



Relinquishment to the Grand Chamber of a case concerning the wearing of the burka in public places in France

The Chamber of the European Court of Human Rights to which the application **S.A.S. v. France** (application no. 43835/11) had been assigned has relinquished jurisdiction to the Grand Chamber, neither party having objected to relinquishment (Article 30 of the European Convention on Human Rights and Rule 72 of the Rules of Court).

Principal facts

The applicant is a French national who was born in 1990 and lives in France.

Under Law no. 2010-1192 of 11 October 2010, which came into force on 11 April 2011, it is forbidden to conceal one's face in public places.

The applicant, who is a practising Muslim, states that she wears the burka in order to live according to her faith, her culture and her personal convictions. She specifies that it is a garment that covers the entire body and includes both a thin veil covering the face and the niqab, a veil covering the entire face except the eyes. She points out that neither her husband nor any other member of her family puts pressure on her to wear the burka. She adds that she wears the niqab in public and in private, but not systematically. She agrees not to wear the niqab in some circumstances but wants to be able to wear it when she chooses to. Her purpose, she states, is not to inconvenience others but to live according to her principles.

Complaints and Procedure

Relying on Article 3 (prohibition of torture and inhuman and degrading treatment), the applicant complains that as it is forbidden, on pain of a criminal penalty, to wear a garment designed to conceal the face in public places she risks incurring a criminal penalty, and suffering harassment and discrimination, if she wears the burka in public.

Relying on Article 8 (right to respect for private and family life), she complains that the statutory prohibition on wearing a garment designed to conceal the face in public places prevents her from dressing as she chooses in public.

Relying on Article 9, she complains of a violation of her right to freedom of thought, conscience and religion, as a result of the same circumstances. In her view, her inability to wear the full veil in public places is incompatible with the freedom to manifest her religion or belief individually or collectively, in public or in private, in worship, teaching, practice and observance.

Relying on Article 10, she complains of a violation of her right to freedom of expression, as a result of the same circumstances. She also complains that she is unable to wear in public a garment expressing her faith and religious, cultural and personal identity.

Relying on Article 11, she complains of a violation of her right to freedom of assembly and association, as a result of the same circumstances and of the fact that she is prevented from assembling with others in public wearing the full veil.

Relying on Article 14 (prohibition of discrimination), she complains that the statutory prohibition on wearing a garment designed to conceal the face in public places gives rise to discrimination based on sex, religion and ethnic origin to the detriment of women who, like her, wear the full veil.

The application was lodged with the European Court of Human Rights on 11 April 2011.

It was [communicated](#) to the French authorities, with questions by the Court, on 1 February 2012.

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Press contacts

echrpres@echr.coe.int | tel: +33 3 90 21 42 08

Denis Lambert (tel: + 33 3 90 21 41 09)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Nina Salomon (tel: + 33 3 90 21 49 79)

Jean Conte (tel: + 33 3 90 21 58 77)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.