

FAQ: the ban on the wearing of a full-body swimming costume

1) Why should a full-body swimming costume be allowed?

Simply because the reasons given do not justify a ban on the wearing of such a swimming costume.

Reasons of hygiene and safety?

According to Flanders' Agency for Care and Health (Vlaams Agentschap Zorg en Gezondheid), a ban on hygiene grounds does not hold water. The body-covering swimming costume is made of the same material as other swimming costumes and therefore has no impact on water quality. As for safety, the Agency also sees no risks.

Equality and negative reactions?

The *Gender Chamber* of the Flemish Ombudsman service is clear: body-covering swimming costumes are not a threat to equality between men and women.

Unia also argues that negative reactions from other bathers do not constitute a legal argument to justify such a ban.

2) Isn't it misogynistic?

The opinion of the *Gender Chamber*¹ with regards to this states that "equality between men and women cannot be used to oppose such clothing. The fact that the garment is perceived by some as too unconventional or too prudish, or even as strange, is not sufficient to justify a ban." The ban cannot, therefore, be based on the principle of equality between men and women.

Unia attaches great importance to the autonomy and free will of the women concerned and wishes to guarantee this. A ban would hinder this.

3) What about swimming shorts?

The opinion is limited to full-body swimwear. Unia did not take a position on swimming shorts. The difference is also that swim shorts are not always worn exclusively for swimming or bathing, but sometimes as (street) clothes. This does not apply to the full-body swimming costume.

¹ The Gender Mediator carries out awareness-raising work for the *Gender Chamber*. It deals with complaints about discrimination, issues opinions and recommendations and reports on them in the Flemish Mediation Service's annual report: www.vlaamseombudsdienst.be/ombs/nl/gender/gender.html.

4) **A ban is in place in my city. What can I do?**

The first step is to inform your city of Unia's opinion and refer to Unia for more information. The ISB (Flemish Institute for Sports Management and Recreation Policy) can also assist you.

Unia also intends to pass on the advice to the cities/municipalities and the relevant sports departments.

5) **Is it not problematic to see Unia, a public institution, taking a position in favour of the burkini?**

As stated in the opinion, Unia does not take a position for or against body-covering swimming costumes. The aim of the opinion is to objectivise the discussion and challenge the reasons given by cities, municipalities, provinces and operators for a ban on body-covering swimming costumes with the anti-discrimination legislation.

Unia has also deliberately chosen not to use the term "burkini" because it may evoke the burqa, a black garment that covers the entire body except for the eyes. We are, therefore, deliberately talking about a swimming costume that covers the body.

In addition, Unia is responsible for issuing opinions on the application of anti-discrimination legislation. Unia's opinion on the body-covering swimming costume falls within this responsibility.

6) **Why do we no longer speak of the "burkini"?**

Unia has deliberately chosen to talk about body-covering swimming costumes and not burkini, because a connection is too often made with the burqa.

7) **I understand from the Unia opinion that wearing a full-body swimming costume is, therefore, permitted. Does this mean that I can also swim with my clothes on?**

Swimwear, including body-covering swimwear, must meet a number of hygiene requirements. They must be used exclusively for swimming or bathing, be washed properly at regular intervals and worn without underwear. Holidaymakers may not use swimming pools if their clothes are dirty or have been worn on the street. Your clothes do not meet these conditions.

A full-body swimming costume may only be worn if it is tight-fitting and made of the same material as a conventional swimming costume, in accordance with existing health and safety standards. Here, Unia called on the Flemish Agency for Care and Health (Vlaams Agentschap Zorg en Gezondheid), which is authorised to comment on issues relating to water quality and hygiene.

Clothing that is not intended for swimming and is, therefore, not made of the same material as a conventional swimming costume is not permitted.

8) What if the cities and municipalities refuse to amend their internal regulations? Does Unia intend to take further steps?

Unia is happy to enter into dialogue with the cities and municipalities concerned. If they continue to refuse to take further steps, Unia would need to deliberate internally on possible courses of action. In any case, the decision to take legal action is the prerogative of the Board of Directors: this means that, if consultation has been unsuccessful, Unia's Board of Directors will make the final decision on whether or not to take legal action.

9) What about peer pressure: women being forced by their social environment to wear body-covering swimming costumes?

Unia does not deny that in some cases women are forced to dress in a certain way. However, we do not believe that a ban is the most appropriate response. On the contrary, the underlying principle of such a ban is also a form of coercion and does not take into account the group of women who consciously choose to wear body-covering swimwear.

Peer pressure does need to be dealt with, but a ban won't make it disappear. Moreover, it mainly affects the women who voluntarily choose to wear body-covering swimming costumes. Furthermore, a ban does not, in any way, affect the group that might exert such (alleged) pressure on women.

10) How many reports about this did Unia receive in 2015 and 2016?

In 2015, Unia received 20 reports (proponents and opponents) about body-covering swimwear. In 2016 there were 11 reports.

The reports concern several cities and municipalities. They concern the ban on wearing body-covering swimming costumes, whether or not it is included in the regulations of the municipal swimming pool.

The people who submitted reports contesting the ban and seeking support from Unia are women who consciously and personally choose to wear body-covering swimming costumes for emancipatory reasons. They wish to participate in mixed sports activities in accordance with their beliefs. This is in line with the philosophy of Aheda Zanetti, the designer of the body-covering swimming costume.

Unia was also contacted by citizens who welcomed the ban, labelling the garment as unfriendly to women, incompatible with Western values and contrary to bathing and swimming culture "which encourages physical visibility and does not tolerate conspicuous concealment".

Furthermore, some Flemish cities questioned Unia on the compatibility of the ban on wearing body-covering swimming costumes with anti-discrimination legislation.

11) What is the difference between a burkini and a burka?

A body-covering swimming costume can be described as a two-piece swimming costume with sleeves, long legs and a head covering. This type of swimming costume leaves the face, feet and hands uncovered. It is made of Lycra and is often called a 'burkini'. A burka, on the other hand, is a black robe that leaves only the eyes uncovered.