

Hijab as Identity: An Analysis of Human Rights Violations and Gender Discrimination (Case Study of the 2024 Paris Olympics)

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ABSTRACT

The wearing of the hijab has become a symbol of identity for many Muslim women around the world, as well as a point of contention regarding religious freedom and human rights. This study explores the human rights violations and gender discrimination arising from the hijab ban at the 2024 Paris Olympics. It analyses the impact of the ban on Muslim female athletes participating in international competitions, and how this policy reflects the conflict between the right of individuals to express their religious identity and the demands of secularism in the context of global sport. Through a qualitative approach, this research examines the perspectives of athletes, human rights observers, and non-governmental organisations involved in advocating for women's rights and religious freedom. The findings show that the hijab ban at the 2024 Paris Olympics not only hinders the participation of Muslim female athletes but also reinforces religion-based gender discrimination. In addition, the policy is considered to violate basic internationally recognised human rights principles, especially those related to religious freedom and gender equality. The study concludes that dialogue between governments, international sports bodies and advocacy groups is essential to create inclusive policies that respect cultural diversity and religious beliefs without compromising the principles of justice and human rights.

Keywords: *Human Rights, Hijab, Paris Olympics*

Introduction

The hijab, as a symbol of religious and cultural identity, has been the subject of global debate in the context of human rights and gender discrimination. In the context of sports, the use of hijab by female athletes has become a sensitive issue, especially in international events such as the Olympics. In 2024, the Paris Olympics will set the stage for controversy related to the hijab ban implemented by the France government, which has drawn criticism from various human rights organizations. France's Sports Minister Amelie Oudea-Castera said that the France government opposes the display of any religious symbols during sporting events. "What does that mean? That means a ban on all kinds of da'wah. That means absolute neutrality in the public service," he told France 3 television. "The France team will not wear the hijab (Subari 2023)."

The use of the hijab is not only a personal choice, but also an expression of a strong religious and cultural identity. In many countries, the hijab has become a symbol of resistance to discrimination and oppression. However, in some contexts, the use of the hijab is also faced with pressure and prohibition, especially in public spaces such as schools and sports. "This problem is very complex, because the use of hijab is a person's

right to express their appearance or in carrying out their religious teachings. However, the reality is that it is a difficult problem to end (Malabar et al 2023).”

At the 2024 Paris Olympics, the France government banned female athletes from wearing hijabs during competitions, which caused great controversy. Human rights groups such as Amnesty International accused France of "racist gender discrimination" because of the ban (cnbcindonesia.com 2024). This ban not only violates the principle of gender equality, but also interferes with the right of athletes to express their cultural and religious identities. France enacted the strict principle of "laïcité". We freely translate it as "secularism". On Wednesday (24/7/2024), David Lappartient, President of the France Olympic Committee, defended this policy by stating that the principle of secularism is part of France's national identity (Zuraidah 2024).

Result and Discussion

Hijab

The choice of a Muslim woman to wear a hijab is a reflection of the construction of a personal and social religious identity. Within the framework of human rights, freedom of religion guarantees the right of individuals to express their beliefs, including through the choice of clothing in accordance with the teachings adhered to. Therefore, the state has a moral responsibility to create an inclusive environment for all its citizens, including those who choose to wear the hijab (Fadli).

Hijab is derived from the word ha-ja-ba (ح-ج-ب). Ibn Manzur interpreted the word as-sitr (cover) (Ibnu Manzur). Hijab is also interpreted as a veil, curtain, veil or separator while hijab gives the meaning of covering because it shows a covering device (Guindi 2001). The veil referred to as the hijab appears behind the veil. The diaphragm that separates the heart can also be called a hijab (Muthahari 2001). Hijab with its literal meaning of separation, can also be interpreted as a separation between men and women. The separator is as a controller of lust and orgasm (Septiana 2021). Then in some countries with Muslim populations, the word hijab usually refers to the veil or hijab used by Muslim women (Septiana 2021).

History of Hijab

The use of the hijab has a long and complex history, involving various contexts and cultures. The hijab was used before Islam, especially in Mesopotamia, Babylonia, and Assyria, where the use of the hijab was already known (Wiranata 2023). In the early Islamic period, women in Medina wore the hijab, and some wore the hijab. However, parts of their necks and chests were still visible (Rosdiana 1994). The command of the hijab in the Qur'an is found in Surah an-Nur verse 31 and Surah al-Ahzab verse 53.

