



**Human Rights Watch**  
**Submission to the Committee of Domestic Affairs and the High**  
**Councils of State/**  
**General Affairs and House of the King of the Netherlands**  
**on proposed legislation to restrict full face coverings**  
**January 2017**

Human Rights Watch makes the following submission to the Senate of the Netherlands regarding the proposed law, now under consideration by the Senate, to restrict the wearing of full face coverings in public places throughout the Netherlands, including in educational facilities, healthcare institutions, and on public transport. This submission highlights relevant international legislation, focusing on the discriminatory nature of such legislation, its violation of fundamental rights, and its failure to address security concerns while simultaneously having a negative impact on women.

It is our view that legislation restricting the wearing of full face coverings, including the *niqab* and *burqa*, in certain public places would violate fundamental rights to freedom from discrimination, freedom of religion and the right to autonomy. Such a measure is neither necessary nor proportionate—the two requirements for permissible interference with qualified rights—and would be deeply counterproductive. There are less restrictive and potentially far more effective alternatives. Sensitive and appropriate measures can be adopted to facilitate communication with and identification for security or administrative purposes of women who wear full face coverings.

A small minority of women in the Netherlands—estimates range in the hundreds—wear the full veil. Prohibiting its wearing in public spaces would likely harm, rather than help, those who do so under coercion. The result for these women could be greater restrictions on movement and even confinement to the home, resulting in both further isolation and vulnerability. Policies of forced veiling violate women’s fundamental right to personal autonomy, but restrictions on the voluntary wearing of the veil are equally problematic.

## Freedom from Discrimination

While the proposed law restricts wearing of all full face coverings – including not only the full face veil but also helmets and ski masks – in practice such restrictions would disproportionately affect women wearing the full face veil; unlike ski masks and most helmets, the full face veil is worn by some Muslim women with the specific intent to cover the face in public spaces. Legislation limiting full face veils in public places would constitute restriction of a practice adopted only by women associated with a particular religion, with the effect of impairing their enjoyment of fundamental rights. As such, it would on its face constitute discrimination on the basis of both sex and religion, in violation of the right to freedom from discrimination enshrined in international human rights law.

Numerous international instruments prohibit discrimination on the grounds of sex and religion. As the Council of State has noted in its written opinion on the subject of such legislation, “The bill appears to be primarily motivated by objections against the wearing of Islamic face-covering clothing.”<sup>1</sup> The International Covenant on Civil and Political Rights (ICCPR) prohibits discrimination and requires States to provide equal and effective protection against discrimination “on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>2</sup> The European Convention on Human Rights (ECHR) requires that all the rights and freedoms established in the Convention be secured “without discrimination on any ground such as sex, race, colour...religion, political or other opinion, national or social origin, [and] association with a national minority...”<sup>3</sup>

Differences of treatment based on otherwise prohibited grounds of discrimination, such as sex and religion, are only permissible under international human rights law if they are based on reasonable and objective criteria, pursue a legitimate goal, and are proportionate to the aims sought.<sup>4</sup> The European Court of Human Rights, while giving states a margin of

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<sup>1</sup> Raad van State, Opinion Wo4.15.0170/I, July 15, 2015 [https://www.raadvanstate.nl/adviezen/zoeken-in-adviezen/tekst-advies.html?id=11944&summary\\_only=&q=boerkaverbod](https://www.raadvanstate.nl/adviezen/zoeken-in-adviezen/tekst-advies.html?id=11944&summary_only=&q=boerkaverbod) (accessed January 12, 2017).

<sup>2</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, article 26. The Netherlands acceded to the ICCPR on December 11, 1978.

<sup>3</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), 213 U.N.T.S. 222, entered into force September 3, 1953, as amended by Protocols Nos. 3, 5, 8 and 11, which entered into force on September 21, 1970, December 20, 1971, January 1, 1990, and November 1, 1998, respectively, article 14.

