



The Hijab Ban and Human Rights of Muslim Women in Europe

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Abstract: The rise of Islamophobia in Europe specifically affects covered Muslim women. Legal restrictions and social hostility towards headscarves impede their right to express their faith, identity, and access to other human rights. These prohibitions must be approached as oppressive policies that limit the freedom of women to make their own decisions.

Islamophobia and prejudice towards Muslims have been [on the rise](#) across Europe, with the hate speech and hate crimes becoming increasingly common since the [rise of far-right](#). Due to their visibility, covered Muslim women are always in greater focus, being targets of various legal restrictions enforced by some states, but also of general social hostility towards their headscarves. These restrictions do not only impede the right of Muslim women to express their faith and identity but also limit their access to other human rights, such as the right to work, get educated, and participate fully in society. This is especially pronounced in certain European countries, such as France where the government has implemented [laws](#) that restrict the wearing of religious symbols in public spaces, including the hijab.

Trends show us that Muslims feel less safe in many European countries and that safety [is declining](#) year over year, especially for [Muslim women](#). Even if there are

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still ongoing discussions in Europe about whether to permit or forbid head covering, it is getting harder for Muslim women to exist and prosper in a culture that openly discriminates against them. Thus, the hijab, which is gradually turning into a subject of preoccupation for the media and various political elites in power, expands from merely being a religious garment to being the major question related to Muslim women's identities and, in certain cases, even an act of resistance.

Violations of religious freedoms and rights of Muslim women

Advocates of the hijab ban argue that government institutions and public services must maintain a "neutral" appearance to avoid endorsing or promoting any particular religion or ideology. They claim that allowing employees to display their religious beliefs through attire would compromise the principle of neutrality and might even create a hostile environment for those who do not share the same beliefs. The [2021 ruling](#) of the European Court of Justice (ECJ) allowing employers to restrict the display of 'religious symbols' including the Islamic headscarf, albeit under specific conditions, puts women who wear the hijab at a disadvantage in the EU labor market. They risk being denied job opportunities based on employers' perceptions that their attire could pose a challenge.

In 2021, the disputed Law n. 2021-1109 confirming respect for the principles of the Republic, widely known as the '[anti-separatism](#)' law, was approved by the French National Assembly amid harsh condemnation from both left and right-leaning lawmakers. This law represents an extension of France's nearly two-decade-old anti-Islamic stance, which began with the country's [first law banning the hijab](#) in public schools in 2004. [Critics claim](#) that law no. 2021-1109 violates religious freedoms, despite the government's claims that it is necessary to support France's secular system. The French Senate also approved a [provision](#) that forbids minors from wearing a head scarf in public, calling for the 'prohibition in the public space of any conspicuous religious sign by minors and of any dress or clothing which would signify inferiority of women over men'. It also targets those who serve on Municipal Councils and those who work for private businesses that provide a public service, such as bus drivers or social housing concierges. The current situation in France contains serious injustices that strongly link racism, assimilation, and colonialism in relation to Muslims, especially Muslim women wearing the hijab.

Unfortunately, the circumstances in other European countries are not different from those in France. While there are some good practices, such as the adaptation of police uniforms to women who wear the hijab in [Great Britain](#), and the introduction of sports hijab as part of the dress code by the women's football association in [Finland](#), there are also more and more instances of restrictions and discrimination. The German Federal Parliament passed a [law](#) that deals with the appearance of government employees in 2021. To ensure that 'neutrality' in public administration is not affected, the measure emphasizes the ban on

wearing 'religious symbols' for government servants. Regardless of their eligibility or qualifications, such regulations notably impact Muslim women wearing the hijab. Moreover, it is important to acknowledge that this impact is disproportionately felt by women, as compared to men.

On the other hand, there are European countries where there are no explicit laws prohibiting any sort of displays of religion, but the prevailing narratives fuel anti-Muslim sentiment and Islamophobia to the point where Muslim women face discrimination daily. Hungary is one such country. In a [study](#) conducted with Muslim women in Hungary, Esra Aytar and Peter Bodor claim that verbal abuse against Muslim women persists and is made worse by the public's great hatred for individuals they perceive to be outsiders.

A human rights issue

The implications of the hijab ban for women who observe the practice of covering their heads and bodies are significant. The prohibition of the hijab should be viewed as an issue of individual freedom and autonomy. Everyone has the right to express themselves in the way they choose, including through their clothing choices, without fear of discrimination or persecution. Denying women the right to wear the hijab can be seen as an attempt to restrict their freedom and deny them their right to express their religious beliefs and cultural identity.

As [Article 9](#) of the European Convention on Human Rights stipulates, 'everyone has the right to freedom of thought, conscience, and religion' and this right includes the freedom to manifest their 'religion or beliefs in worship, teaching, practice, or observance'. However, this right is not absolute and can be limited in certain circumstances. Such limitations may be justified when they are necessary in a democratic society and there is a legitimate aim, such as 'public safety', 'public order', 'health', or 'morals', or 'for the protection of the rights and freedoms of others', but the limitation must be necessary and proportionate. This means that, when a government wants to impose a ban on the hijab, it has the obligation to show that such a ban is necessary to achieve a legitimate aim. Imposed bans may not discriminate against individuals based on their religion, gender, or other characteristics. The right of individuals to make their own choices about how they dress and express themselves, including their religious beliefs and cultural identity have to be respected along the way.

The right to freedom of religion is not a right that stands alone, rather, it is tied to other human rights, such as the right to work, the right to education, and the right to be an active member of the society. When restricted to dress according to their beliefs, Muslim women are immediately prevented from exercising their right to work and education, and to participate in other aspects of public life, as they may face discriminatory practices or be unable to find employment or educational opportunities due to their religious identity. Failing to meet societal expectations will 'force' some Muslim women to remove the hijab to pursue different opportunities, while others will opt to confine themselves to the private

sphere, suppressing their potential to actively participate in the development of a better and more inclusive society.

The hijab is not *just* a religious symbol but one's right to express religious views publicly and an essential component of Muslim women's identity. Besides being the product of the overall anti-Muslim sentiment in Europe, hijab prohibition practices should never be seen as a step toward the liberation of women but as a continuation of long-standing patriarchal traditions that dictate how women should dress and where they can fit into a society based on their outward appearance.