The use of Hijab in Different countries has different cultures. In Greece and Roman culture, the use of the hijab can be seen in earlier churches and its veiled nuns wore long

kebayas, covering their entire bodies so that they were far from abominations and evil (al-Ghaffar 1984). In Greece society, it was a tradition for women to cover their faces with the ends of their shawls, or by wearing special hijabs made of a certain material, thin and very well shaped (Wajdi 1991). In pre-Islamic Arabia, the hijab was also used with different characteristics. In pre-Islamic Arab societies, the hijab was not new to them. Usually, girls who have begun to step into adulthood, wear a hijab as a sign that they are asking to be married immediately. In addition, for them, the hijab is a distinctive feature that distinguishes between free women and slaves or slaves or slaves. In their poems, there are many special terms that all contain the same meaning as the hijab. Among the terms they often use are niqab, khimar, qina', khaba, and khadr (Ghaffar 2004).

Human Rights

Scott Sheeran and Sir Nigel Rodley explained that human rights are the right to autonomy and dignity of the individual that must be protected from potentially oppressive forces (Sheeran & Rodlyey 2013). According to the United Nations, human rights are rights inherent in every human being regardless of nationality or ethnicity, religion, gender, language, skin color, and other status. Every individual has the right to have a decent life, such as education, health, freedom and employment (ohchr.org).

French secularism

Secularism is a central element of the concept of the French Republic. The concept of the French Republic is based on the principles of universalism and individualism, which means that the relationship between the state and the individual must override the relationship between religion and culture. The principle of secularism makes every citizen have to refrain from showing the characteristics of their religion and culture in public. Secularism or "*laïcité*" function to limit the power of the state and religion (Firmonasari & Udasmoro 2020). There are 3 principles from the French Republic to create "*laïcité*" that is *Liberate* (freedom), *Egalite* (equality), *Fraternity* (brotherhood) (ambafrance.org 2016).

There are three main aspects of *Laïcité* explained by *Council of State* that is *Laïcité* Requiring all public authorities to be neutral in paying attention to all opinions and beliefs. Neutrality is a basic principle applied in the French public service to carry out its duties. *Laïcité* It should not be summarized only as the neutrality of religion and the state. This is because of the concept of *Laïcité* cannot result in the role played by religion in daily life. This allows individuals to practice worship and also provides equality for all religions. *Council of State* affirming that all religions have the right to express their beliefs. The state cannot monopolize the principle of freedom of religion. This is because *Laïcité* not only a neutrality from state institutions, but also guarantees freedom of religion in the private sphere (Idriss 2016).

France's strict policy against secularism was affirmed in the 1958 congress. In paragraph 2 it is stated that France cannot be separated from secularism, democracy, and republic.

It guarantees equality for all citizens before the law regardless of race, ethnicity, and religion (Modood & Kasroryano 2005). On October 11, 2010, Law 2010-1192 on the prohibition of the use of face coverings in public spaces, such as the niqab and burqa was established and came into force on April 11, 2011. Public space refers to public streets and places that are open to the public. This prohibition does not apply to places of worship that are open to the public. This law also provides several exceptions to the use of face coverings for health reasons, sports, mandatory clothing (helmets for motorcycle users), traditional events such as carnivals or processions, and the use of accessories (UNHCR 2013).

Analysis of Human Rights Violations and Gender Discrimination

At the 2024 Paris Olympics, the hijab ban for female athletes caused great controversy. This is considered a form of gender discrimination because it differentiates between female athletes who wear hijab and those who don't. (kompas.id). Human rights groups such as Amnesty International accused France of "racist gender discrimination" because of the ban. This ban not only violates the principle of gender equality, but also interferes with the right of athletes to express their cultural and religious identities. Many athletes and sports organizations condemned the decision, calling it a violation of human rights (Azhar 2024).

The use of hijab by female athletes is not only a personal choice, but also an expression of a strong religious and cultural identity. The hijab ban can be considered a violation of human rights, as it interferes with athletes' right to express their identity (Rosdiana). The hijab ban can also be considered a form of gender discrimination, as it differentiates between female athletes who wear hijab and those who don't. This shows that female athletes who wear hijab are considered not in accordance with the expected standards (Azhar 2024).

According to Theodorsson, discrimination is the unequal treatment of people or groups based on something, usually a form, certain characteristics such as race, ethnicity, religion or social class. According to Yahya (in Unsriana, 2011) stated the causes of discrimination, namely: a. Psychological defense mechanism (Projection), b. Disappointment, c. Experiencing insecurity and inferiority, d. History, e. Competition and exploitation f. Socialization patterns (Ahmada 2023). The France government has imposed a ban on Muslim female athletes wearing hijab while competing in the 2024 Paris Olympics. If viewed from the aspect of the causes of discrimination, one of which is the historical aspect, this is based on the Paris government which has a policy to maintain "*laïcité*" (secularism) which requires absolute neutrality in public services, including in the French national team (Zuraidah 2024).

