

## *Lega, proposed law against the headscarf: “Stop in public places”*

**(19 gennaio 2025)**

The ordinary bill proposed by the deputy Igor Iezzi, aimed at introducing into our legal system the ban on wearing a covering veil in public places and the condemnation of those who impose the use of such a garment, has caused considerable uproar<sup>1</sup>.

The initiative of the Hon. Iezzi, in its four articles, intervenes to modify in a restrictive sense the 1975 legislation on public order<sup>2</sup>, by eliminating the phrase “*except for justified reasons*” from the generic ban on the use of “*objects*” that make it difficult to identify the person. An exception is provided for only in places of worship, in cases of necessity to protect one’s own health or that of third parties, in matters of road safety and for participants in competitions during sporting events that require the use of helmets, as well as in cases of artistic or entertainment activities.

The legislative proposal also provides for the introduction into the Italian Penal Code of the “*crime of forcing the concealment of the face*”, through the insertion of art. 612 quater and the modification of articles 6 and 9.1 of law 5 February 1992 n. 91<sup>3</sup>, concerning the impediments to obtaining citizenship. The new crime would punish, unless the act constitutes a more serious crime, with a prison sentence of up to two years and a fine of up to 30,000.00 euros in addition to the preclusion from applying for citizenship, anyone who forces someone to hide their face with violence, threats or abuse of authority or in such a way as to cause them a persistent and serious state of anxiety or fear, or by generating in the person a well-founded fear for their own safety or that of a close relative. The penalty is increased by half if the act is committed to the detriment of a minor, a woman or a disabled person. In the case of minors, furthermore, the judge can also evaluate the forfeiture of parental responsibility and removal from the family residence.

The reasons for the proposed law, reported in the introductory report, in addition to the need to promote integration in compliance with art. 19 of the Constitution are constituted by reasons of public order.

---

<sup>1</sup> See proposed law C. 2195, presented on 14 January 2025, available on the institutional website of the Camera at the link <https://www.camera.it/leg19/126?leg=19&idDocumento=2195>

<sup>2</sup> Legge 22 maggio 1975 n. 152, recante “*Disposizioni a tutela dell'ordine pubblico*”, art. 5.

<sup>3</sup> Legge 5 febbraio 1992 n. 91, rubricata “*Nuove norme sulla cittadinanza*”.

In fact, the widespread fear caused by the rise of so-called Islamic terrorism, together with the consequences of migratory flows and the plural connotation of our society, has inseparably linked every reflection on religious freedom to the issue of security, favouring a security-related reading that also conditions the exercise of religious freedom itself<sup>4</sup>.

It should be noted that the proposed law, immediately provoked several controversies, especially from the opposition forces. The affair raises important questions on the management of cultural and religious identity in the public dimension, highlighting the need to balance respect for diversity with the protection of common values, within the framework of the principles of secularism and religious freedom. The issue of the headscarf, however, also involves the opposition between public safety and social inclusion, in light of the presence of cultural traditions that, in the extreme forms, lead to the imposition of their own models.

The introductory report of the law identifies a specific objective, that of preparing concrete measures to protect women forced to hide their faces with a veil, thus being induced to behave in a state of submission. The scope of the initiative is therefore clarified, aimed at respecting freedom of worship in its individual and collective dimension as well as towards the protection of human dignity, the dignity of the person, the self-determination of women and their emancipation, together with the need to promote the inclusion of immigrant communities, especially women, often discriminated against through “unusual” manifestations of religious freedom.

Therefore, the ban seems to be aimed at preventing the wearing of more covering “Islamic” headscarf such as the *niqab* (the veil that leaves only the eyes uncovered) or the *burqa* (the full veil with a mesh in front of the face) and not also the *hijab* (which leaves the face uncovered and the head covered), the *khimar* (which covers the head and forehead up to the eyebrows) and the *shador* (which covers the woman from head to toe leaving the face uncovered)<sup>5</sup>.

In the Shari’a there is no explicit and irrefutable attestation regarding the obligation or even the opportunity for women to wear the headscarf in public spaces, except for the moment of prayer,

---

<sup>4</sup> See on the specific point, *ex multis* and more recently, cfr. FRANCESCO ALICINO, *Sicurezza, ordine pubblico e libertà religiosa di fronte al terrorismo internazionale*, in *Coscienza e Libertà – Religione e sicurezza integrata*, 67/2024, 173 ss.; NATASCIA MARCHEI, DANIELA MILANI, (a cura di), *Places of Worship, Security and the Public Space in the Case Law of the Italian Constitutional Court*, Torino, 2023; ALESSANDRO NEGRI, *Radicalizzazione religiosa e de-radicalizzazione laica*, Roma, 2023; PIERLUIGI CONSORTI, *Diritto e religione. Basi e prospettive*, Bari, 2023; NICOLA COLAIANNI, *Libertà di religione e sicurezza. Il test del terrorismo*, in *Stato, Chiese e pluralismo confessionale*, 8/2023; GABRIELE FATTORI (a cura di), *Libertà religiosa e sicurezza. Con la prima traduzione italiana delle Linee Guida OSCE 2019 su Libertà di religione o convinzione e sicurezza*, Pisa, 2021.

