candidate in the 2012 presidential elections. He won the 2012 Presidential elections and spearheaded a return of the Socialists to power following victory in the ensuing general election. However, his popularity ratings had sunk to a record low by the end of 2014.

In 2014, Hollande appointed a new modernising centre-left prime minister, Manuel Valls, to put through some unpopular but much-needed economic and social reforms. However, the appointment of Valls led to an increase in tensions within the Socialist Party and open rebellion by the left wing of the party. Ensuing infighting between the hard left and the modernisers has left the party struggling to preserve a semblance of unity.

The other main party of the centre left is the Parti Communiste, or communist party (PCF). In the 2012 elections, the Communists only managed to win 10 seats in the French parliament, down from 17 in 2007. The party did not reinvent itself after the fall of soviet communism in the 1990s, resulting in a series of internal fractures.

The Green Party, another main party of the centre left, won 18 seats in the 2012 legislative elections thanks to an electoral pact with the Socialists. However, the survival of the Greens as a political force in their own right is not guaranteed due to environmental issues becoming a major platform for all main political parties.





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