<sup>4</sup> See Human Rights Committee Decision: S.W.M. Broeks v. The Netherlands, CCPR/C/29/D/172/1984, April 9, 1987, <https://www.law.georgetown.edu/rossrights/docs/cases/Broeks.html> (accessed January 11, 2017), para. 13; European Court of Human Rights, *Willis v. the United Kingdom*, no. 36042/97, 11 June 2002, ECHR 2002-IV, para. 39.

appreciation, requires “very weighty reasons” for differentiations based on prohibited grounds.<sup>5</sup>

The International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) commits States to eradicate “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women... of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”<sup>6</sup> As a State Party to CEDAW, the Netherlands is obligated to refrain from engaging in any practice or act of discrimination against women, and to take steps to eliminate discrimination against women in public life.<sup>7</sup>

The Human Rights Committee has emphasized that regulations on women’s clothing may violate multiple fundamental rights guaranteed by the ICCPR, “when women are subjected to clothing requirements that are not in keeping with their religion or their right of self-expression; and... when the clothing requirements conflict with the culture to which the woman can lay a claim.”<sup>8</sup>

Just as obligations to wear any kind of veil violate these fundamental rights, arbitrary and generalized restrictions on the wearing of veils, including full-face coverings, breach the State’s duty to ensure women’s rights to freely express their identity, autonomy, and religious beliefs.

## Freedom of Religion

A legislative ban on full face veils in public places would constitute unlawful interference with the right to freedom of religion as guaranteed in the ICCPR and the ECHR.<sup>9</sup> The Human Rights Committee takes the view that the concept of worship includes the display of symbols, and that observance and practice may include “such customs as...the wearing of distinctive

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<sup>5</sup> European Court of Human Rights, *Willis v. the United Kingdom*, para. 39.

<sup>6</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. Res. 34/180, U.N. GAOR Supp. (No. 46) at 193, U.N. Doc A/34/36, entered into force September 3, 1981, art. 1. The Netherlands became a party to CEDAW on July 23, 1991.

<sup>7</sup> *Ibid.*, art. 2 and art. 7.

<sup>8</sup> UN Human Rights Committee, General Comment No. 28, Equality of rights between men and women (article 3), CCPR/C/21/Rev.1/Add.10 (2000), <http://www.unhcr.ch/tbs/doc.nsf/o/13b02776122d4838802568b900360e80>, para. 13.

<sup>9</sup> ICCPR, art. 18; ECHR, art. 9. See also the Universal Declaration of Human Rights, art. 18 and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, article 1.

clothing or headcoverings.”<sup>10</sup> The European Court has stated clearly that “according to its constant case-law, the right to freedom of religion as guaranteed under the Convention excludes any discretion on the part of the State to determine whether religious beliefs or the means used to express such beliefs are legitimate....”<sup>11</sup>

International law protects equally freedom of thought and conscience alongside freedom of religion and belief, including in the ICCPR and ECHR.

### *Limitations on the right to freedom of religion*

Religious freedom is not an absolute right under human rights law. But it may only be subject to limitation by the State where it can convincingly demonstrate that such interference is prescribed by law and *necessary* in a democratic society to protect public safety, public order, health, or morals, or the fundamental rights and freedoms of others.<sup>12</sup>

Both the Human Rights Committee and the European Court of Human Rights have interpreted the scope for interference with freedom of religion narrowly. The Human Rights Committee established in its General Comment No. 22 (on article 18 guaranteeing freedom of religion) that any limitations must be “directly related and proportionate to the specific need on which they are predicated,” and clarified that restrictions may not be imposed for “discriminatory purposes or applied in a discriminatory manner.”<sup>13</sup>

The European Court of Human Rights has clarified in the context of limitations on free expression that “necessity” implies the existence of a “pressing social need.”<sup>14</sup> While States Parties have a certain margin of appreciation in assessing whether such a need exists, the restriction must be construed strictly, in the form of law, and the State must convincingly demonstrate the need for any restrictions.

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<sup>10</sup> UN Human Rights Committee General Comment No. 22 on article 18 (Forty-eighth session, 1993), adopted on July 20, 1993, Doc. CCPR/C/21/Rev.1/Add.4, para. 4.

<sup>11</sup> European Court of Human Rights, *Moscow Branch of the Salvation Army v Russia* (72881/01), Judgment of 5 October, 2006, para. 92.

<sup>12</sup> ICCPR, art. 18 (3); ECHR, art. 9 (2).

<sup>13</sup> HRC General Comment No. 22, para. 8.

<sup>14</sup> European Court of Human Rights, *Sunday Times v. United Kingdom* (6538/74), Judgment of 26 April, 1979, Series A, No. 3, available at [www.echr.coe.int](http://www.echr.coe.int), para. 49.

