

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Belgium	2023	Belgium / Court of Justice of the European Union / C-148/22	https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62022CJ0148	Religion	Court of Justice of the European Union	The case involved a municipal employee in Belgium who held a back-office position with no direct interaction with the public. After she asked for permission to wear a headscarf at work, her employer amended the employment conditions to include a policy of "exclusive neutrality." This policy barred all municipal employees, regardless of whether they dealt with the public, from wearing any visible symbols that could indicate their religious or philosophical beliefs.	The Court concluded that such a neutrality policy may be lawful under Directive 2000/78 if it is objectively justified, appropriate, and necessary in light of the public administration's legitimate aim. The legitimacy of such a policy hinges on its consistent and proportionate application. However, the second question concerning indirect discrimination based on sex was declared inadmissible due to insufficient information from the referring court and because it fell under Directive 2006/54/EC, not 2000/78. Quoting the lack of legal basis in the Employment Equality Directive, the CJEU did not engage with the critical question of intersectional discrimination, as it did not take into consideration that particularly women would be affected by the neutrality requirement.	The Court found that a general and undifferentiated rule does not constitute direct discrimination unless it is applied inconsistently. However, such a rule may constitute indirect discrimination if it puts individuals of a particular religion at a specific disadvantage. Indirect discrimination under Article 2(2)(b) of Directive 2000/78 is not unlawful if it pursues a legitimate aim and the means are appropriate and necessary. The Court accepted that a municipal authority may legitimately pursue a policy of "exclusive neutrality" in its administration. This objective must be assessed within the specific context of the member state, allowing a margin of discretion at national and infra-national levels. Still, the neutrality policy must be applied consistently and proportionately to be justified. This means that the prohibition must be genuinely pursued across the board and be limited to what is strictly necessary for achieving neutrality in the public service.	The central issue was whether a general ban on visible religious or philosophical symbols at work could be justified under EU anti-discrimination law, particularly when it potentially disadvantages specific religious groups. A secondary issue—whether such a policy constitutes indirect discrimination based on sex—was raised but not properly supported by the referring court.	'the policy of "exclusive neutrality" which a public administration [...] intends to impose on its employees, depending on its own context and within the framework of its competences, with a view to establishing within it an entirely neutral administrative environment may be regarded as being objectively justified by a legitimate aim.'

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