

MUSLIM WOMEN IN CONTEMPORARY SOCIETIES: REALITY AND OPPORTUNITIES

Edited by
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**THE HEADSCARF AND THE VEIL IN ENGLISH
COURTS OF LAW:
ISSUES OF FREE EXPRESSION AND
PROPORTIONALITY**

John Candlish

Introduction

This chapter confines itself to strictly legal issues arising from the cases of 'Aishah Azmi and Shahina Begum, with some comments on the recent case of 'X' as well as, peripherally, some related aspects of jurisprudence in England.¹ In the future there may well be many more such cases involving the interface between Muslim practices and/or beliefs. The number of Muslims in U.K. as a whole is a matter of dispute, but most authorities put the figure at between 1.5 and 1.8 million out of a total population of about 60 million. The majority originates from Pakistan, and mostly lives in the northern parts of England.

The two cases examined here deal with dress. Dressing the way one pleases as long as decency, as judged by standards of reasonable people (or in extremis, the courts) at the extant time, is of course, on a commonsense basis, a fundamental human right. However, in so far as it can be equated with freedom of expression, in U.K., this right is safeguarded by Article 10 of the European Convention on Human Rights (ECHR). There can be derogation 'in the interests of national security, territorial integrity