The European Court of Human Rights has clarified in the context of limitations on free expression that “necessity” implies the existence of a “pressing social need.”<sup>15</sup> While States Parties have a certain margin of appreciation in assessing whether such a need exists, the restriction must be construed strictly, in the form of law, and the State must convincingly demonstrate the need for any restrictions.

For a legislative restriction on wearing the full face veil—a clear interference with the right to freely manifest one’s religion—to meet the tests of necessity and proportionality, the State would have to demonstrate that the ban pursues one or more legitimate aims, is capable of achieving those aims, is not discriminatory, and is the measure that imposes the least restrictions on the right to freedom of religion.

Though the European Court of Human Rights has found some restrictions on the wearing of headscarves and turbans to be legitimate, Human Rights Watch believes that, in these rulings, the European Court has failed to give proper weight to the need for states to have strong justifications for such restrictions; the impact these restrictions have on the lives of those affected by the rulings; and the discriminatory impact of bans that predominately affect women and girls wearing headscarves.<sup>16</sup>

## Right to Autonomy and Private Life

The right to a private life is protected both by the ECHR and the ICCPR.<sup>17</sup> The right includes the right to autonomy, which is a core principle of women’s rights.<sup>18</sup> This principle encompasses the right to make decisions freely in accordance with one’s values, beliefs, personal circumstances and needs. Exercise of this right presupposes freedom from coercion as well as freedom from illegitimate restrictions. As with the right to religion, a state can only restrict this right if such a restriction is carried out for a legitimate aim, is

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<sup>15</sup> European Court of Human Rights, *Sunday Times v. United Kingdom* (6538/74), Judgment of 26 April, 1979, Series A, No. 3, available at [www.echr.coe.int](http://www.echr.coe.int), para. 49.

<sup>16</sup> See European Court of Human Rights, *Dahlab v. Switzerland*, no. 42393/98, ECHR 2001-V; *Leyla Sahin v. Turkey* [GC], no. 44774/98, ECHR 2005-...; *Dogru v. France*, no. 27058/05, December 4, 2008; *Kervanci v. France*, no. 31645/04, December 4, 2008; and admissibility decisions, June 30, 2009, in the cases of *Aktas v. France*, no. 43563/08; *Bayrak v. France*, no. 14308/08; *Gamaleddyn v. France*, no. 18527/08; *Ghazal v. France*, no. 21934/08; *Jasvir Singh v. France*, no. 25463/08; *Ranjit Singh v. France*, no. 27561/08; and *S.A.S v. France*, no. 43835/11. All available at <http://www.echr.coe.int>.

<sup>17</sup> ECHR art. 8; ICCPR art. 17 (in the ICCPR it is a right to “privacy”).

<sup>18</sup> See, for example, J. Marshall, « A Right to Personal Autonomy At the European Court of Human Rights », *European Human Rights Law Review*, number 3, 2008, p. 337. The importance of the right to autonomy to the exercise of women’s rights is illustrated by numerous rights established in CEDAW, notably the right of women to legal capacity identical to men in civil matters (article 15), the right to freedom of movement and free choice with respect to her residence (article 15.4), as well as the same conditions of access and the right to non-discrimination in education and employment (article 10 and 11, respectively).

nondiscriminatory, and the extent and impact of the restriction is strictly proportionate to meeting the aim. It is for the authority to justify its restriction.<sup>19</sup> A restriction on the wearing of full face veils on public transport restricts women’s freedom of movement and thus their right to autonomy.

## Right to Health

The ICESCR guarantees the right of all people to the highest attainable standard of physical and mental health, and specifically requires states to take necessary steps towards the “creation of conditions which would assure to all medical service and medical attention in the event of sickness.”<sup>20</sup> CEDAW also enshrines the right to health and specifies that states must ensure equal access to health care among men and women.<sup>21</sup> Limiting full face veils in healthcare institutions could impede the rights of certain women to fully access medical care and violates guarantees for non-discriminatory health care. In its recommendation on women and health, the committee overseeing the implementation of CEDAW (CEDAW Committee) has also noted that lack of access to public transportation – which could be hampered for women wearing full face coverings were the proposed legislation to come into force – may also present an obstacle to medical care specific to women.<sup>22</sup>

## Right to Education

The ICESCR and CEDAW both guarantee the right to education.<sup>23</sup> The Committee on Economic, Social and Cultural rights has made clear that education at every level, including technical and vocational education, must be available to all on a non-discriminatory basis.<sup>24</sup> The special rapporteur on freedom of religion and belief has stated that any restrictions on wearing of religious dress or symbols in schools must not be discriminatory and must be proportionate: “If restrictions on the wearing of religious symbols are deemed necessary, these restrictions should not be applied in a discriminatory manner and they must be directly related and proportionate to the specific need on which the restrictions are

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<sup>19</sup> See, for example, Human Rights Committee General Comment No. 16.

