

The local swimming pool as a space of rights contestation – an analysis of ‘burkini’ policies in Belgian local public swimming pools

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Abstract

The authors aim to explore how human rights are implemented and interpreted in the context of ‘burkini’ policies in local public swimming pools. They will analyse four case studies in Flanders based on the involved actors, factors that influence the process, and the actors’ human rights understanding. It will be found that external actors mainly play a role in initiating discussions on the ‘burkini’. Occasionally, their requests seem to be inspired by or couched in human rights terms. During the decision-making phase, local politicians and civil servants are the ones involved. One of the factors that seem crucial for the interpretation of human rights are the personal beliefs of an individual. It will be argued that a human rights framework, whether in the legal or moral sense, may not necessarily offer much concrete guidance to local authorities on how to determine desirable outcomes regarding this issue. Nevertheless, applying a human rights approach could lead to more inclusion of Muslim women’s voices in the discussion, thereby limiting the impact of personal convictions on human rights interpretation. Lastly, it will be noted that lifeguards may impact human rights implementation in practice by deviating from official policy due to its apparent unfairness.

Keywords: Burkini, swimming pool, local authorities, Belgium, human rights implementation

Full Article

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