<sup>5</sup> RENATA PEPICELLI, *Il velo nell’islam. Storia, politica, estetica*, Carocci, Roma, 2018.

despite divergent doctrinal opinions, which are also minority ones<sup>6</sup>. It should be noted that the only Quranic reference to the *hijab* is that of Qur XXXIII, 53<sup>7</sup>, where the use of the term in the sense of curtain, tent to be placed between the wives of the Prophet Muhammad and his visitors is evident, while Qur XXXIII, 59 recommends that Muslim women wear a cloak (*jilbab*), in order to be distinguished from non-Muslim women. On the other hand, the only reference to a prescription of coverage for women refers to the “*private parts*” of the body<sup>8</sup> and the non-ostentation of the “*beautiful parts*”<sup>9</sup>.

The proposed law, which is new for Italy, where there is no specific national law prohibiting the full headscarf in public places or places open to the public, is not new for other unionist countries, such as France, where there is a ban for both female teachers and students to wear not only the headscarf, but also the traditional Muslim dress (*abaya*) in schools<sup>10</sup>, Belgium<sup>11</sup>, and Germany, where the Constitutional Court will have to rule on the legitimacy of the ban imposed in reference to the use of the veil in courts and on the supposed violation of the principle of state neutrality<sup>12</sup>.

The law, although very divisive among the political forces currently in a “dynamic” coalition in the Italian scenario, would certainly have the merit of repressing those coercive conducts aimed at subjugating women and subverting their will and capacity for self-determination.

However, even if the bill were to be approved, it would be extremely difficult on the subject of legal evidence to be able to crystallize the imposing nature of the conduct in the absence of a specific complaint by the victims of threats or violence. Given the particular *humus* in which these dynamics often manifest themselves, which is that of the Muslim family, generally extended in a patriarchal dimension and characterized by a specific religious and cultural context of reference, in which privacy and honor are often barriers difficult to overcome, it is statistically rare that the victim, sometimes

---

<sup>6</sup> Cfr. MUHAMMAD NASIR AL-DIN AL-ALBANI, *Hijab ul mar'at lil-muslimati fil-Kitab wa as-Sunnah*, Al-Maktab al-Islam, Beirut, 1969; JAMAL BADAWI, *Women & Men Dress in Islam according to the Qur'an and Sunnah*, Ta-ha Publishers, London, 1993; MOHAMED ISMAIL MENON MADANI, *Hijab. The Islamic Commandments of Hijab*, Madania Publications, Buffalo, 2011.

<sup>7</sup> For the Quran, see ALBERTO VENTURA (a cura di), IDA ZILIO GRANDI (tradotto da), *Il Corano*, Arnoldo Mondadori Editore, Milano, 2010.

<sup>8</sup> Qur. XXIV, 31.

<sup>9</sup> For further information on the legal-religious issues of the veil and its non-obligatory nature, among others, see BARTOLOMEO PIRONE, *Sotto il velo dell'Islam. La donna, il matrimonio, la sessualità*, Edizioni Terra Santa, Milano, 2016, 225 ss.; GIORGIO VERCELLIN, *Tra veli e turbanti. Rituali sociali e vita privata nei mondi dell'Islam*, Marsilio, Venezia, 2000, p. 113.

<sup>10</sup> STEFANO TESTA BAPPENHEIM, *Francia. Divieto di indossare l'abaya a scuola*, in *Diritto e Religioni, News*, disponibile alla url <https://www.rivistadirittoereligioni.com/news/francia-divieto-di-indossare-labaya-a-scuola/>

<sup>11</sup> <https://www.rivistadirittoereligioni.com/1-2010-legislazione-e-giurisprudenza-internazionale-pdf/>

<sup>12</sup> MARCEL FURSTENAU, *German lay judge challenges a headscarf ban in Court*, in *DW*, 13/07/2024, consultabile alla url <https://www.dw.com/en/german-lay-judge-challenges-a-headscarf-ban-in-court/a-69648119>

discouraged by the sense of shame, the linguistic gap and economic dependence, decides to report the abuse suffered, preferring to accept covering their face and remaining silent.

**Vasco Fronzoni**

Source: Ansa, January, 19th 2025

[https://www.ansa.it/sito/notizie/politica/2025/01/19/proposta-della-lega-contro-il-velo-stop-nei-luoghi-pubblici-\\_9df45aef-ae39-4986-bc00-81e4f72b359a.html](https://www.ansa.it/sito/notizie/politica/2025/01/19/proposta-della-lega-contro-il-velo-stop-nei-luoghi-pubblici-_9df45aef-ae39-4986-bc00-81e4f72b359a.html)

