

# France's new cultural segregation

June 26, 2023

Dear

The Collective for Countering Islamophobia in Europe (CCIE) would like to draw your attention to a new particularly worrying phenomenon in France. Since the beginning of 2023, **the CCIE has received 115 reports of discrimination and harassment acts** that were committed by teaching and supervisory staff against young Muslim girls for the sole reason that their outfits were deemed too covering. These reports concerned simple dresses, long skirts, loose tunics, and baggy pants (not headscarves which are strictly forbidden) for which these students were singled out, interrogated, and humiliated by the school staff. The harassment they have suffered is very likely to disrupt their schooling in a profound manner. This particular focus on the clothing and dresses of these Muslim girls constitutes both **an act of discrimination and an attack on their privacy, their human dignity and on the principle of equal access to education.**

*“The headmaster asked my daughter what she was wearing under her dress: “is it panties or is it something else?”*

These students were victims of a severe form of harassment and received **degrading comments**. Some were even ordered for example to “lower their gaze” and to “walk behind the men.” Others were ordered to return home, to change clothes, to show what they wore under their skirts or asked to lower them, to undress in front of the others, etc. A headteacher went so far as to call the student’s parent asking him to immediately bring another outfit for his daughter. Some of them have been accused of proselytizing or hiding things under their clothes.

*“My little sister was summoned by the principal who told her that her dress is too loose and that her body shape and curves do not appear enough. He said that by looking at her dress, he could guess her religion.”*

Several students were called into the office of the headteacher being asked to justify themselves for their clothing choices, after which they were ordered to change clothes on the spot or at home, hence missing class. During these summonses, they were subjected to intense questioning by the school staff that tried to trick them into admitting the religious nature of their dress with the aim of justifying the prohibition of these dresses on the basis of the French secularism principle. Despite the fact that the students stated they didn’t wear their clothes for religious reasons, the staff refused to believe them, sometimes going so far as to request to check the clothing brand. These discussions have thus forced students to expose and justify their personal beliefs, which constitutes **an attack on both their freedom of conscience and their privacy.**

*“Every time the principal summons us, he interrogates us about our religious affiliation. He asks if we practice **our religion**, if we have read the Qur’an, etc.”*

The students report that these summonses were used by the staff to discuss subjects such as their relationship to their parents’ country of origin, their thoughts on terror attacks, in particular the one that concerned professor Samuel Paty. These questions thus tend to establish **an abusive connection between the students’ way of dressing and religious radicalism or a rejection of France**.

Following these incidents, the testimonies of the involved Muslim girls revealed a **deep unease**, in particular a feeling of injustice and exclusion. Some students suffer from traumas and school phobia. One suicide attempt and a case of emergency hospitalization have also been reported, which lead to consider how dangerous this type of treatment is at an age of great vulnerability.

*“The headmaster of the middle school warned some girls that if they don’t wear a T-shirt by next Monday that allows their behinds to be seen, he won’t let them in.”*

These acts constitute **blatant forms of harassment**<sup>1</sup> and are **truly discriminatory**. Beyond the sexist nature of these practices aimed at controlling the outfits of these young girls, thus reducing them to their clothes, these attacks systematically concern young girls **considered to be of North African or African origin**, because they are implicitly perceived as Muslims. The exact same outfits worn by other students, considered to be non-Muslim, do not raise any problems in the school, since their outfit is not seen as having a religious character. This confusion between origin and religion is detrimental: it leads to the assignment of students to a religion, and, ultimately, to a differential treatment and **an increased control of the clothing of some young girls rather than others**. Since only young girls with a North African and an African immigration background (or seen as such) are subject to this treatment, it constitutes a racist discrimination.

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<sup>1</sup> Article 222-33-2-2 of the French Penal Code stipulates that:

“The act of harassing a person by repeated remarks or behavior having as its object or effect a deterioration of his living conditions resulting in an alteration of his physical or mental health is punishable by one year’s imprisonment and a 15,000 € fine when these facts have caused total incapacity for work less than or equal to eight days or have not resulted in any incapacity for work.

