



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

NEWS REPORT

Country:	The Netherlands
Title:	First Chamber adopts legal proposal prohibiting face covering clothing in education, public transport, public buildings and healthcare
Date:	02 July 2018
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Context	
Issue at stake:	Face covering clothing
Ground of discrimination:	Religion
Source:	Legislation
Field:	Access to goods and services in particular, but also other fields are affected
Applicable law:	Proposal for a partial prohibition of face-covering clothing (<i>Wetsvoorstel gedeeltelijk verbod gezichtsbedekkende kleding</i>) ¹

Content

Legislative development: On 26 June, the First Chamber adopted a legal proposal prohibiting face-covering clothing in a number of specific areas. These include education, public transport, public buildings and healthcare. It was adopted by a majority of 44 against 31 senators. The law provides for exceptions to this prohibition where face covering clothing are necessary for reasons of safety and health or requirements connected to the performance of a job or sport, or is appropriate in respect of participation in festive and cultural events. In addition, the prohibition does not apply to clients, patients or their visitors in residential parts of institutions of care as these places can be perceived as their private domain. The prohibition is sanctioned by payment of a fine of up to 400 euros.

The law will not take effect immediately to allow for consultation with the sectors concerned for its implementation and on the communication of the new standards to the people using their services or visiting their facilities. The period for this consultation has not been fixed but will probably be around six months.

Key points of analysis: The law results from many years of Parliamentary debate on prohibiting the wearing of niqab or burqa. Though it is formulated in a neutral way by prohibiting all face covering clothing, its real target regards face covering veils worn by some Muslim women. Previous legal proposals containing an overall ban on face covering

¹ Proposal for a partial prohibition of face-covering dress (*Wetsvoorstel gedeeltelijk verbod gezichtsbedekkende kleding*) Kamerstukken II, 2015-2016, no. 34 349), <https://zoek.officielebekendmakingen.nl/dossier/34349>.

clothing in public spaces, including on the public road, did not make it into law. Nevertheless, the current law has a very broad scope by covering education, health care and all public buildings and public transport. The arguments advanced for the prohibition focus largely on the importance of communication. Wearing a face covering veil is considered to be incompatible with proper communication in an open way. Though under Dutch law the organisations concerned already possess the competence to prohibit face covering clothing if it interferes with proper communication, the law sets a mandatory standard for the sectors concerned as a whole. The number of Muslim women that would be affected by the ban is estimated to be around 400.²

Internet link source:

https://www.eerstekamer.nl/wetsvoorstel/34349_wet_gedeeltelijk_verbod.

² <https://www.volkskrant.nl/nieuws-achtergrond/het-boerkaverbod-na-4-571-dagen-wordt-wilders-wil-wet-in-de-zorg-het-openbaar-vervoer-en-op-scholen~b3b87713/>.