

AI Index: PRE 01/300/2010  
31 August 2010

## **Bosnia and Herzegovina must reject Burqa ban**

Amnesty International is urging the Parliament of Bosnia and Herzegovina to reject a draft law prohibiting wearing in public clothes which prevent identification which is set to be debated tomorrow.

“If adopted, such a law would violate the human rights of women who choose to wear a full face veil as an expression of their religious, cultural political or personal identity or beliefs. It would violate their right to freedom of expression and religion,” said Marek Marczyński, Amnesty International’s researcher on Bosnia and Herzegovina.

“At the same time, a general ban on wearing full-face veils in public could result in some women being confined to their homes and unable to participate in public life.”

The draft law envisages imposing penalties such as a fine of 100 KM (50 euro) or imprisonment between one and seven days.

The advocates of the law have been arguing that its adoption is needed in order to address security concerns, however they have failed to identify them.

However, Amnesty International believes that Bosnia and Herzegovina already has a legal framework which is able to address this issue.

Under international human rights law the exercise of the right to freedom of expression and to manifest religious belief can only be restricted when necessary and proportionate.

This may include certain clearly defined restrictions on the wearing of full-face veils if that is shown to be necessary for a legitimate purpose such as protecting public safety.

“Any such measures must be the least restrictive to achieve that purpose. For example, a requirement to show one's face in demonstrably high-risk locations or to lift a veil when requested by a police officer for a necessary identity check”, said Marek Marczyński.

The draft law was proposed by the Serbian Alliance of Independent Social Democrats. It comes before the parliamentary elections scheduled for 3 October.

Amnesty International is also concerned that the law may have a negative impact on inter-ethnic relations in Bosnia and Herzegovina as it may be perceived by some Muslim citizens of the country as an attack on their

identity.

“The authorities and politicians representing all nations in Bosnia and Herzegovina must work together to resolve all political issues in ways which are consistent with human rights standards,” said Marek Marczynski.

It has also been asserted that some women may be wearing a full face veil under pressure from their families or communities.

States are obliged under international law to protect women against pressure or coercion in their homes or communities to wear full face veils. However, they should do this by taking steps to combat gender stereotypes and discriminatory attitudes and, where appropriate, by intervening in individual cases through criminal or family law.

“Imposing bans on what people choose to wear is neither going to address the stated security concerns, nor will it help to combat gender discrimination in the country,” said Marek Marczynski

Amnesty International has also opposed similar legislation in France, Belgium and other European countries.