EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

GRAND CHAMBER

CASE OF S.A.S. v. FRANCE

(Application no. 43835/11)

JUDGMENT

STRASBOURG

1 July 2014

This judgment is final but may be subject to editorial revision.

In the case of S.A.S. v. France,

The European Court of Human Rights, sitting as a Grand Chamber composed of:

Dean Spielmann, *President,*
Josep Casadevall,
Guido Raimondi,
Ineta Ziemele,
Mark Villiger,
Boštjan M. Zupančič,
Elisabeth Steiner,
Khanlar Hajiyev,

Ganna Yudkivska,
Angelika Nußberger,
Erik Møse,
André Potocki,
Paul Lemmens,
Helena Jäderblom,
Aleš Pejchal, *judges,*
and Erik Fribergh, *Registrar,*

Having deliberated in private on 27 November 2013 and on 5 June 2014,

Delivers the following judgment, which was adopted on the last-mentioned date:

PROCEDURE

1. The case originated in an application (no. 43835/11) against the French Republic lodged the Court under Article 34 of the Convention for the Protection of Human Rights and Fundame Freedoms ("the Convention") by a French national ("the applicant"), on 11 April 2011. The Presi of the Fifth Section, and subsequently the President of the Grand Chamber, acceded to applicant's request not to have her name disclosed (Rule 47 § 3 of the Rules of Court).

2. The applicant was represented before the Court by Mr Sanjeev Sharma, a solicitor practisir Birmingham, Mr Ramby de Mello and Mr Tony Muman, barristers practising in Birmingham, an Satvincer Singh Juss, a barrister practising in London.

The French Government ("the Government") were represented by their Agent, initially Ms Edw Belliard, Director of Legal Affairs, Ministry of Foreign Affairs, then Mr François Alabrune from 2014.

3. The applicant complained that the ban on wearing clothing designed to conceal one's fac public places, introduced by Law no. 2010-1192 of 11 October 2010, deprived her of the possi of wearing the full-face veil in public. She alleged that there had been a violation of Articles 3, 8, 9 and 11 of the Convention, taken separately and together with Article 14 of the Convention.

4. The application was assigned to the Court's Fifth Section (Rule 52 § 1). On 1 Febr 2012 notice of the application was given to the Government.

5. On 28 May 2013 a Chamber of the Fifth Section, composed of Mark Villiger, Presic Angelika Nußberger, Boštjan M. Zupančič, Ganna Yudkivska, André Potocki, Paul Lemmens Aleš Pejchal, judges, and also of Claudia Westerdiek, Section Registrar, relinquished jurisdictic favour of the Grand Chamber, neither of the parties having objected (Article 30 of the Convention Rule 72).

6. The composition of the Grand Chamber was determined in accordance with the provisior Article 27 §§ 2 and 3 of the Convention and Rule 24.

7. The applicant and the Government each filed written observations on the admissibility merits of the case.

8. The non-governmental organisations Amnesty International, Liberty, Open Society Jus Initiative and ARTICLE 19, together with the Human Rights Centre of Ghent University and Belgian Government, were given leave to submit written comments (Article 36 § 2 of the Conver and Rule 44 § 3). The Belgian Government were also given leave to take part in the hearing.

9. A hearing took place in public in the Human Rights Building, Strasbourg, on 27 Noven 2013 (Rule 59 § 3).

There appeared before the Court:

(a) *for the respondent Government*
Ms Edwige BELLIARD, Director of Legal Affairs, Ministry of Foreign Affairs, *Agei*
Ms Nathalie ANCEL, Head, Human Rights Section, Ministry of Foreign Affairs, *Agent*,
Mr Sylvain FOURNEL, Drafting Officer, Human Rights Section, Ministry of Foreign Affairs,
Mr Rodolphe FERAL, Drafting Officer, Human Rights Section, Ministry of Foreign Affairs,

Ministry of the Interior, *Advisers*;

(b) *for the applicant*
Mr Ramby De Mello,
Mr Tony Muman,
Mr Satvinder Singh Juss, *Counsel*,
Mr Eirik Bjorge,
Ms Anastasia Vakulenko,
Ms Stephanie Berry, *Advisers*;

(c) *for the Belgian Government*
Ms I. Niedlispacher, *Co-Agent*.

The Court heard addresses by Ms Belliard, by Mr de Mello and Mr Muman and by Niedlispacher, and the replies of Ms Belliard and Mr de Mello to questions from judges.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

10. The applicant is a French national who was born in 1990 and lives in France.

11. In the applicant's submission, she is a devout Muslim and she wears the burqa and niqa accordance with her religious faith, culture and personal convictions. According to her explana the burqa is a full-body covering including a mesh over the face, and the niqab is a full-face leaving an opening only for the eyes. The applicant emphasised that neither her husband nor other member of her family put pressure on her to dress in this manner.

12. The applicant added that she wore the niqab in public and in private, but not systematic she might not wear it, for example, when she visited the doctor, when meeting friends in a pu place, or when she wanted to socialise in public. She was thus content not to wear the niqab in pu places at all times but wished to be able to wear it when she chose to do so, depending in partic on her spiritual feelings. There were certain times (for example, during religious events such Ramadan) when she believed that she ought to wear it in public in order to express her religi personal and cultural faith. Her aim was not to annoy others but to feel at inner peace with herself.

13. The applicant did not claim that she should be able to keep the niqab on when undergoi security check, at the bank or in airports, and she agreed to show her face when requested to d for necessary identity checks.

14. Since 11 April 2011, the date of entry into force of Law no. 2010-1192 of 11 October 2 throughout France, it has been prohibited for anyone to conceal their face in public places.

II. RELEVANT DOMESTIC LAW AND PRACTICE

A. The Law of 11 October 2010 "prohibiting the concealment of one's face in pu places"

1. Legislative history

(a) Report "on the wearing of the full-face veil on national territory"

15. The conference of Presidents of the National Assembly, on 23 June 2009, establishe parliamentary commission comprising members from various parties with the task of drafting a re on "the wearing of the full-face veil on national territory".

16. The report of some 200 pages, deposited on 26 January 2010, described and analysed existing situation. It showed, in particular, that the wearing of the full-face veil was a re

concerned by the end of 2009 (of whom about 270 were living in French overseas administra areas); nine out of ten were under 40, two-thirds were French nationals and one in four were conv to Islam. According to the report, the wearing of this clothing existed before the advent of Islam did not have the nature of a religious precept, but stemmed from a radical affirmation of individua search of identity in society and from the action of extremist fundamentalist movements. The re further indicated that the phenomenon was non-existent in countries of central and eastern Eur specifically mentioning the Czech Republic, Bulgaria, Romania, Hungary, Latvia and Germany. It not therefore a matter of debate in those countries, unlike the situation in Sweden and Denm where the wearing of such veils nevertheless remained marginal. Moreover, the question of a ger ban had been discussed in the Netherlands and in Belgium (a Law "to prohibit the wearing of clothing which totally or principally conceals the face" has since been enacted in Belgium, on 1 J 2011; see paragraphs 40-41 below). The report was also critical of the situation in the Ur Kingdom, where it pointed to a sectarian trend driven by radical and fundamental Muslim groups, were taking advantage of a legal system that was very protective of individual fundamental rights freedoms in order to obtain recognition of rights that were specifically applicable to resident Muslim faith or origin.

