



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Latvia
<b>Title:</b>	Legislative initiative on face covering ban
<b>Date:</b>	17 January 2017
<b>Expert:</b>	Kristīne Dupate, Anhelita Kamenska
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Legislative initiative on face covering ban
<b>Ground of discrimination:</b>	Sex/religion
<b>Source:</b>	Legislation (draft)
<b>Field:</b>	Other
<b>Applicable law:</b>	Draft legislative proposal Face Covering Restriction Law

### Content

**Legislative development:** On 22 September 2016, the Ministry of Justice lead by the minister from the National Alliance (*National Alliance "All For Latvia!" – "For Fatherland and Freedom/LNNK"*), unifying three right wing parties, announced at the meeting of the State Secretaries<sup>1</sup> a draft Face Covering Clothing Restriction Law.

The Law envisages prohibition of face covering in public places except in certain situations: (1) the face covering is prescribed by the law; (2) it necessary for the performance of the professional tasks; (3) it is necessary for the participants of sport events or competitions; (4) it is necessary for the participants of arts event; (5) it is necessary for the participants of state or national celebration and cultural events; (6) by the reasons of weather conditions; (7) by the reasons of the state of health. Non-compliance with such prohibition will lead to administrative liability.

There have been no further developments since 22 September 2016. However, this does not signal that this draft law will not be 'activated' in the future, taking into account the proximity of municipal elections on 3 June 2017 and the populist character of the draft law.

**Key points of analysis:** This is the second most discussed proposal of the current Minister of Justice after his spring proposal to not sign and ratify the Istanbul convention because it discriminates and humiliates men and distinguishes sex from gender.

Regarding the legislative proposal in question, the most discussed topic concerns what the real aim is behind such a draft proposal. The Explanatory Report of the draft proposal states that it is aimed at proper integration of immigrants in Latvian society. It also states that prohibition of coverage of the face is necessary for the protection of the welfare and morality of others.

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<sup>1</sup> The first of the three stages before approval of the law by the Government.

The first argument is void when taking into account the fact that according to Muslim religious organisations there are only Latvian women covering their faces. Thus, the argument of the necessity to integrate immigrants is void because such Latvian women are already integrated, have grown-up in Latvia and know the Latvian language.

Furthermore, the legitimate aim – protection of welfare and moral of others – and the proportionality of such a measure does not comply with the requirements for the restriction of the rights under ECHR as interpreted by the ECtHR, especially in the case *S.A.S. v France*. First, with regard to the restrictions of the demonstration of one's religious beliefs, the specific context in each state must be taken into account. In particular, the relationship between the state and religion must be taken into account. In the Latvian context, although it is a secular state, it nevertheless has special regulations concerning the relationship between certain religious organisations, such as Lutheran and Catholics churches (regulated by law and international agreement). Politicians in Latvia may not recall absolute state neutrality in religious matters as is the case, for example, in France. Second, the arguments posed for the justification and proof of proportionality of the restriction in question are mere generalisations referring to Latvian Christian and pagan traditions that have to be preserved. Third, as to the benefit that society would acquire in relation to the restriction of the right – as provided by the Muslim parishes in Latvia – there are around five women covering their face and, as mentioned above, they are all Latvians.

Therefore, the proposed face covering restriction in the Latvian context falls short of justification.

**Internet link source:**

The draft Face Covering Restriction Law and its explanatory note, available in Latvian at, <http://tap.mk.gov.lv/lv/mk/tap/?pid=40399697> (accessed on 20 December 2016).