<sup>20</sup> ICESCR, art. 12(d).

<sup>21</sup> CEDAW, Art. 12.

<sup>22</sup> CEDAW Recommendation para 21.

<sup>23</sup> ICESCR, art. 13; CEDAW, art. 10.

<sup>24</sup> Committee on economic, social, and cultural rights (ESC Committee), General Comment No. 13 on the right to education, E/C.12/1999/10, twenty-first session, December 8, 1999.

predicated.”<sup>25</sup> Furthermore, the special rapporteur states that any such restriction must not favor one religious group over another, but also must account for “women’s rights, in particular the principle of equality between men and women and the individual’s freedom to wear or not to wear religious symbols.”<sup>26</sup> Bans on the wearing of full face veils in educational institutions in the absence of restrictions on other religious clothing discriminates against Muslim women and girls and may interfere with their right to education.

## Unnecessary and disproportionate

Human Rights Watch believes that restrictions on full face coverings in the Netherlands are unnecessary and would be a disproportionate response to perceived needs. The aims cited in support of restrictions on wearing full-face coverings include improved safety, security, and ability to communicate. While these are legitimate goals, legal restrictions are neither the best-suited nor the least constraining measure to achieve them. As the UN special rapporteur on freedom of religion or belief has noted, “Under the principle of proportionality, States have always to look for less far-reaching and less intrusive restrictions before issuing legislation that infringes on freedom of religion or belief.”<sup>27</sup>

Among the criteria for evaluating—from a human rights perspective—restrictions and prohibitions on wearing religious symbols established by the UN special rapporteur on freedom of religion or belief are whether “the restriction is imposed in a discriminatory manner or with a discriminatory purpose, e.g. by arbitrarily targeting certain communities or groups, such as women; [and] no due account is taken of specific features of religions or beliefs, e.g. a religion which prescribes wearing religious dress seems to be more deeply affected by a wholesale ban than a different religion or belief which places no particular emphasis on this issue.”<sup>28</sup> In this case, restrictions on full face coverings would impact a specific group – namely, Muslim women – significantly more than Muslim men or anyone who practices a different religion or belief.

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<sup>25</sup> Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/16/53, December 15, 2010, Human Rights Council, sixteenth session, para. 59.

<sup>26</sup> Report of the Special Rapporteur on freedom of religion or belief, A/HRC/16/53, December 15, 2010, para. 46. See also Report of the Special Rapporteur on freedom of religion and belief, Asma Jahangir, E/CN.4/2006/5, January 9, 2006, Commission on Human Rights, sixty-second session.

<sup>27</sup> Interim report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/68/290, August 7, 2013, General Assembly, Sixty-eighth session, <http://www.ohchr.org/Documents/Issues/Religion/A.68.290.pdf> (accessed January 12, 2017), para. 50.

<sup>28</sup> Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, E/CN.4/2006/5, January 9, 2006, Commission on Human Rights, sixty-second session, para. 55.

An obligation to wear the veil against one's wishes is an indisputable violation of the right to personal autonomy. Human Rights Watch has repeatedly criticized policies of forced veiling and other obligations on women's attire.<sup>29</sup> It is difficult to reconcile the concept of personal autonomy, however, with restrictions on voluntary wearing of the veil. Legislation to prescribe full Muslim veiling assumes erroneously that all those who wear it are forced to do so, and would inevitably conflict with the rights of those who make a conscious choice to veil themselves.