17. The report went on to criticise "a practice at odds with the values of the Republic" expressed in the maxim "liberty, equality, fraternity". It emphasised that, going beyond n incompatibility with secularism, the full-face veil was an infringement of the principle of lib because it was a symbol of a form of subservience and, by its very existence, negated both principle of gender equality and that of the equal dignity of human beings. The report further found the full-face veil represented a denial of fraternity, constituting the negation of contact with others a flagrant infringement of the French principle of living together (*le "vivre ensemble"*).

The report, thus finding it necessary to "release women from the subservience of the full-face v advocated a three-pronged course of action: to convince, protect women and envisage a ba made the following four proposals: first, to adopt a resolution reasserting Republican values condemning as contrary to such values the wearing of the full-face veil; secondly, to initiate a ger survey of the phenomena of amalgamation, discrimination and rejection of others on account of origins or faith, and of the conditions of fair representation of spiritual diversity; thirdly, to reinf actions of awareness and education in mutual respect and diversity and the generalising of media mechanisms; and fourthly, to enact legislation guaranteeing the protection of women who v victims of duress, which would strengthen the position of public officials confronted with phenomenon and curb such practices. The report emphasised that among both the parliamer commission's members and those of the political formations represented in Parliament, there wa unanimous support for the enactment of a law introducing a general and absolute ban on the wea of the full-face veil in public places.

(b) Opinion of the National Advisory Commission on Human Rights "on the wearing of the full- veil"

18. In the meantime, on 21 January 2010, the National Advisory Commission on Human Ri (*Commission nationale consultative des droits de l'homme* – CNCDH) had issued an "opinio the wearing of the full-face veil", stating that it was not in favour of a law introducing a general absolute ban. It took the view, in particular, that the principle of secularism alone could not serve basis for such a general measure, since it was not for the State to determine whether or not a g matter fell within the realm of religion, and that public order could justify a prohibition only if it v limited in space and time. The opinion also emphasised the risk of stigmatising Muslims and poi out that a general prohibition could be detrimental to women, in particular because those who v made to wear the full-face veil would additionally become deprived of access to public areas.

19. That being said, the CNCDH observed that support for women who were subjected to kind of violence had to be a political priority; it advocated, in order to combat any form obscurantism, encouraging the promotion of a culture of dialogue, openness and moderation, w view to fostering better knowledge of religions and the principles of the Republic; it called for strengthening of civic education courses – including education and training in human rights – a levels, for both men and women; it sought the strict application of the principles of secularism

of the wearing of the full-face veil.

(c) Study by the *Conseil d'État* on "the possible legal grounds for banning the full veil"

20. On 29 January 2010 the Prime Minister asked the *Conseil d'État* to carry out a study on legal grounds for a ban on the full veil" which would be "as wide and as effective as possible".

21. The *Conseil d'État* thus completed its "study on the possible legal grounds for banning the veil", of which the report was adopted by the Plenary General Assembly on 25 March 201 interpreted the question put to it as follows: can we envisage a legal ban, for particular reasons within prescribed limits, on the wearing of the full veil as such, or are we required to address the n general issue of concealment of the face, with the wearing of this garment being just one example

22. The *Conseil d'État* first observed that existing legislation already addressed this issu various ways, whether through provisions whose effect was to ban the wearing of the full veil itse certain persons and in certain circumstances, by imposing occasional restrictions on concealme the face for public order reasons, or by envisaging criminal sanctions for the instigators of s practices. It noted, however, that the relevant provisions were varied in nature and that compar democracies were like France in not having national legislation imposing a general ban on s practices in public places. In view of this finding, the *Conseil d'État* questioned the legal and prac viability of prohibiting the wearing of the full veil in public places, having regard to the rights freedoms guaranteed by the Constitution, the Convention and European Union law. It four impossible to recommend a ban on the full veil alone, as a garment representing values that v incompatible with those of the Republic, in that such a ban would be legally weak and difficult to a in practice. It observed in particular that the principle of gender equality was not intended to applicable to the individual person, i.e. to an individual's exercise of personal freedom. It further the view that a less specific ban on the deliberate concealment of the face, based mainly on pu order considerations and interpreted more or less broadly, could not legally apply without distinc to the whole of the public space under prevailing constitutional and Convention case-law.

23. However, the *Conseil d'État* believed that, in the present state of the law, it would be poss to enact more coherent legislation, which would be binding and restrictive, comprising two type provision: first, stipulating that it was forbidden to wear any garment or accessory that had the e of hiding the face in such a way as to preclude identification, either to safeguard public order whe was under threat, or where identification appeared necessary for access to or movement w certain places, or for the purpose of certain formalities; secondly, strengthening enforcer measures that would particularly be directed against individuals who forced others to hide their fa and thus conceal their identity in public places.

(d) Resolution of the National Assembly "on attachment to respect for Republic values at a time w they are being undermined by the development of radical practices"

24. On 11 May 2010 the National Assembly adopted, by a unanimous vote, a Resolution attachment to respect for Republic values at a time when they are being undermined by development of radical practices".

In this Resolution the National Assembly made the following statements:

"1. Considers that radical practices undermining dignity and equality between men and women, one of whi the wearing of the full veil, are incompatible with the values of the Republic;

2. Affirms that the exercise of freedom of expression, opinion or belief cannot be relied on by anyone fo purpose of flouting common rules, without regard for the values, rights and duties which underpin society;

3. Solemnly reaffirms its attachment to respect for the principles of dignity, liberty, equality and fraternity betv human beings;

4. Expresses the wish that the fight against discrimination and the promotion of equality between men and wo should be a priority in public policies concerning equal opportunities, especially in the national education syste

5. Finds it necessary for all appropriate means to be implemented to ensure the effective protection of women suffer duress or pressure, in particular those who are forced to wear the full veil."

25. The draft of a law prohibiting the concealment of one's face in public places was deposite May 2010, the Government having considered that the other options (mediation and parliamer resolution) were not sufficiently effective and that a ban limited to certain places or circumstar would not have been an appropriate means of safeguarding the principles in question and w have been difficult to implement (Bill prohibiting the concealment of one's face in public pla impact assessment, May 2010).

The Bill contained an "explanatory memorandum", which reads as follows:

"France is never as much itself, faithful to its history, its destiny, its image, than when it is united aroun values of the Republic: liberty, equality, fraternity. Those values form the foundation-stone of our social cove they guarantee the cohesion of the Nation; they underpin the principle of respect for the dignity of individuals ar equality between men and women.

These are the values which have today been called into question by the development of the concealment c face in public places, in particular by the wearing of the full veil.

This question has given rise, for about a year now, to a wide public debate. The finding, enlightened by testir and the report of the National Assembly's commission, is unanimous. Even though the phenomenon at pre remains marginal, the wearing of the full veil is the sectarian manifestation of a rejection of the values o Republic. Negating the fact of belonging to society for the persons concerned, the concealment of the face in p places brings with it a symbolic and dehumanising violence, at odds with the social fabric.

The decreeing of *ad hoc* measures has been envisaged, entailing partial bans limited to certain places ar appropriate, to certain periods or for the benefit of certain services. Such a solution, in addition to the fact tl would encounter extreme difficulties in its implementation, would constitute no more than an inadequate, inc and circuitous response to the real problem.

The voluntary and systematic concealment of the face is problematic because it is quite simply incompatible the fundamental requirements of 'living together' in French society.

The defence of public order is not confined to the preservation of tranquillity, public health or safety. It also m it possible to proscribe conduct which directly runs counter to rules that are essential to the Republican s covenant, on which our society is founded.