The acts mentioned in the first paragraph are punishable by two years’ imprisonment and a fine of €30,000:

1° When they have caused total incapacity for work for more than eight days;

2° When they have been committed against **a minor under the age of fifteen**;

3° When they have been committed against a person whose **particular vulnerability, due to age**, illness, disability, physical or mental deficiency or pregnancy, is apparent or known to their author;

*“You are North African, so you should understand that for you it is different.”*

In one school, this desire to link the girls’ dress code at school with private religious practices has led the educational staff to draw up **a list with the names of students wearing the headscarf when leaving high school**. In addition to the deeply humiliating dimension of these interrogations, the **discriminatory scope** of these practices must be underlined.

The racist and sexist character of these attacks has been highlighted by an article of the French newspaper *Mediapart* published on May 4. The article quoted a high school’s principal of Marseilles who was keen to express his desire to prevent students from **“staying at home with ten kids making couscous, tajine or samosas.”**

## WHAT DOES THE FRENCH LAW SAY?

The Law No. 2004-228 of March 15, 2004—in application of the secularism principle—framing the wearing of signs or outfits manifesting a religious affiliation in public schools, middle schools and high schools, **prohibits students from public schools, middle schools and high schools to wear signs and/or clothes ostensibly manifesting a religious affiliation**. Article L. 141-5-1. of the Education Code also states that *“In public schools, middle schools and high schools, the wearing of signs or outfits by which students ostensibly manifest a religious affiliation is prohibited.”*

However, the Circular No. 2004-084 of May 18, 2004, states that *“the law does not call into question the right of students to wear discreet religious symbols.”*

**The law does not prohibit accessories and outfits that are worn without religious significance: long skirts and bandanas can therefore not be prohibited, regardless of their color.**

Article 2.1 of the Circulaire states that “the law prohibits signs and outfits which ostensibly manifest a religious affiliation. *The signs and outfits that are prohibited are those that lead to the immediate recognition of one’s religious affiliation*, such as the Islamic veil, whatever name it is given, the yarmulke or a cross of manifestly excessive size. The law is written in such a way that it can be applied to all religions and in such a way as to respond to the appearance of new signs, or even to possible attempts to circumvent the law. The law does not affect the right of students to wear discreet religious symbols. *It does not prohibit accessories and outfits that are commonly worn by students without any religious significance*. On the other hand, the law prohibits a student from taking advantage of the religious character that he or she would give it, for example, by refusing to comply with the rules applicable to the behavior of students in the school.”

## THESE PRACTICES CONSTITUTE AN INFRINGEMENT OF SEVERAL FUNDAMENTAL RIGHTS:

### (1) Violation of the principle of access to public services and equal access to public services

The above-mentioned incidents took place in public schools which are required to guarantee equal access to this public service and to provide school education to all students. In addition, by making access to education conditional on the removal of the dress, tunic or trousers, the **right to education** is infringed that allows students to “*develop their personality, moral sense and critical thinking,*” in accordance with article L. 131-1 of the Education Code.

### (2) Invasion of privacy

The consistent case law of the European Court of Human Rights also protects the “*choices made [of people] as to the appearance they wish to have in public and in private.*” This freedom is guaranteed by the fundamental right to privacy within the meaning of Article 8 of the European Convention on Human Rights which encompasses “the physical, psychological and social identity of an individual” as well as the **dress choice of individuals** (ECHR 1 July 2014 (GC) S. A. S v. France, n° 43835/11/Commission decision in *McFeeley and others v. United Kingdom*, n° 8317/78, / Commission decision of 15 May 1980, DR 20, p. 44, § 83, and *Kara v. United Kingdom*, no.)

### (3) Violation of human dignity

This is a principle with constitutional value, mentioned in article 16 of the Civil Code in these terms: “*The law ensures the primacy of the person, prohibits any attack on the dignity of the latter and guarantees respect for the human being from the beginning of his life.*”

The young girls that were called to account all expressed a strong and deep feeling of humiliation. The harassment they have suffered is undoubtedly an attack on their dignity.

**It is urgent to intervene in order to protect the rights of these young girls in order to grant them education without humiliation nor discrimination.** The school must indeed remain a place where each pupil has the possibility of developing fully, without being discriminated against due to his or her gender, origin, culture or religion.

For any questions, requests or additional clarification, do not hesitate to contact us. We are at your disposal to assist you in any media coverage.

You may contact us at [contact@ccieurope.org](mailto:contact@ccieurope.org).

Best regards,  
The CCIE Team