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NEWS REPORT

Country:	Norway
Title:	Court case penalising the refusal of a hairdressers' services to a client wearing hijab
Date:	19 September 2016
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<u>Context</u>	
Issue at stake:	First court case penalising refusal of services because of religion (hijab)
Ground of discrimination:	Religion
Source:	National court decision. Judgment of 9. September 2016, Jæren tingrett (court of first instance) between the prosecutor and A in case number 16-096260-MED-JARE. <i>Note: The judgment will be appealed. The judgment is thus not enforceable.</i>
Field:	Provision of goods and services
Applicable law:	The Penal act of 20. May 2005 nr. 28 in force as of 1. October 2015. Section 186 contains criminal law protection against discrimination, and penalises the refusal of providing goods and services. No English version exists as of 16. September 2016.

Content of the case:

The court of first instance handled a case in which a hairdresser had refused a hijab-dressed woman her services. The situation occurred in October 2015. What was said in the situation is disputed, but the parties agree that two hijab-clad young women came to the hairdressers' salon. As they entered the hair salon, they asked the price of a hair colouring. The hairdresser said either: "I do not take on people like you, go to another hairdresser" or "Get out, I do not want to touch someone like you". The women then walked away and reported the incident to the police, who fined the hairdresser 8.000 NOK (approx. €963).

Decision of the Court:

As the hairdresser refused to pay the fine, the case was taken to court by the public prosecutor.

The hairdresser was sentenced to pay a fine of 10,000 Norwegian kroner (approx. €1250 and 5.000 NOK (approx. €500) in legal costs to the state for refusing a hijab-clad woman access to her store, as this was found to constitute discrimination on the ground of religion.

Key points of analysis:

This is the first court case in which a penalty has been given for discriminatory denial of services because of religion. The case has been given wide media coverage nationally,

and has been effectively posted through social media, and has as such been effective in enlightening a wider audience on the existence of the non-discrimination-clause with regards to the provision of goods and services.

Internet link source:

The defence of the hair-dresser has communicated that the judgment will be appealed. The judgment (in Norwegian language only) may be obtained through a pay-walled service at www.lovdato.no:
<https://lovdato.no/pro/TRSTR/avgjorelse/tjare-2016-96260>.