The systematic concealment of the face in public places, contrary to the ideal of fraternity, also falls short c minimum requirement of civility that is necessary for social interaction.

Moreover, this form of public confinement, even in cases where it is voluntary or accepted, clearly contravene principle of respect for the dignity of the person. In addition, it is not only about the dignity of the individual w confined in this manner, but also the dignity of others who share the same public space and who are thus tre as individuals from whom one must be protected by the refusal of any exchange, even if only visual.

Lastly, in the case of the full veil, worn only by women, this breach of the dignity of the person goes hand in with the public manifestation of a conspicuous denial of equality between men and women, through which breach is constituted.

Having been consulted about the legal solutions that would be available to the public authorities in order to the development of this phenomenon, the *Conseil d'État*envisaged an approach based on a new conceptic public order, considered in its 'non-material' dimension.

Whilst it found such an approach too innovative, it did so after noting that it was reflected in certain juc decisions, particularly in a decision where the Constitutional Council had found that the conditions of 'normal fa life' secured to aliens living in France could validly exclude polygamy, or indeed the case-law of the *Co d'État*itself, which allowed certain practices, even if consensual, to be proscribed when they offended agains dignity of the person. This is especially true where the practice in question, like the concealment of the cannot be regarded as inseparable from the exercise of a fundamental freedom.

These are the very principles of our social covenant, as solemnly restated by the National Assembly wh adopted unanimously, on 11 May 2010, its resolution on attachment to respect for Republican values, v prohibit the self-confinement of any individual who cuts himself off from others whilst living among them.

The practice of concealing one's face, which could also represent a danger for public safety in certain situat

unacceptable failure to defend the principles which underpin our Republican covenant.

It is for the sake of those principles that the present Bill seeks to introduce into our legislation, following necessary period of explanation and education, an essential rule of life in society to the effect that 'no one ma public places, wear clothing that is designed to conceal the face'."

26. The Bill was supported by the National Assembly's Delegation on the rights of women equal opportunities (information report registered on 23 June 2010, no. 2646) and the Stan Committee on Legislation (*Commission des lois*) issued a favourable report (registered on 23 J 2010, no. 2648).

27. The Law was passed by the National Assembly on 13 July 2010 with 335 votes in favour, vote against and three abstentions, and by the Senate on 14 September 2010, with 246 vote favour and one abstention. After the Constitutional Council's decision of 7 October 2010 finding the Law was compliant with the Constitution (see paragraph 30 below), it was enacted on 11 Oct 2010.

2. Relevant provisions of Lawno. 2010-1192

28. Sections 1 to 3 (in force since 11 April 2011) of Law no. 2010-1192 of 11 October 2 "prohibiting the concealment of one's face in public places" read as follows:

Section 1

"No one may, in public places, wear clothing that is designed to conceal the face."

Section 2

"I. - For the purposes of section 1 hereof, 'public places' comprise the public highway and any places open t public or assigned to a public service.

II. - The prohibition provided for in section 1 hereof shall not apply if the clothing is prescribed or authorise primary or secondary legislation, if it is justified for health or occupational reasons, or if it is worn in the conte sports, festivities or artistic or traditional events."

Section 3

"Any breach of the prohibition laid down in section 1 hereof shall be punishable by a fine, at the rate applyi second-class petty offences (*contraventions*) [150 euros maximum].

An obligation to follow a citizenship course, as provided at paragraph 8º of Article 131-16 of the Criminal C may be imposed in addition to or instead of the payment of a fine."

The provisions for the obligation to follow a citizenship course can be found in Articles R. 131-3 R. 131-44 of the Criminal Code. The purpose of the course is to remind the convicted persons o Republican values of tolerance and respect for the dignity of the human being and to make t aware of their criminal and civil liability, together with the duties that stem from life in society. It seeks to further the person's social integration (Article R. 131-35).

29. Law no. 2010-1192 (section 4) also inserted the following provision into the Criminal Code

Article 225-4-10

"Any person who forces one or more other persons to conceal their face, by threat, duress, coercion, abus authority or of office, on account of their gender, shall be liable to imprisonment for one year and a fine of 3(euros.

Where the offence is committed against a minor, such punishment shall be increased to two years' imprison and a fine of 60,000 euros."

B. Decision of the Constitutional Council of 7 October 2010

30. The Constitutional Council (*Conseil constitutionnel*), to which the matter had been referre

the second paragraph of Article 61 of the Constitution, declared Law no. 2010-1192 compliant the Constitution, subject to one reservation (point 5), in a decision of 7 October 2010 (no. 2010-DC), which reads as follows:

"... 3. Article 4 of the Declaration of the Rights of Man and the Citizen of 1789 proclaims: 'Liberty consists in b able to do anything which does not harm others: thus the exercise of the natural rights of every man has no bo other than those which ensure to other members of society the enjoyment of these same rights. These bo shall be determined solely by the law'. Article 5 of the same Declaration proclaims: 'The law shall prohibit s those actions which are harmful to society. Nothing which is not prohibited by law shall be impeded and nc shall be compelled to do that which the law does not prescribe'. Article 10 proclaims: 'No one shall be harasse account of his opinions and beliefs, even religious, on condition that their manifestation does not disturb p order as determined by law'. Lastly, paragraph 3 of the Preamble to the Constitution of 1946 provides: 'The law guarantee women equal rights to those of men in all spheres'.

4. Sections 1 and 2 of the statute referred for review are intended to respond to practices, which until rec were of an exceptional nature, consisting in concealing the face in public places. The legislature was of the that such practices might be dangerous for public safety and fail to comply with the minimum requirements of l society. It also found that those women who concealed their face, voluntarily or otherwise, were placed situation of exclusion and inferiority that was patently incompatible with the constitutional principles of liberty equality. In passing the statutory provisions referred for review, the legislature thus complemented and genera rules which were previously reserved for *ad hoc* situations for the purpose of protecting public order.

5. In view of the purposes which it sought to achieve and taking into account the nature of the sanction introd for non-compliance with the rule it has laid down, the legislature has passed statutory provisions which reconci a manner which is not disproportionate, the safeguarding of public order and the guaranteeing of constitutio protected rights. However, prohibiting the concealment of the face in public places cannot, without excess contravening Article 10 of the 1789 Declaration, restrict the exercise of religious freedom in places of worship to the public. With this reservation, sections 1 to 3 of the statute referred for review are not unconstitutional.

6. Section 4 of the statute referred for review, which punishes by a term of one year's imprisonment and a fi 30,000 euros any person who forces another person to conceal his or her face, and sections 5 to 7 th concerning the entry into force of the statute and its implementation, are not unconstitutional. ..."

C. Prime Minister's Circular of 2 March 2011

31. Published in the Official Gazette of 3 March 2011, the Prime Minister's Circular of 2 M 2011 on the implementation of Law no. 2010-1192 of 11 October 2010 prohibiting the concealr of the face in public places contains the following indications:

"... I. Scope of the Law

1. Factors constituting the concealment of the face in public places

The concealment of the face in public places is prohibited from 11 April 2011 throughout the territory o Republic, both in metropolitan France and in French overseas administrative areas. The offence is constituted v a person wears an item of clothing that is designed to conceal his or her face and when he or she is in a p place; these two conditions are necessary and sufficient.

(a) Concealment of one's face

Extent of the ban

Items of clothing designed to conceal the face are those which make the person impossible to identify. The does not have to be fully concealed for this to be so.

