

RESTRICTIONS ON MUSLIM WOMEN'S DRESS IN THE 28 EU MEMBER STATES

CURRENT LAW, RECENT LEGAL DEVELOPMENTS, AND THE STATE OF PLAY

While anti-Muslim sentiments have increased in many countries in the European Union, the level of restrictions faced by Muslim women because of their religious dress is not the same everywhere. This fact sheet and corresponding report map laws and legal developments restricting religious dress—specifically the headscarf and face veil worn by Muslim women—in the 28 countries of the European Union. Country-by-country, this study examines relevant laws, bylaws, and case law, as well as political platforms, legislative proposals, and public discourse. It also covers restrictions in employment, education, services, and public space.

KEY FINDINGS

- Legally enforceable restrictions are relatively rare in the EU. Of the 28 EU member states, there are only nine where restrictions on religious dress worn by Muslim women are enforced. Of those nine, seven states have enacted some form of national ban. In addition, local bans exist in five countries, some of which also have national bans. Another five states are currently considering legislative proposals for a ban. In 13 out of 28 EU countries, there have been reports of institutional/private bans or bans in practice. Not taking into account legislative proposals, currently fourteen countries have no legal bans, or cases or reports about institutional or private bans. Of these, six countries do not have and never had a proposal for a ban either.
- Most bans on religious dress were instituted after 9/11, in a context of increasing Islamophobia. France has been a leader in adopting bans and shaping much of the discourse through its extensive case law and heated public debates, with select other countries, chiefly Belgium, following suit.
- Beyond these common roots, five interlinked justifications, discussed on the following page, dominate debates about bans and the justification for them.
- Nationalist and far-right political parties played a major role in introducing and promoting legal bans and proposals for bans, but in most cases it was mainstream political parties that actually enacted religious dress restrictions.
- There has been significant pushback against bans in different EU countries, with a few important wins. In 22 countries, previous legislative proposals to ban the headscarf or face veil were rejected. In the majority of countries with case law, bans in private and public employment, in education, and elsewhere have been struck down by court rulings, or reversed after grassroots mobilisation and action.
- Although national litigation has often led to rulings against bans, case law from the two major regional courts, the European Court of Human Rights and the Court of Justice of the European Union, has given states and private actors more leeway in instituting bans.

WHAT TYPES OF BANS EXIST IN THE EUROPEAN UNION?

Bans on Muslim women's dress are classified into six categories:

1 | A national general ban applies to all public places in the entire country.

2 | A national specific ban applies to specific sectors, such as government or teaching jobs across the entire country.

3 | A local general ban applies to all public spaces in a specific jurisdiction within a country (i.e., a region, city, or district).

4 | A local specific ban applies to specific sectors in a specific jurisdiction within a country, such as government or teaching jobs in a city.

5 | Institutional/private bans by practice are bans enshrined in the rules or regulations of a particular institution or private company, or unwritten bans enforced in practice, for example, by restaurants or fitness clubs. This type of ban is most common in private workplaces and education institutions and education.

6 | Pending legislation on Muslim women's dress restrictions.

What types of Muslim women's garments are included in bans?

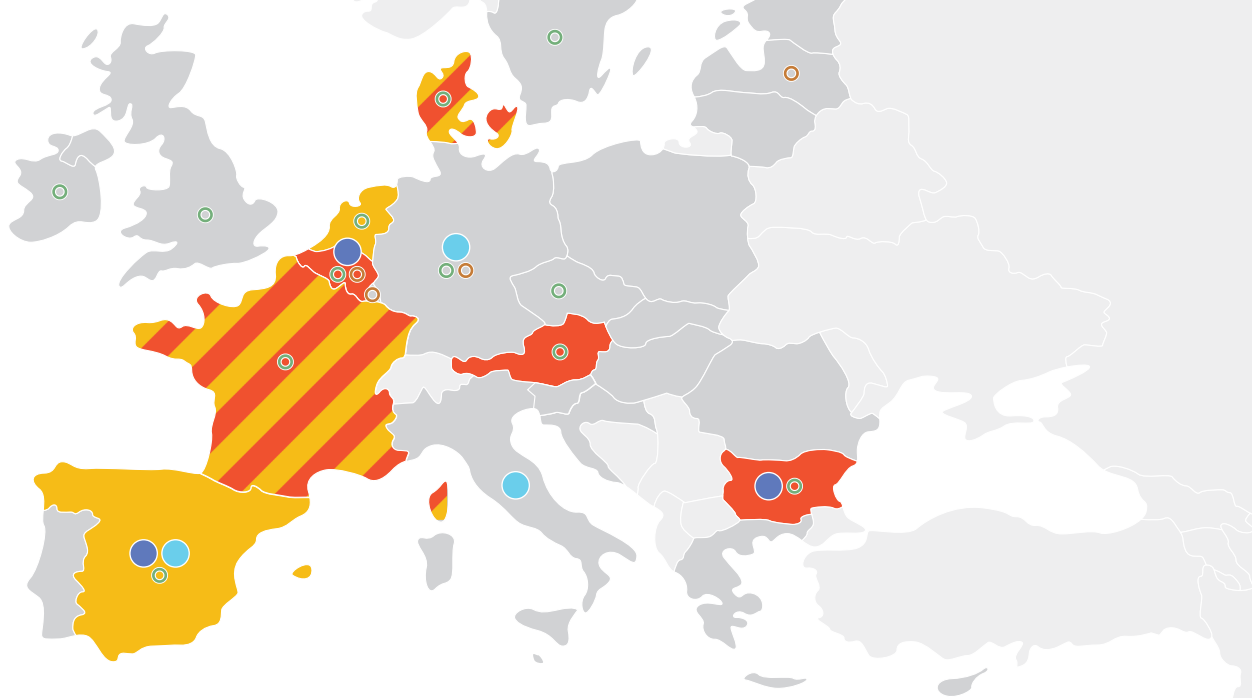
This fact sheet and corresponding report cover three types of garments: headscarf bans, face veil bans, or bans that cover both. The face veil covers the head and face but not the eyes, also known as the niqab. The niqab is often confused with the burqa, which covers the eyes with a strip of perforated fabric and generally falls under the same legal restrictions. A headscarf refers to a garment that covers only the hair and neck of the wearer; it is often referred to as a hijab or dupatta. The EU map on the following page does not break down bans by this level of information, but details are included in the full report.