In the view of the special rapporteur, a prohibition on wearing religious symbols that is based on mere speculation or presumption rather than on demonstrable facts should be considered a violation of the individual's religious freedom.<sup>30</sup> Specifically, with regards to religious dress, the special rapporteur has noted that "laws prohibiting the Islamic headscarf in public institutions are frequently based on conjectures that women do not wear such head garments of their own free will. The empirical evidence for these conjectures often remains questionable. Moreover, if there are some clear cases of impositions, this experience will not necessarily suffice to justify general or broad prohibitions of the headscarf in public life or by users of such public institutions as schools, universities or

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<sup>29</sup> "Gaza: Rescind Religious Dress Code for Girls," Human Rights Watch news release, September 4, 2009; Human Rights Watch, *Perpetual Minors: Human Rights Abuses Stemming from Male Guardianship and Sex Segregation in Saudi Arabia*, April 2008, [http://www.hrw.org/sites/default/files/reports/saudiArabia0408\\_1.pdf](http://www.hrw.org/sites/default/files/reports/saudiArabia0408_1.pdf), p. 26; Human Rights Watch, *World Report* (New York: Human Rights Watch) 2009, 2008, 2007, 2005, 2003 and 2002 editions, Afghanistan chapter, <http://www.hrw.org/en/node/79295>; <http://www.hrw.org/legacy/englishwr2k8/docs/2008/01/31/afghan17600.htm>; <http://www.hrw.org/legacy/englishwr2k7/docs/2007/01/11/afghan14863.htm>; <http://www.hrw.org/legacy/english/docs/2005/01/13/afghan9827.htm>; <http://www.hrw.org/legacy/wr2k3/asia1.html>; <http://www.hrw.org/legacy/wr2k2/asia1.html>; Human Rights Watch *World Report* (New York: Human Rights Watch) 2007, 2006, 2005 and 2003 editions, Saudi Arabia chapter, <http://www.hrw.org/legacy/englishwr2k7/docs/2007/01/11/saudia14717.htm>; <http://www.hrw.org/legacy/english/docs/2006/01/18/saudia12230.htm>; <http://www.hrw.org/legacy/english/docs/2005/01/13/saudia9810.htm>; <http://www.hrw.org/legacy/wr2k3/mideast6.html>; Human Rights Watch, *Killing you is a Very Easy Thing for US: Human Rights Abuses in Southeast Afghanistan*, vol. 15, no. 05(C), July 2003, <http://www.hrw.org/en/reports/2003/07/28/killing-you-very-easy-thing-us-o>, pp. 84-87; Human Rights Watch *World Report 2002* (New York: Human Rights Watch, 2002) Iran chapter, <http://www.hrw.org/legacy/wr2k2/mena3.html>; Human Rights Watch, *World Report 2002* (New York: Human Rights Watch, 2002), Women's Human Rights chapter, <http://www.hrw.org/legacy/wr2k2/women.html>; Human Rights Watch, *We Want to Live as Humans: Repression of Women and Girls in Western Afghanistan*, vol. 14, no. 11(C), December 2002, <http://www.hrw.org/legacy/reports/2002/afghnwmn1202/>, pp. 33-39; "Afghanistan's Women Still Need Our Help," Human Rights Watch news release, December 12, 2002; <http://www.hrw.org/en/news/2002/12/12/afghanistans-women-still-need-our-help>; Human Rights Watch, Taking Cover: Women in Post-Taliban Afghanistan, May 2002, <http://www.hrw.org/legacy/backgrounder/wrd/afghan-women-2k2.pdf>, p. 2; "Saudi Arabia: Religious Police Role in School Fire Criticized," Human Rights Watch news release, March 14, 2002, <http://www.hrw.org/en/news/2002/03/14/saudi-arabia-religious-police-role-school-fire-criticized>; Human Rights Watch, *Human Rights in Saudi Arabia: A Deafening Silence*, December 2001, <http://www.hrw.org/legacy/backgrounder/mena/saudi/saudi.pdf>, p. 4; Human Rights Watch, *Humanity Denied: Systematic Violations of Women's Rights in Afghanistan*, vol. 13, no. 5(c), October 2001, <http://www.hrw.org/legacy/reports/2001/afghan3/>, pp. 7-8, 13-14; Human Rights Watch, *Stifling Dissent: The Human Rights Consequences of Factional Struggle in Iran*, vol. 13, no. 4(E), May 2001, <http://www.hrw.org/legacy/reports/2001/iran/Irano501.pdf>, p. 3.