The France government banned the hijab because of their commitment to enforce *the laïcité*, which opposes the display of religious symbols during sporting events. France's sports minister, Amelie Oudea-Castera, said that France athletes will not be allowed to wear the hijab due to the government's attachment to a regime of secularism that is strictly applied in the field of sports (Zuraidah 2024). The hijab ban has drawn criticism

from various human rights organizations, including Amnesty International and Human Rights Watch. They argue that the ban constitutes discrimination against female Muslim athletes who want to wear the hijab as part of their religious beliefs. These organizations emphasized that religious freedom and human rights must be respected (Zuraidah 2024). The prohibition of the use of the hijab is also contrary to Law Number 7 of 1984 concerning the Ratification of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (Ahmada 2023).

This ban is also contrary to the dress code of international sports bodies, such as FIFA, FIBA, and FIVB. The International Olympic Committee (IOC) has faced demands to ask France authorities to lift the ban, but the IOC has refused to ask France authorities to lift the ban because "religious freedom is interpreted in different ways by different countries"

The relationship between religion, identity, and religious freedom.

The relationship between religion, identity, and religious freedom is complex and interrelated. Religious freedom is a human right that is protected by the state and internationally. Article 18 of the Universal Declaration of Human Rights (DUHAM) states that everyone has the right to freedom of thought, conscience, and religion. This article also emphasizes that everyone has the right to establish a religion or belief of his or her own choice and to practice that religion or belief in worship, obedience, practice, and teaching (komnasham.go.id 2021). Religious identity and beliefs are very important in a person's life. This identity includes not only the choice of religion or belief, but also the expressions and practices associated with that religion. For example, the hijab for a Muslim is an expression of a strong religious identity and is part of religious freedom (Wikipedia.org). Overall, the relationship between religion, identity, and religious freedom is complex and interrelated. Religious freedom allows individuals to practice their religion or beliefs freely, while religious identity and beliefs are an important part of one's life.

Response to the hijab ban

Demands Against the IOC: Amnesty International and other organisations have issued an open letter to the IOC requesting that the body publicly ask France's sports authorities to lift the ban on athletes wearing the hijab. Anna Blus said that the ban on wearing sports hijabs during the Olympics and Paralympics is very inconsistent with the Paris 2024 Olympics' claim, which is called the "Gender Equality Olympics". "The ban on France athletes from competing with sports hijabs in the Olympics and Paralympics is a mockery of the claim that Paris 2024 is the Olympics for Gender Equality," said Blus, quoted Friday (19/7/2024). "In fact, this is the first and shows the racist gender discrimination that underlies access to sports in France," he continued. Blus stressed that no single policymaker should regulate anything about what women will wear, including the Olympic committee. "In addition, no woman should be forced to choose between the sport she enjoys or her beliefs, cultural identity, or beliefs," said Blus. "It is not too late for the France authorities, sports federations and the International Olympic

Committee to do the right thing and lift all hijab bans on France sports athletes (Salsabila 2024)."

The Universal Declaration of Human Rights (DUHAM) does not specifically mention "hijab" in its text. However, the DUHAM contains several articles relevant to human rights related to freedom of religion and cultural identity, which can be linked to the use of the hijab. The following are some relevant articles, one of which is article 2 "Everyone is entitled to all the rights and freedoms listed in this Declaration without any exceptions, such as distinction of race, color, sex, language, religion, politics or other views, national or societal origin, property rights, birth or other positions (UNGA 1948)." Article 18 "Everyone has the right to freedom of thought, conscience and religion; in this case it includes the freedom to change religion or belief, with the freedom to declare religion or belief by teaching, doing, worshipping and obeying it, either alone or together with others, in public or alone." This article explicitly mentions freedom of religion, which is an important fundamental right in the context of the use of the hijab.

A group of sports federations from Muslim-majority countries said on Monday (2/10/2023) that the move French to ban Olympic athletes from wearing the hijab would send a message of intolerance. The 57-member Islamic Solidarity Sports Federation (ISSF), based in the Saudi capital, Riyadh, voiced deep concern over France's decision. The decision was taken in line with the country's strict rules regarding secularism. The ISSF said in a statement on Monday that the hijab is an aspect of the identity of many Muslim women and should be respected. He added that France's ban could prevent some France Muslim athletes from competing. "The Olympics have historically celebrated diversity, unity, and athletic excellence," the statement said. "By implementing a hijab ban for its athletes, the host will send a message of exclusion, intolerance and discrimination that is contrary to the spirit of the Olympics" (Subari 2023).