The following are prohibited in particular, without this list being exhaustive: the wearing of balaclavas (*cagou* full-face veils (burqa, niqab, etc.), masks or any other accessory or item of clothing which has the effect, wh separately or in combination with others, of concealing the face. Since the offence is classified as a petty off (*contravention*), the existence of intent is irrelevant: it is sufficient for the clothing to be designed to conceal face.

Section 2 of the Law provides for a number of derogations from the ban on concealing one's face.

First, the ban does not apply 'if the clothing is prescribed or authorised by primary or secondary legislation'. is the case, for example, under Article L. 431-1 of the Road-Traffic Code, which requires the drivers of motorcy to wear crash-helmets.

Secondly, the ban does not apply if the clothing 'is justified for health or occupational reasons'. The occupat reasons concern, particularly, the subject-matter covered by Article L. 4122-1 of the Employment Code: employer's instructions shall stipulate, in particular where the nature of the risks so justify, the conditions of u any equipment, any means of protection, and any dangerous substances and concoctions. They sha appropriate to the nature of the tasks to be performed'.

Lastly, the ban does not apply if the clothing 'is worn in the context of sports, festivities or artistic or tradit events'. For example, religious processions, when they are of a traditional nature, fall within the scope o derogations from the ban laid down by section 1. There is also a derogation in respect of the face protections are prescribed in a number of sports.

The provisions of the Law of 11 October 2010 apply without prejudice to any provisions which may other prohibit or govern the wearing of clothing in certain public services and which remain in force.

This is the case for Law no. 2004-228 of 15 March 2004, which regulates, in accordance with the princip secularism, the wearing of symbols or clothing displaying religious affiliation in State schools, both primary secondary (Article L. 141-5-1 of the National Education Code and implementing circular of 18 May 2004). C provisions remaining applicable are those of the charter of hospitalised patients, annexed to the circular of 2 M 2006 on the rights of hospitalised patients, and those of the circular of 2 February 2005 on secularism in h institutions.

(b) Definition of public places

Section 2 of the Law states that 'public places comprise the public highway and any places open to the pub assigned to a public service'.

The notion of the public highway requires no comment. It should be pointed out that, with the exception of t assigned to public transport, the vehicles that use public highways are regarded as private places. A person conceals his or her face in a private car is thus not committing the offence referred to in the Law. That situ may, however, be covered by the provisions of the Road-Traffic Code stipulating that the driving of a vehicle mus present any risks for public safety.

Places open to the public are those places to which access is unrestricted (beaches, public gardens, p walkways, etc.) and places to which access is possible, even conditionally, in so far as any person who so wi may meet the requirement (for example, by paying for a ticket to enter a cinema or theatre). Commercial prem (cafés, restaurants, shops), banks, stations, airports and the various means of public transport are thus p places.

Places assigned to a public service are the premises of any public institutions, courts and tribunals administrative bodies, together with any other bodies responsible for providing public services. They includ particular, the premises of various public authorities and establishments, local government bodies and their p establishments, town halls, courts, prefectures, hospitals, post offices, educational institutions (primary secondary schools, universities), family benefit offices, health insurance offices, job centres, museums libraries.

2. Lack of restriction as regards freedom of religion in places of worship

Where they are open to the public, places of worship fall within the scope of the Law. The Constitutional Co has found, however, that 'prohibiting the concealment of the face in public places cannot, without excess contravening Article 10 of the 1789 Declaration, restrict the exercise of religious freedom in places of worship to the public'.

3. Sanction for the offence of concealing one's face

Section 3 of the Law provides that any breach of the prohibition of face concealment in public places is punish by a fine, at the rate applying to second-class petty offences (150 euros maximum). The imposition of this fine

An obligation to follow a citizenship course may also be imposed by the same courts in addition to or inste the payment of a fine. Such courses, adapted to the nature of the offence committed, must, in particular, er that those concerned are reminded of the Republican values of equality and respect for human dignity.

4. Sanction for the use of duress

The fact of concealing one's face in a public place may be the result of duress against the person concerned, the third party will then have committed the offence of forcing a person to conceal his or her face.

This offence, provided for in section 4 of the Law (inserting a new Article 225-4-10 into the Criminal Code punishable by one year's imprisonment and a fine of 30,000 euros. Where the offence is committed agair minor, such punishment is increased to two years' imprisonment and a fine of 60,000 euros.

The punishing of such conduct is part of the public authorities' policy to combat with vigour any for discrimination and violence against women, which constitute unacceptable infringements of the principle of ge equality.

II. Requisite conduct in public services

(a) Role of the director

In the context of the powers that he or she holds to ensure the proper functioning of the department, the dir will be responsible for ensuring compliance with the provisions of the Law of 11 October 2010 and with measures taken, in particular the updating of internal rules, for the purposes of its implementation.

It will be the director's duty to present and explain the spirit and logic of the Law to the staff under his o authority, to ensure that they observe its provisions and are in a position to enforce compliance therewith, i best possible conditions, by the users of the public service.

It will also be for the director to ensure that the appropriate information envisaged by the Government in the fo posters and leaflets is made available on premises that receive or are open to members of the public.

(b) Restriction of access to premises assigned to public services

From 11 April 2011 staff responsible for a public service, who may already have had to ask individuals to s their faces momentarily to prove their identity, will be entitled to refuse access to the service to anyone whose is concealed.

In the event that the person whose face is concealed has already entered the premises, it is recommended staff remind that person of the applicable rules and ask him or her to observe the Law, by uncovering the fac leaving the premises. A person whose face is concealed cannot benefit from the delivery of public services.

However, the Law does not confer on staff, in any circumstances, the power to oblige a person to show his o face or leave. The exercise of such constraint would constitute an illegal act and could entail criminal proceed It is therefore absolutely forbidden.

When faced with a refusal to comply, the staff member or his or her line manager must call the polic gendarmerie, who are exclusively entitled to take note and make a report of the offence and, if appropriate, to the identity of the person concerned. Specific instructions are addressed for this purpose by the Interior Minist the police forces.

Denial of access to a service can be reconsidered only to take account of particular emergencies, in parti those of a medical nature.

III. — Informing the public

The period leading up to the entry into force of the ban on the concealment of the face should be used to er that members of the public are suitably informed.

(a) General information

A poster, distributed on paper or electronically by ministries, within their respective networks, will have t displayed, in a visible manner, on premises open to the public or assigned to a public service.

The poster carries the slogan 'facing up to life in France' ('*la République se vit à visage découvert*') and indic that the ban on concealing the face in public places will enter into force on 11 April 2011.

provisions of the Law, by a leaflet distributed in the various services in the same manner and according to the s procedure as the poster.

For travellers wishing to visit France, this leaflet will also be available in English and Arabic at French consu abroad.

These two documents providing general information will also be accessible via the website www.vis decouvert.gouv.fr, which will also include a section providing answers to the various questions raised by implementation of the Law.

(b) Information for persons directly concerned by face concealment

A scheme for the provision of information to the persons concerned has been prepared by the Ministry for To and Cities, in coordination with the Ministry for Solidarity and Social Cohesion and the Interior Ministry.

The aim of this information, awareness and individual support scheme is to foster dialogue, in order to pers the small minority who conceal their face to comply with the ban laid down by Parliament. This dialogue is n negotiation; the idea is to bring those concerned, by a process of explanation, to renounce, of their own acco practice which is at odds with the values of the Republic.

