

MOSLEM WOMEN, RELIGION AND THE HIJAB: A HUMAN RIGHTS PERSPECTIVE

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ABSTRACT

In recent years, the wearing of the female Islamic dress (generally referred to as the hijab), or any feature of this dress such as the headscarf (khimar), face-veil (niqab) and the head-to-toe all enveloping garment (jilbab) has raised complex human rights issues particularly in the context of women's rights to freedom of religion and its manifestation, equality and nondiscrimination, education and work. This article focuses on the status of the hijab in Islam and selected recent cases concerning the wearing of the Islamic dress in schools. On the basis of these, two conclusions are made. Firstly, to prevent a person from making a choice to wear religious clothing (like the hijab) in public or private schools or institutions, in the absence of justification compatible with human rights law, may impair the individual's freedom to have or adopt a religion. Secondly, the general exclusion of women from schools or work on account of the Islamic dress might lead to further discrimination against girls and women in education and employment. A human rights perspective to the Islamic dress should involve as a starting point respecting choices of individual Muslim women to wear or not to wear the hijab.