The impact of this ban is that athletes who are required to remove the hijab will experience significant emotional pressure. This can affect their performance in competition (liputan6.com 2024). The hijab is often a strong expression of religious and cultural identity for Muslim athletes. The hijab ban can make them feel unappreciated and their identity is not recognized from (Amnesty International, 2024). The hijab ban is often considered a form of discrimination against Muslim athletes. This can increase stigma and fear among the Muslim community (People's Union for Civil Liberties, 2024). The hijab ban can reduce Muslim athletes' participation in sports, as they feel uncomfortable or unappreciated (Amnesty International, 2024).

In addition to having an impact on athletes, this ban also has an impact on society and society. The hijab ban can increase public distrust of the government, especially if the ban is considered unfair or discriminatory (republika.co.id). The hijab ban can increase social conflicts between the Muslim community and the government, as well as between the Muslim community and other communities (liputan6.com 2024).

Athletes' response to the hijab ban

Reporting from USA Today, Sky Sports, BBC Sport, Al Jazeera, Al Mayadeen, AP. International Olympic Committee (ICO) atau Komite Olimpiad International has long been asked to provide recommendations to policymakers in France for the hijab ban to be lifted. In fact, non-discrimination is one of the pillars of the Olympic Charter (*Olympic Charter*). It bluntly states that "Sport is a human right" (Nurikhsani 2024).

"Every individual must have access to sport, without discrimination of any kind with respect to the internationally recognized human rights within the authority of the Olympic Movement. The spirit of the Olympics requires mutual understanding with the spirit of friendship, solidarity, and fair play," reads the *Fundamental Principles of Olympism*, point 4, in the Olympic Charter.

Reporting from Bola.com, Rahmi said, "Women have the right to choose how to dress," said Rahimi, who attended the opening ceremony of the 2024 Paris Olympics in a post on Instagram. "With or without a hijab. I chose to wear the hijab as part of my religion and I am proud to do so." Rahimi is the first female Muslim boxer to represent Australia at the Olympics. The 28-year-old athlete also wore long sleeves and a hijab under a protective headgear in competition.

"You don't have to choose between your faith/religion or your sport. This is what France athletes are forced to do. It doesn't matter how you look or dress, what ethnicity you are or what religion you belong to. We are all united to achieve that one dream. To compete and win. No one should be excluded. Discrimination is not accepted in sports, especially in the Olympics and what it stands for," Rahimi added.

Another story befell Diaba Konate. Winning the title of best defensive player 2023/2024 at the NCAA college basketball Big West conference thanks to his record of 7.5 points, 2.4 *rebounds*, and 3.7 *assists* per game with the University of California, he could not play basketball in his own country, France, including in the Olympics because he wore a hijab.

"It's very frustrating to be excluded from representing my country or just being able to play basketball just because of my religious identity as a Muslim woman who chooses to wear the hijab," Konaté said. "I couldn't fully express my faith and pursue my athletic aspirations." "It's unbelievable, I think it's a joke," he said last year when he was about to play in a 3x3 basketball competition in France, where he was banned from setting foot on the court following a 2022 ruling by the French Basketball Federation (FFBB) regarding the use of religious attributes.

France runner Sounkamba Sylla took to social media days before the 2024 Olympics began, saying she would not be allowed to participate in the opening ceremony because of her hijab. "You were selected for the Olympics, which are hosted in your country, but you cannot participate in the opening ceremony because you are wearing a hijab," Sylla wrote on her personal Instagram as quoted by *The Associated Press* (bola.com 2024).

BBC.com "The ban on the hijab is a manifestation of two forms of discrimination: Islamophobia and gender discrimination," said Veronika Nosedo, a soccer player for Les Dégommeuses, a Parisian football club formed to fight discrimination. Assile Toufaily agrees with that. He moved to Lyon in 2021 after playing for the Lebanese football team at international level. "Actually, this is not about the people of France, this is about the government," he said. "There has been hatred against Muslims over the last few years in France and it is seen in sports." He continued (Paris 2024). "*Welcome to the first Islamophobic Olympics in history!*" commented French historian Fabrice Riceputi. During a press conference in Geneva after the announcement of the ban, a spokesman for the Office of the High Commissioner for Human Rights (OHCHR) said that the UN body "believes no one should dictate to women what they should or should not wear." In October 2023, six UN human rights experts wrote a letter to French authorities expressing concern that the ban violates the right of Muslim women and girls to "participate in sports." The decision was also said to "fuel intolerance and discrimination against them" (Riani 2024).