The scheme, about which specific instructions have been issued by the Minister for Towns and Cities, relie particular on associations and community networks in the field of women's rights, in particular the netwo information centres on women's rights (*centres d'information des droits des femmes* – CDIFF), the 300 'pref delegates' and 'relay adults' working in local communities. It will also mobilise all those working in social media especially the mediators of the national education system.

The aim is to provide full information on the Law and personal support to those individuals who cover their face

D. Other circulars

32. On 11 March 2011 the Minister of Justice and Freedoms issued a Circular "concerning presentation of the provisions on the offence of concealing one's face in public places". It addressed, for action, to public prosecutors at the appellate and lower courts, and for informatio the presidents of the appellate courts and of the *tribunaux de grande instance*, among others. Circular presented the offence of concealing one's face in public places. It also contained indicat as to the implementation of the new punitive provisions, with regard to the policy for establishing offence and prosecuting the offender and the organisation of the citizenship courses.

33. On 31 March 2011 the Minister of the Interior, Overseas Administration, Local Governn and Immigration addressed to the Commissioners of Police, prefects and High Commissioners Overseas Territories) a Circular for the purpose of "giving instructions to officials within [that Minis and in particular to police forces, for the application of the Law of 11 October 2010". It containe particular, indications about the notion of concealing one's face and about the places in which the applied, emphasising that a person present in a place of worship for the observance of religion not liable to be charged, and "recommend[ing] that police forces avoid any intervention in immediate vicinity of a place of worship which could be interpreted as an indirect restriction freedom of worship".

E. Judgment of the Criminal Division of the Court of Cassation of 5 March 2013

34. The Court of Cassation was called upon to examine an appeal on points of law (no. 808091) against a judgment of the Community Court of Paris, dated 12 December 2011, in whi woman had been ordered to follow a two-week citizenship course for wearing the full-face veil with aim of protesting against the Law of 11 October 2010 in the context of a demonstration for purpose outside the Elysée Palace. Examining the arguments submitted by the appellants u Article 9 of the Convention, the Criminal Division found as follows on 5 March 2013:

"...whilst the Community Court was wrong to disregard the religious reasons for the impugned demonstration judgment should not be overruled in so far as, although Article 9 of the Convention ... guarantees the exerci freedom of thought, conscience and religion, paragraph 2 thereof stipulates that this freedom is subject only to

the protection of public order, health or morals, or for the protection of the rights and freedoms of others; ... th the case for the Law prohibiting the full covering of the face in public places, as it seeks to protect public orde safety by requiring everyone who enters a public place to show their face; ..."

III. RELEVANT INTERNATIONAL LAW AND PRACTICE

A. Resolution 1743 (2010) and Recommendation 1927 (2010) of the Parliamen Assembly of the Council of Europe and Viewpoint of the Commissioner for Hu Rights of the Council of Europe

1. Resolution 1743 (2010) and Recommendation 1927 (2010) of the Parliamentary Asser of the Council of Europe on Islam, Islamism and Islamophobia in Europe

35. Adopted on 23 June 2010, Resolution 1743 (2010) states, in particular:

"14. Recalling its Resolution 1464 (2005) on women and religion in Europe, the Assembly calls on all Mu communities to abandon any traditional interpretations of Islam which deny gender equality and limit wom rights, both within the family and in public life. This interpretation is not compatible with human dignity democratic standards; women are equal to men in all respects and must be treated accordingly, wit exceptions. Discrimination against women, whether based on religious traditions or not, goes against Articles and 14 of the Convention, Article 5 of its Protocol No. 7 and its Protocol No. 12. No religious or cultural relati may be invoked to justify violations of personal integrity. The Parliamentary Assembly therefore urges me states to take all necessary measures to stamp out radical Islamism and Islamophobia, of which women ar prime victims.

15. In this respect, the veiling of women, especially full veiling through the *burqa* or the *niqab*, is often perc as a symbol of the subjugation of women to men, restricting the role of women within society, limiting professional life and impeding their social and economic activities. Neither the full veiling of women, nor eve headscarf, are recognised by all Muslims as a religious obligation of Islam, but they are seen by many as a s and cultural tradition. The Assembly considers that this tradition could be a threat to women's dignity and free No woman should be compelled to wear religious apparel by her community or family. Any act of oppres sequestration or violence constitutes a crime that must be punished by law. Women victims of these cri whatever their status, must be protected by member states and benefit from support and rehabilitation measure

16. For this reason, the possibility of prohibiting the wearing of the *burqa* and the*niqab* is being considere parliaments in several European countries. Article 9 of the Convention includes the right of individuals to ch freely to wear or not to wear religious clothing in private or in public. Legal restrictions to this freedom ma justified where necessary in a democratic society, in particular for security purposes or where public or profess functions of individuals require their religious neutrality or that their face can be seen. However, a general prohi of wearing the *burqa* and the*niqab* would deny women who freely desire to do so their right to cover their face.

17. In addition, a general prohibition might have the adverse effect of generating family and community pressu Muslim women to stay at home and confine themselves to contacts with other women. Muslim women cou further excluded if they were to leave educational institutions, stay away from public places and abandon outside their communities, in order not to break with their family tradition. Therefore, the Assembly calls on me states to develop targeted policies intended to raise Muslim women's awareness of their rights, help them to part in public life and offer them equal opportunities to pursue a professional life and gain social and econ independence. In this respect, the education of young Muslim women as well as of their parents and famili crucial. It is especially necessary to remove all forms of discrimination against girls and to develop educatio gender equality, without stereotypes and at all levels of the education system."

36. In its Recommendation 1927 (2010), adopted on the same day, the Parliamentary Asser of the Council of Europe asked the Committee of Ministers of the Council of Europe, in particular,

"3.13. call on member states not to establish a general ban of full veiling or other religious or special clothing to protect women from all physical and psychological duress as well as to protect their free choice to wear relig or special clothing and ensure equal opportunities for Muslim women to participate in public life and pu education and professional activities; legal restrictions on this freedom may be justified where necessary

their religious neutrality or that their face can be seen."

2. Viewpoint of the Commissioner for Human Rights of the Council of Europe

37. The Commissioner for Human Rights of the Council of Europe, published the follo "Viewpoint" (see *Human rights in Europe: no grounds for complacency. Viewpoints by Tho Hammarberg, Council of Europe Commissioner for Human Rights*, Council of Europe Publish 2011, pp. 39-43):

"Prohibition of the burqa and the niqab will not liberate oppressed women, but might instead lead to their fu exclusion and alienation in European societies. A general ban on such attire constitutes an ill-advised invasi individual privacy and, depending on its terms, also raises serious questions about whether such legislati compatible with the European Convention on Human Rights.

Two rights in the Convention are particularly relevant to this debate about clothing. One is the right to respe one's private life and personal identity (Article 8). The other is the freedom to manifest one's religion or beli worship, teaching, practice and observance' (Article 9).

Both Convention articles specify that these rights can only be subject to such limitations as are prescribed by and are necessary in a democratic society in the interests of public safety, for the protection of public order, h or morals, or for the protection of the rights and freedoms of others.

Those who have argued for a general ban of the burqa and the niqab have not managed to show that t garments in any way undermine democracy, public safety, order or morals. The fact that a very small numb women wear such clothing has made such proposals even less convincing.

Nor has it been possible to prove that women wearing this attire are victims of more gender repression others. Those interviewed in the media have presented a diversity of religious, political and personal argument their decision to dress as they do. There may of course be cases where women are under undue pressure to d in a certain way – but it has not been shown that a ban would be welcomed by them.

