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Does the EU have hijab bans?

As women around the world mark World Hijab Day, people are calling on the European Union to create safer spaces for conversations about the Muslim headscarf.

DW (31.01.2023) - <https://bit.ly/3YwDHUu> - Across the **European Union**, the headscarves worn by some Muslim women have been hotly contested for years. Some nations claim hijab bans would tackle religious oppression and terrorism, while others argue bans would discriminate against **women's rights** and hamper integration.

Some EU countries have already imposed strict bans on the burqa, a full body covering with mesh around the eyes so a woman can see; and the niqab, a face veil that only leaves the eyes free.

Meanwhile, outright or partial bans on the hijab headscarf in educational institutions, the workplace and public spaces have also been imposed in some EU countries.

According to a **March 2022 report** by the Open Society Justice Initiative — a group of lawyers advocating for human rights — such bans came into force after US policymakers declared a global war on terror in the wake of the 9/11 terror attacks, giving rise to suspicions around Muslims due to their attire.

"The idea that Muslims as a group were the new 'enemy within,' with beliefs and practices reflecting values and norms inferior to those of Europe, acquired legitimacy across the political spectrum," the authors of the report wrote.

Rumki Chowdhury, editor of the blog for the World Hijab Day Organization, shared a similar sentiment.

"I had a tough time because I grew up in America and after 9/11 it was really difficult for me to even think about wearing a hijab because of all the propaganda that was going on around about how Muslims were the ones behind the big terror attacks. So I was scared of being discriminated against for wearing a hijab," said Chowdhury, who is now based in Stockholm, Sweden.

"But in reality, it is a misconception because according to the Quran, if you kill one man, it's like killing mankind and I realized that what people were claiming about Muslims was not true. People were just looking for someone to blame. They were angry, sad and took it out on us and what we wore," she told DW.

"I eventually got over what people thought about me wearing a hijab because to me, it has always been something that brings me closer to my lord, Allah," she added.

Does the EU ban hijabs?

After the 9/11 terror attacks in the United States, France became the first EU country to impose a ban on the burqa and niqab in public places in 2010, calling them a sign of oppression.

Austria, Belgium, Bulgaria, Denmark, Italy (in some localities), the Netherlands (in public places) and Spain (in some parts of Catalonia) followed suit. Germany on the other hand, remains divided on burqas and niqabs, with some states banning them in schools and public places, and others fearing bans could hinder integration.

In July 2021, the European Court of Justice ruled that women could be fired from their jobs for refusing to remove their hijab if they work in a job that deals with the public.

"A prohibition on wearing any visible form of expression of political, philosophical or religious beliefs in the workplace may be justified by the employer's need to present a neutral image toward customers or to prevent social disputes," said the ECJ judges. Their ruling came in response to a request from German judges who had upheld the right of two employers to fire two women who insisted on wearing their headscarves to work.

But in October 2022, the ECJ ruled that EU companies may need to justify bans on wearing religious symbols. The court was responding to a case about a Muslim woman in Belgium who was told that she could not wear a hijab to work. The firm said the decision was part of a neutrality rule seeking to foster equality among employees.

Asmaa el Idrissi, a lawyer and anti-discrimination consultant based in Bochum, Germany, told DW that such rules do not help companies grow and are discriminatory.

"I had to deal with the the workplace hijab ban while I was at the Hessian Ministry of Justice in Germany, which told me I would be prevented from doing any practical exercises as a part of my court internship because of my headscarf," she said. "That meant I was not allowed to sit next to the judge and was not allowed to see any witnesses from the front. I was also not allowed to participate in certain prosecutorial tasks, nor step into the role of a prosecutor or publicly represent the state prosecutor's office."

"But the hijab is a sign of identity and a tool of empowerment for me, so I took action against it and my case went up to the Federal Constitutional Court in Germany. The court ultimately found the ban to be constitutional — that doesn't help me, nor will it help companies pursuing diversity," she said.

El Idrissi said companies in Europe need to do more than just provide "lip service" when it comes to diversity policies. "If we want to change structural racism, then we must employ and support people from all backgrounds and not discriminate against them based on what they wear," she said.

According to the report by the Open Society Justice Initiative, in most EU countries bans and rules on face veils and headscarves have been promoted primarily by nationalist and far-right political parties. The report also noted that five EU states —

Croatia, Cyprus, Greece, Poland and Portugal — have never publicly debated bans on head or face coverings.

'It's part of our individuality. It's fashion. This is what I want to wear'

To counteract such attitudes, New Yorker Nazma Khan initiated the idea of marking February 1 as [World Hijab Day \(WHD\)](#) back in 2013, in recognition of the millions of Muslim women who choose to wear the hijab and live a life of modesty.

"The whole point of marking this day in Europe and in the USA is to kind of say this is our choice and we should be able to choose what kind of clothing we want to wear. It's part of our individuality. It's fashion. This is what I want to wear," said World Hijab Day blog editor Chowdhury.

"I know there's that fear of what it could represent. You know, according to mainstream media representation after 9/11, Islamophobia has been on the rise constantly, nonstop. So by acknowledging this day, we aim to counteract such rhetoric," she added.

But while the hijab is viewed as a sign of religious freedom and identity for some women, in Iran, for instance, many women view it as a sign of religious oppression.

Last year, when 22-year old Jina Mahsa Amini died in police custody after she was arrested by Iran's so-called morality police for the way she was wearing her hijab, protests erupted in Iran and across the world, with people condemning Iranian authorities' strict dress code for women.

"Whatever is happening in Iran is very unfortunate and as women who wear the hijab, we support their cause because ultimately their protest is also for women to have the freedom of choice to wear what they want and express their individuality," said Chowdhury.

EU needs to 'show support and solidarity'

Saye Skye, a human rights activist from Iran who shuttles between Toronto and Berlin, told DW that the EU also needs to do more when it comes to creating safe spaces for people to have conversations about wearing the hijab.

"The hijab is a hot topic here in the West but there is a lack of understanding about what it means to women who wear it. In Iran, for the past 43 years, people have lost their lives for not wearing a hijab. In Afghanistan, the Taliban are imposing strict headscarf rules on Afghan women. So in these places it is a form of oppression for women. Meanwhile, there are also women who feel it is a part of their identity and a way to express themselves," said Skye.

"So within the EU, a safe space to hear every part of the hijab debate is needed. It is important for governments to develop spaces where people can share their knowledge and experience of wearing the hijab," said Skye.

"There is trauma on all sides," said Skye, referencing the people fighting for their freedom in Iran and Afghanistan, where the hijab can erase identity, and those who have fought to be able to wear a hijab to express their identity. "So Europe needs to embrace this complexity and show support and solidarity, rather than impose bans without understanding the concept of the hijab."

Chowdhury echoed a similar view.

"It's the 21st century and individuality is basically the new cool. So whether it's wearing the hijab, not wearing the hijab, European countries need to embrace people for who they are and give them the freedom of choice to wear what they want and express themselves freely," she said.