How are legal bans justified in the European Union?

Our research has identified five common justifications for legal bans on religious clothing proposed by politicians and considered by judges, among others:

- **Gender equality:** The assertion that Muslim women are forced to wear headscarves or face veils against their will and bans will help counter the oppression of women. Belgium, France, Luxembourg, and Spain all used this justification in legal bans.
- **Security and Counterterrorism:** The assertion that face veils threaten public and national security was most popular in Belgium, Bulgaria, Estonia, Italy, Latvia, Lithuania, and Spain.
- **Neutrality:** The assertion that the public should be neutral in dress, meaning a ban on all religious symbols. Austria, Belgium, France, and Germany are among the countries where this argument is often advanced.
- **Integration and assimilation:** The assertion that those who wear a headscarf and/or face veil are unable to integrate into Western culture and society is most prominent in Czech Republic, Finland, Ireland, and the Netherlands.
- **Desire for homogeneity:** The motivation to reject all diversity and maintain a homogeneous society, which occurred across the European Union and specifically in Asotthalom, Hungary.

STATUS OF RELIGIOUS DRESS BANS IN THE EUROPEAN UNION



COUNTRY	NATIONAL GENERAL BAN	NATIONAL SPECIFIC BAN	LOCAL GENERAL BAN	LOCAL SPECIFIC BAN	INSTITUTIONAL/PRIVATE BAN	LEGISLATIVE PROPOSALS
Austria	■				○	
Belgium	■		●		○	○
Bulgaria	■		●		○	
Croatia						
Cyprus						
Czech Republic					○	
Denmark	■	■			○	
Estonia						
Finland					○	○
France	■	■			○	
Germany				●	○	○
Greece						
Hungary						
Ireland					○	
Italy				●		
Latvia						○
Lithuania						
Luxembourg						○
Malta						
The Netherlands		■			○	
Poland						
Portugal						
Romania						
Slovakia						
Slovenia						
Spain		■	●	●	○	
Sweden					○	
United Kingdom					○	

REPORT RECOMMENDATIONS

Action by Governments

- Eliminate all discrimination on grounds of sex, racial or ethnic origin, and religion
- Promote pluralist societies by listening and responding to Muslim women as key stakeholders
- Reject legal restrictions on Muslim women's clothing
- Outlaw work and education dress restrictions that discriminate under cover of "neutrality"
- Enforce equality laws: stop service providers from discriminating against Muslim women
- Collect and publish data to reveal discrimination by public and private actors

Action by the European Commission

- Investigate the operation of religious dress restrictions in practice and assess their impact
- Advise states that eliminating discrimination requires collecting equality data
- Recommend good practices for collecting equality data
- Support civil society and in particular Muslim women to expose and challenge discrimination against Muslim women
- Take infringement proceedings against Member States that do not stop this discrimination

Action by European Union Agency for Fundamental Rights and European Institute for Gender Equality

- Survey Muslim women's experiences in countries which outlaw and which allow restrictions
- Produce a comparative report on the effects of dress restrictions on Muslim women

Action by the European Parliament

- Adopt a resolution reaffirming fundamental rights of Muslim women under European Union law
- Urge specific steps by Member States and the European Commission to end discrimination against Muslim women

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