There is of course no doubt that the status of women is an acute problem – and that this problem ma particularly true in relation to some religious communities. This needs to be discussed, but prohibiting supposed symptoms – such as clothing – is not the way to do it. Dress, after all, may not reflect specific relig beliefs, but the exercise of broader cultural expression.

It is right and proper to react strongly against any regime ruling that women must wear these garments. This clear contravention of the Convention articles cited above, and is unacceptable, but it is not remedied by ban the same clothing in other countries.

The consequences of decisions in this area must be assessed. For instance, the suggestion that women dre in a burqa or niqab be banned from public institutions like hospitals or government offices may result in t women avoiding such places entirely, and that is clearly wrong.

It is unfortunate that in Europe, public discussion of female dress, and the implications of certain attire fo subjugation of women, has almost exclusively focused on what is perceived as Muslim dress. The impressior been given that one particular religion is being targeted. Moreover, some arguments have been clearly Islamoph in tenor and this has certainly not built bridges nor encouraged dialogue.

Indeed, one consequence of this xenophobia appears to be that the wearing of full cover dress has increas become a means of protesting against intolerance in our societies. An insensitive discussion about banning ce attire seems merely to have provoked a backlash and a polarisation in attitudes.

In general, states should avoid legislating on dress, other than in the narrow circumstances set forth ir Convention. It is, however, legitimate to regulate that those who represent the state, for instance police officers so in an appropriate way. In some instances, this may require complete neutrality as between different politica religious insignia; in other instances, a multi-ethnic and diverse society may want to cherish and reflect its dive in the dress of its agents.

Obviously, full-face coverage may be problematic in some occupations and situations. There are parti situations where there are compelling community interests that make it necessary for individuals to s themselves for the sake of safety or in order to offer the possibility of necessary identification. This is

normally wear a burqa or a niqab.

A related problem arose in discussion in Sweden. A jobless Muslim man lost his subsidy from a state agenc employment support because he had refused to shake the hand of a female employer when turning up for a interview. He had claimed that his action was grounded in his religious faith.

A court ruled later, after a submission from the ombudsman against discrimination, that the agency decision discriminatory and that the man should be compensated. Though this is in line with human rights standards, it not readily accepted by the general public and a controversial public debate ensued.

It is likely that issues of this kind will surface increasingly in the coming years and it is healthy that they sh be openly discussed – as long as Islamophobic tendencies are avoided. However, such debates shoul broadened to include the promotion of greater understanding of different religions, cultures and customs. Plura and multiculturalism are essential European values, and should remain so.

This in turn may require more discussion of the meaning of respect. In the debates about the allegedly Muslim cartoons published in Denmark in 2005, it was repeatedly stated that there was a contradiction betv demonstrating respect for believers whilst also protecting freedom of expression as stipulated in Article 10 c European Convention.

The Strasbourg Court analysed this dilemma in the famous case of *Otto-Preminger-Institute v. Austria* in whi stated that 'those who choose to exercise the freedom to manifest their religion ... cannot reasonably expect t exempt from all criticism. They must tolerate and accept the denial by others of their religious beliefs and even propagation by others of doctrines hostile to their faith'.

In the same judgment the Court stated that consideration should be given to the risk that the right of relig believers – like anyone else – to have their views respected may be violated by provocative portrayals of objec religious significance. The Court concluded that 'such portrayals can be regarded as malicious violation of the of tolerance, which must also be a feature of democratic society'.

The political challenge for Europe is to promote diversity and respect for the beliefs of others whilst at the s time protecting freedom of speech and expression. If the wearing of a full-face veil is understood as an expressi a certain opinion, we are in fact talking here about the possible conflict between similar or identical rights – th seen from two entirely different angles.

In Europe, we seek to uphold traditions of tolerance and democracy. Where conflicts of rights between indivic and groups arise, it should not be seen in negative terms, but rather as an opportunity to celebrate that diversity and to seek solutions which respect the rights of all involved.

A prohibition of the burqa and the niqab would in my opinion be as unfortunate as it would have been to crimin the Danish cartoons. Such banning is alien to European values. Instead, we should promote multicultural dial and respect for human rights."

B. The United Nations Human Rights Committee

38. In its General Comment no. 22, concerning Article 18 of theInternational Covenant on Civil Political Rights (freedom of thought, conscience and religion), adopted on 20 July 1993, the Hu Rights Committee emphasised as follows:

"... 4. The freedom to manifest religion or belief may be exercised 'either individually or in community with ot and in public or private'. The freedom to manifest religion or belief in worship, observance, practice and teac encompasses a broad range of acts. ... The observance and practice of religion or belief may include not ceremonial acts but also such customs as ... the wearing of distinctive clothing or headcoverings ...

8. Article 18 (3) permits restrictions on the freedom to manifest religion or belief only if limitations are presc by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freec of others. The freedom from coercion to have or to adopt a religion or belief and the liberty of the parents guardians to ensure religious and moral education cannot be restricted. In interpreting the scope of permis limitation clauses, States parties should proceed from the need to protect the rights guaranteed under Covenant, including the right to equality and non-discrimination on all grounds specified in articles 2, 3 and Limitations imposed must be established by law and must not be applied in a manner that would vitiate the r

restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to rights protected in the Covenant, such as national security. Limitations may be applied only for those purpose which they were prescribed and must be directly related and proportionate to the specific need on which they predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner Committee observes that the concept of morals derives from many social, philosophical and religious tradit consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals mu based on principles not deriving exclusively from a single tradition. Persons already subject to certain legiti constraints, such as prisoners, continue to enjoy their rights to manifest their religion or belief to the fullest e compatible with the specific nature of the constraint. States parties' reports should provide information on th scope and effects of limitations under article 18 (3), both as a matter of law and of their application in sp circumstances. ..."

The Human Rights Committee also stated as follows in its General Comment no. 28, concer Article 3 (equality of rights between men and women), adopted on 29 March 2000:

"13. [Regulations on clothing to be worn by women in public] may involve a violation of a number of r guaranteed by the Covenant, such as: article 26, on non-discrimination; article 7, if corporal punishment is imp in order to enforce such a regulation; article 9, when failure to comply with the regulation is punished by a article 12, if liberty of movement is subject to such a constraint; article 17, which guarantees all persons the rig privacy without arbitrary or unlawful interference; articles 18 and 19, when women are subjected to clo requirements that are not in keeping with their religion or their right of self-expression; and, lastly, article 27, the clothing requirements conflict with the culture to which the woman can lay a claim."

The Human Rights Committee has also adopted General Comments on freedom of mover (General Comment no. 27), and on freedom of opinion and freedom of expression (Ger Comment no. 34).

39. The Human Rights Committee has, moreover examined a number of cases in w individuals complained of measures restricting the wearing of clothing or symbols with a relig connotation. It found, for example, that "in the absence of any justification provided by the S party" there had been a violation of Article 18 § 2 of the Covenant where a student had been expe from her University on account of her refusal to remove the *hijab* (headscarf) that she wor accordance with her beliefs (*Raihon Hudoyberganova v. Uzbekistan*, communication no. 931/2 18 January 2005). However, it has not yet ruled on the question of a blanket ban on the wearin the full-face veil in public places.

