



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

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| Country: | Bulgaria |
| Title: | Parliament adopts law to ban clothing covering the face |
| Date: | 9 November 2016 |
| Expert: | Margarita Ilieva |
| Context | |
| Issue at stake: | Women's freedom to manifest their religion; women's right to private life (self-determination) |
| Ground of discrimination: | religion/belief, gender, multiple discrimination |
| Source: | legislation |
| Field: | all fields of public life |
| Applicable law: | Restricting the Wearing of Clothing Fully or Partially Covering Up the Face Act |

Content

Law development: On 30 September 2016, Parliament adopted a law banning the wearing of any clothing that fully or partially covers the face in public places. A 'public place' is defined as 'any publicly accessible place on the territory of Bulgaria'. 'Clothing that fully or partially covers the face' is defined as 'thick or semi-transparent clothes, cloaks, shrouds, netted yokes, masks or other similar elements which partially cover or fully hide the face'. The Act defines a partially covered face as one where the mouth, nose or eyes are covered up. A fully hidden face is one over which fully covering clothing is worn. The exceptions to the ban are exhaustively listed: if wearing the clothing is imperative for health reasons, or because of the nature of one's profession, or within the frameworks of sports, cultural, educational and other similar events where it is worn by participants in those events and is temporary; in prayer houses of registered religions; where a law provides otherwise. Breaking the ban results in the imposition of fines: BGN 200 (EUR 100) for a first infringement; BGN 1500 (EUR 750) for any following infringement. For officials the respective amounts are higher: BGN 500 (EUR 250) for a first infringement; BGN 2000 (EUR 1000) for any following infringement. Persons who incite another to break the ban, or who fail to hinder them in breaking the ban, face the same penalties. The police are responsible for establishing and fining perpetrators.

Key points of analysis: While neutrally phrased, the law was designed to persecute Muslim women for wearing the veil and other religious clothing. The law, with its sweeping ban, will target and disproportionately affect such women. The all-encompassing definition of 'public place' means that Muslim women who wear religious clothing partially or fully covering their face will only be able to wear their religious clothing in their homes, or in mosques. The law will result in the social isolation of Muslim women for whom it will not be subjectively possible to leave the home without the clothing of their faith. The law was introduced by a coalition of two parties termed "ultra-nationalist/fascist" by ECRI.¹ It is in breach of the International Covenant on Civil and

¹ ECRI report on Bulgaria (fifth monitoring cycle), adopted on 19 June 2014, § 32;
<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-V-2014-036-ENG.pdf>.

Political Rights as interpreted in the jurisprudence of the Human Rights Committee – it violates the affected persons' rights to freedom of religion and to private life (self-determination). The law is, furthermore, a factor for radicalisation because it is bound to promote anti-Muslim feeling and a feeling of marginalisation and oppression among Muslims.

Internet link source:

<http://dv.parliament.bg/DVWeb/showMaterialDV.jsp;jsessionId=CE27CCC8DD4D2A5BD85C11BD9A09A092?idMat=108010> (the State Gazette)