<sup>30</sup> *Ibid.*, para. 53.

public administration.”<sup>31</sup> The special rapporteur’s discussion of restrictions on the wearing of the headscarf can equally be applied to other forms of religious dress, including the full face veil.

The stated aims of adequate communication and security can be ensured through alternative means. Women wearing the full face veil communicate with others on a daily basis in many settings. Where problems with communication arise, a woman could be taken aside by another female to communicate in private without the full face covering. The aim of ensuring security appears to have two aspects. First, a concrete need in a variety of situations to ascertain the identity of an individual. Airport security checks, collecting children from school, and administrative dealings with state offices offer some examples. A restriction on full face veils in some public settings, however, is a disproportionate response to this legitimate need. Appropriate, sensitive measures can be adopted to satisfy both the individual’s right to manifest religious beliefs and the duty to identify oneself. In all of the situations mentioned above, a woman wearing the full face veil can be taken aside to show her face to or communicate with a female guard, teacher, health professional or other state employee.

Second, all states share the broader goal of preventing violent extremism in an era dominated by fears of terrorism in the name of Islam. Addressing violent extremism is a legitimate and important aspect of the Netherlands’ counterterrorism strategy. Equating conservative religious beliefs with violent radicalism is a mistake, however. The special rapporteur has noted that ascribing violence to particular religions both simplifies the causes of violence and falsely attributes violent characteristics to particular faiths or beliefs.<sup>32</sup>

## Counterproductive

Legislation to ban full Muslim veiling in public would be counterproductive. Rather than help those women who are coerced into wearing the veil, such a ban would limit, if not eliminate, their ability to seek advice and support both by reducing access to public services and by restricting their movements. Indeed, the primary impact of legislation of this kind would be to constrain and isolate, rather than liberate, these women.

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<sup>31</sup> Interim report of the Special Rapporteur on freedom of religion or belief, para. 49.

<sup>32</sup> Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/28/66, December 29, 2014, Human Rights Council, twenty-eighth session, paras. 13-15.

With regards to whether restrictions on religious freedom further their intended aims, the special rapporteur has stated that “it may happen that measures do not only fail to serve the said purpose; they may actually worsen the situation of many individuals, particularly women, for instance by further restricting their spaces of personal movement and infringing their rights to education and participation in public life.”<sup>33</sup>

Those who are forced to veil themselves by male relatives would be even more vulnerable and less able to seek help. For those who are either coerced into or who choose to wear a full face veil, legal restrictions could also present barriers to their movements and opportunities for engagement with their communities and society as a whole. Dialogue with community associations, investment in outreach programs, and concerted effort to tackle discrimination, lack of access to services and unequal economic opportunities will all do far more to further the cause of women’s dignity and autonomy than banning the veil in public places.

## Conclusion

In grappling with permissible limitations on freedom of expression, association and religion, the European Court of Human Rights has consistently emphasized the importance of pluralism, tolerance and broad-mindedness in a democratic society, and considered that the role of the state is “not to remove the cause of tension by eliminating pluralism, but to ensure that...competing groups tolerate each other.”<sup>34</sup> We urge the Committee to embrace this position and to reject proposals for legislative restrictions that will place an undue burden on women who wear the full face veil and risk contributing to intolerance and exclusion.

As the above discussion, authorizing legislation that would restrict the wearing of full face coverings in public places puts rights at risk. Specifically, such legislation would compromise the rights of Muslim women to freedom from discrimination, freedom of religion, to personal autonomy, to health and to education. Moreover, such restrictions are neither a necessary nor proportionate response to the demonstrated needs, which can be met through basic adaptive measures to ensure that women wearing the full face veil can engage in communications and security screenings without compromising the aforementioned rights.

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<sup>33</sup> Interim report of the Special Rapporteur on freedom of religion or belief, para. 49.

<sup>34</sup> European Court of Human Rights, *Sahin v. Turkey*, para. 107-108; *Ouranio Toxo and Others v. Greece*, para. 40. Available at <http://www.echr.coe.int>.

Human Rights Watch calls on the Committee recognize that the proposed legislation in the Netherlands not only fails to meet the standards of necessary and proportionate response, but also contravenes fundamental human rights to non-discrimination, freedom of religion, personal autonomy, health and education. We urge the Committee to embrace the Netherlands' long history of tolerance, inclusion, and commitment to human rights by rejecting the proposed legislation.