IV. THE SITUATION IN OTHER EUROPEAN STATES

40. To date, only Belgium has passed a law that is comparable to the French Law of 11 Oct 2010, and the Belgian Constitutional Court has found it compatible with the right to freedor thought, conscience and religion (see paragraphs 41-42 below). However, the question of a ba concealing one's face in public has been or is being discussed in a number of other Europ States. A blanket ban remains a possibility in some of them. In particular, a Bill has been table that end in Italy: although it has not yet passed into law, it appears that the discussion is still ope Switzerland the Federal Assembly rejected, in September 2012, an initiative of the Canton of Aa seeking to ban the wearing in public of clothing covering all or a large part of the face, but in Ti there was a vote on 23 September 2013 for a ban of that kind (the text still has to be valida however, by the Federal Assembly). Such an option is also being discussed in the Netherla notwithstanding unfavourable opinions by the Council of State (see paragraphs 49-52 belov should also be noted that the SpanishSupreme Court has ruled on the legality of a ban of that (see paragraphs 42-47 below).

A. Belgian Law of 1 June 2011 and judgment of the Belgian Constitutional Court December 2012

41. A Law "to prohibit the wearing of any clothing entirely or substantially concealing the face" enacted in Belgium on 1 June 2011. It inserted the following provision into the Criminal Code:

with their faces completely or partially covered or hidden, such as not to be identifiable, shall be liable to a fi between fifteen and twenty-five euros and imprisonment of between one and seven days, or only one of t sanctions.

However, paragraph 1 hereof shall not concern persons who are present in a place that is accessible to the p with their faces completely or partially covered or hidden where this is provided for by employment regulations an administrative ordinance in connection with festive events."

42. Applications for the annulment of this Law were lodged with the Constitutional Court or basis, *inter alia*, of Article 9 of the Convention. The Constitutional Court dismissed the applicatio a judgment of 6 December 2012, finding in particular as follows:

"... B.17. It can be seen from the explanatory memorandum to the Bill which became the Law at issue ... tha legislature sought to defend a societal model where the individual took precedence over his philosophical, cultu religious ties, with a view to fostering integration for all and to ensuring that citizens shared a common herita fundamental values such as the right to life, the right to freedom of conscience, democracy, gender equality, c principle of separation between church and State.

... the legislative history shows that three aims were pursued: public safety, gender equality and a ce conception of 'living together' in society.

B.18. Such aims are legitimate and fall within the category of those enumerated in Article 9 of the Conventio comprising the maintaining of public safety, the protection of public order and the protection of the rights freedoms of others.

B.19. It remains for the court to examine whether the conditions of necessity in a democratic society proportionality in relation to the legitimate aims pursued have been satisfied.

B.20.1. It can be seen from the drafting history of the Law at issue that the prohibition of clothing that conc the face was largely driven by public safety considerations. In this connection the issue of offences committe persons whose face is concealed was mentioned ...

B.20.2. Section 34(1) of the Law of 5 August 1992 on police duties empowers police officers to verify the ide of any person if they have reasonable grounds to believe, on account of the person's conduct, any ma indications or the circumstances of time and place, that the person is wanted, has attempted to commit an off or is preparing to commit one, or is likely to cause a breach of public order or has already done so. This ide check could be hindered if the person concerned has his or her face concealed and refuses to cooperate with a check. In addition, persons who conceal their face would in general not be, or hardly be, recognisable if commit an offence or a breach of public order.

B.20.3. That being said, it is not because a certain type of conduct has not yet attained a level that w endanger the social order or safety that the legislature is not entitled to intervene. It cannot be blame anticipating such risks in a timely manner by penalising a given type of conduct when its generalisation w undoubtedly entail a real danger.

B.20.4. In view of the foregoing, the legislature was entitled to take the view that the ban on concealment c face in places accessible to the public was necessary for reasons of public safety.

B.21. The legislature further justified its intervention by a certain conception of 'living together' in a society b on fundamental values, which, in its view, derive therefrom.

The individuality of every subject of law (*sujet de droit*) in a democratic society is inconceivable without his o face, a fundamental element thereof, being visible. Taking into account the essential values that the legisl sought to defend, it was entitled to take the view that the creation of human relationships, being necessary for together in society, was rendered impossible by the presence in the public sphere, which quintessen concerned the community, of persons who concealed this fundamental element of their individuality. W pluralism and democracy entail the freedom to display one's beliefs, in particular by the wearing of relig symbols, the State must pay attention to the conditions in which such symbols are worn and to the pote consequences of wearing such symbols. To the extent that the concealment of the face has the consequen depriving the subject of law, a member of society, of any possibility of individualisation by facial appeara whereas such individualisation constitutes a fundamental condition related to its very essence, the ban or

B.22. As to the dignity of women, here too the legislature was entitled to take the view that the fundam values of a democratic society precluded the imposing of any obligation on women to conceal their face, u pressure from members of their family or their community, and therefore their deprivation, against their will, of freedom of self-determination.

B.23. However, ... the wearing of the full-face veil may correspond to the expression of a religious choice. choice may be guided by various reasons with many symbolic meanings.

Even where the wearing of the full-face veil is the result of a deliberate choice on the part of the woman principle of gender equality, which the legislature has rightly regarded as a fundamental value of democratic soc justifies the opposition by the State, in the public sphere, to the manifestation of a religious conviction by cor that cannot be reconciled with this principle of gender equality. As the court has noted in point B.21, the weari a full-face veil deprives women – to whom this requirement is solely applicable – of a fundamental element of individuality which is indispensable for living in society and for the establishment of social contacts.

B.24. The court must further examine whether recourse to a criminal sanction to guarantee compliance witl prohibition imposed by the Law has no disproportionate effects in relation to the aims pursued.

B.25.1. The impugned provision was inserted into the Criminal Code, under the category of fourth-class offences, and it provides for a fine of between fifteen and twenty-five euros, with imprisonment of between one seven days, or only one of those sanctions.

Pursuant to Articles 564 and 565 of the Criminal Code, where the offender has already been convicted, withi preceding twelve months, for the same petty offence, the court is authorised to sentence him or her, independ of the fine, to imprisonment for up to twelve days.

Article 566 of the same Code permits a reduction of the fine to below five euros, but in no case less than euro, where there are mitigating circumstances. ...

B.28. In so far as the individualisation of persons, of which the face is a fundamental element, constitute essential condition for the functioning of a democratic society, of which each member is a subject of law legislature was entitled to consider that the concealment of the face could endanger the functioning of societ thus conceived and, accordingly, should be punished by criminal sanctions.

B.29.1. Subject to the exception under point B.30, to the extent that the impugned measure is directe individuals who, freely and voluntarily, hide their faces in places that are accessible to the public, it does not any disproportionate effects in relation to the aims pursued, since the legislature opted for the most lenient cri sanction. The fact that the sanction may be harsher in the event of a repeat offence does not warrant a diff conclusion. The legislature was entitled to take the view that an offender who is convicted for conduct punishab criminal sanctions will not repeat such conduct, on pain of a harsher sentence.

B.29.2. Moreover, it should be observed, as regards those persons who conceal their face under duress, Article 71 of the Criminal Code provides that no offence is constituted where the perpetrator has been compell act by a force that he or she could not resist.

B.30. The impugned Law stipulates that a criminal sanction will be imposed on anyone who, unless any stat provisions provide otherwise, masks or conceals his or her face totally or partially, such that he or she is identifiable, when present in a place that is accessible to the public. It would be manifestly unreasonab consider that such places should include places of worship. The wearing of clothing corresponding to expression of a religious choice, such as the veil that covers the entire face in such places, could not be restr without encroaching disproportionately on a person's freedom to manifest his or her religious beliefs.

B.31. Subject to that interpretation, [the ground of appeal is unfounded] . ..."

