

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
Netherlands	2022	The Netherlands, Netherlands Institute for Human Rights (College voor de Rechten van de Mens) (2022), Opinion number 2022-13, 29 August 2022.	https://oordelen.mensenrechten.nl/oordeel/2022-113	Religion	Netherlands Institute for Human Rights (College voor de Rechten van de Mens)	A Muslim woman wearing a headscarf visits a fitness centre for a trial lesson. She wears a headscarf because of her Islamic religious beliefs. The fitness centre employee indicates that it is not allowed to exercise with headscarves, after which the woman leaves the fitness centre. The woman felt discriminated against because of her religious beliefs. She submitted her case to the Netherlands Institute for Human Rights. The fitness centre disputes that the woman was discriminated against and argues that the headscarf ban has nothing to do with religion, but with the safety of its customers. The Netherlands Institute for Human Rights concludes that the woman was discriminated against on ground of her religion. The Institute is of the opinion that a general ban on all headgear is not necessary since alternatives are conceivable. For example, clients can wear a special sports headscarf.	The Netherlands Institute for Human Rights states that the fitness centre discriminated against the woman on grounds of her religion. The institute recommends that the fitness centre include in its house rules that headgear worn because of a religious belief is allowed unless it interferes with safety.	A general headgear ban by fitness centres constitutes indirect discrimination on the ground of religion. The argument used by fitness centres that a general headgear ban is necessary as part of client safety is not valid since alternatives are conceivable: special sport headscarves that provide safety.	A general ban on headgear by fitness centres or gyms that excludes Muslim women is discrimination and prohibited under the General Treatment Act. A general ban on headgear because of safety is not necessary because special sports headscarves exist. These special sports headscarves provide safety.	"Het is verboden om indirect onderscheid op grond van godsdienst te maken. De sportschool zegt dat het hoofddekselverbod wordt gehanteerd in het kader van de veiligheid van cliënten. Tijdens het sporten wordt gebruik gemaakt van bewegende apparaten waarin hoofdbedekking vast kan komen te zitten. Het vergroot daarom de kans op blessures. Daarnaast bestaat er een risico van oververhitting omdat hoofdbedekking warmteafgifte via het hoofd bemoeilijkt. Volgens de sportschool hebben zich in het verleden twee incidenten voorgedaan met cliënten die hoofddeksels droegen. Het College is van oordeel dat het verbod niet noodzakelijk is aangezien er alternatieven denkbaar zijn. Zo kunnen cliënten een sporthoofddoek dragen. Sporthoofddoeken zitten nauwsluitend om het hoofd en zijn voorzien van klittenband, waardoor ze losschieten als ze ergens aan vast blijven haken. De sportschool heeft dan ook niet aannemelijk gemaakt dat een algemeen verbod op hoofddeksels noodzakelijk is om de veiligheid tijdens het trainen van waarborgen. Daarom heeft de sportschool de vrouw vanwege haar godsdienst gediscrimineerd." "Indirect discrimination on the basis of religion is prohibited. The fitness centre states that the headgear ban is enforced as part of client safety. During exercise, moving equipment is used in which headgear can get caught. Therefore, it increases the risk of injury. In addition, there is a risk of overheating because headgear makes it difficult to release heat through the head. According to the gym, two incidents have occurred in the past with clients wearing headgear. The Institute considers that the ban is not necessary as alternatives are conceivable. For example, clients can wear sports headscarves. Sports headscarves fit snugly around the head and have Velcro, which allows them to loosen if they get caught on something. Therefore, the fitness centre has not made it plausible that a general ban on headgear is necessary to ensure safety during exercise. Therefore, the fitness centre discriminated against the woman because of her religion." The Netherlands, Netherlands Institute for Human Rights (College voor de Rechten van de Mens) (2022), Opinion number 2022-13, 29 August 2022.

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