B. Judgment of the Spanish Supreme Court of 6 February 2013

43. On 8 October 2010 the *Ayuntamiento* (municipality) of Lérida – like other municipalitie adopted an amendment to the *ordenanza municipal de civismo y convivencia* (general munic ordinance on civic rights and responsibilities and living together), authorising *reglamentos* (spe by-laws) to limit or prohibit access to municipal areas or premises used for public services persons wearing full-face veils, balaclavas, full-face helmets or other forms of clothing or accesso

same effect its specific by-laws relating to the municipal archives, municipal offices and pu transport.

44. Relying *inter alia* on Article 16 of the Constitution – concerning freedom of opinion, reli and worship – and referring to Article 9 of the Convention, an association unsuccessfully lodge application for annulment with the Catalonia High Court of Justice.

45. Ruling on an appeal on points of law, the Supreme Court quashed the judgment of Catalonia High Court of Justice and annulled the amendments to the general municipal ordina and to the specific by-laws concerning the municipal archives and municipal offices.

46. In its judgment of 6 February 2013 (no. 693/2013, appeal no. 4118/2011), it first pointed that under Spanish constitutional law, fundamental rights could be limited only by a law in the fo sense.

47. It then observed that the Catalonia High Court of Justice had wrongly found that the limitat in question pursued legitimate aims and werenecessary in a democratic society, whilst explai that it did not wish to prejudge any legislative intervention. On the first point, it took the view contrary to the findings of the court below, it could not be said that "legitimate aims" were constit by the protection of "public tranquillity", "public safety" or "public order", since it had not been sh that the wearing of the full-face veil was detrimental to those interests. It made the same observa for the "protection of rights and freedoms of others", since the term "others" did not designate person who sustained an interference with the exercise of the right to respect for freedom of reli but rather third parties. On the second point, it expressed its disagreement with the finding of Catalonia High Court of Justice to the effect that, whether or not it was voluntary, it was har reconcile the wearing of the full-face veil with the principle of gender equality, which was one of values of democratic societies. The Supreme Court took the view that the voluntary nature otherwise of the wearing of the full-face veil was decisive, since it was not possible to restri constitutional freedom based on the supposition that the women who wore it did so under dures thus concluded that the limitations in question could not be regarded as necessary in a democ society. Lastly, referring to academic legal writings, it stated that a ban on the wearing of the full- veil would have the result of isolating the women concerned and would give rise to discrimina against them, and would thus be incompatible with the objective of ensuring the social integratio groups of immigrant origin.

48. The Supreme Court further found, however, that it did not need to abrogate the amendme the specific by-law concerning public transport. It observed that this amendment merely obliged u who enjoyed reduced-rate tickets to identify themselves from time to time, and that this did constitute a restriction on fundamental rights.

C. Opinion of the Netherlands Council of State, 28 November 2011

49. The Council of State of the Netherlands gave four opinions – all negative – on four sepa Bills before Parliament which concerned, directly or indirectly, a ban on wearing the full-face ve public. The first, issued on 21 September 2007, concerned a private member's Bill expressly ai at banning the burqa; the second, issued on 6 May 2008 (unpublished), concerned a pri member's Bill for the banning of all clothing covering the face; and the third, issued on 2 Decen 2009 (unpublished), concerned a Bill to introduce a ban on such clothing in schools. The fo opinion, adopted on 28 November 2011 and published on 6 February 2012, concerned a Bill see to ban, on pain of criminal sanctions, the wearing in public places and places accessible to the pu (except those used for religious purposes) of clothing completely covering the face, leaving only eyes visible or preventing the person's identification.

50. The Government of the Netherlands justified the fourth Bill by the need to guarantee c communication – essential for social interaction –, the safety and "feeling of sa (*veiligheidsgevoel*) of members of the public, and the promotion of gender equality.

51. In its opinion of 28 November 2011 the Council of State first indicated that it was convinced by the usefulness and necessity of such a ban. It observed that the Government had stated how the wearing of clothing covering the face was fundamentally incompatible with the "so order" (*maatschappelijke orde*), nor had they demonstrated the existence of a pressing social n

explained why the wearing of such clothing, which might be based on religious grounds, had to dealt with under criminal law. As regards the argument about gender equality, the Council of S took the view that it was not for the Government to exclude the choice of wearing the burqa or ni for religious reasons, as that was a choice to be left to the women concerned. It added that a bla ban would be pointless if the aim was to prohibit the coercion of others into wearing the burq niqab. Lastly, the Council of State found that the subjective feeling of insecurity could not justi blanket ban on the basis of social order or public order (*de maatschappelijke of de openbare orc*

52. The Council of State further indicated that, in view of the foregoing, the Bill was not compa with the right to freedom of religion. In its view, a general ban on wearing clothing that covered face did not meet a pressing social need and was not therefore necessary in a democratic societ

THE LAW

I. THE GOVERNMENT'S PRELIMINARY OBJECTIONS

A. Whether the applicant is a "victim"

53. The Government called into question the applicant's status as a "victim". In their submiss she has not adduced evidence to show that she is a Muslim and wishes to wear the full-face ve religious reasons, does not claim even to have been stopped by the police for wearing the full- veil in a public place, and has not proved that she wore it before the entry into force of the La question. They also cast doubt on the seriousness of the consequences of the ban for the applic given that she had admitted to refraining from wearing such a veil in public when it would r practical obstacles, in the context of her professional life or when she wished to socialise, and said that she wore it only when compelled to do so by her introspective mood, her spiritual feeling her desire to focus on religious matters. In the Government's view, the application amounte an *actio popularis*. They added that the notion of "potential victim" undermined the obligatio exhaust domestic remedies and that an extensive application of this notion could have hi destabilising effects for the Convention system: it would run counter to the drafters' intention would considerably increase the number of potential applicants. In their view, whilst in certain spe cases the Court might take account of very exceptional circumstances to extend the notion of "vic the exception should not be allowed to undermine the principle that only those whose rights h effectively and concretely been breached may claim such status.

54. The applicant submitted that she fell within the category of "potential victims". She pointed in particular, in this connection, that in the Court's judgments in *Dudgeon v. the United Kingdom* October 1981, Series A no. 45), *Norris v. Ireland* (26 October 1988, Series A no. 142) and *Mod v. Cyprus* (22 April 1993, Series A no. 259), the Court had recognised homosexuals as victims account of the very existence of laws imposing criminal sanctions for consensual homosexual act on the ground that the choice they faced was between refraining from prohibited behaviour or ris prosecution, even though such laws were hardly ever enforced. She observed that, in *S.L Austria* (no. 45330/99, ECHR 2003-I), a seventeen-year-old boy complaining of legislation prohib homosexual acts between adults and minors had been recognised by the Court as having vi status, despite the fact that only adult partners were liable to prosecution and no such prosecu was actually at issue.

In the applicant's submission, her faith is an essential element of her existence, she is a de believer and the wearing of the veil is fundamental for her. She found it inappropriate for Government to require her to prove that she was a Muslim and that she wished to wear the vei religious reasons. She failed to see what proof she could give and observed that it would have b strange to expect applicants in the above-mentioned cases to prove their homosexuality. She ad that there could be no doubt that there was an established school of thought within Islam that requ women to cover their faces in public, and that, according to the Court's jurisprudence, it was no the State to assess the legitimacy of the applicant's ways of manifesting her beliefs. In

from wearing it in public when she so desires; the Law affects her directly on account of the fact she is a devout Muslim woman who conceals her face in public.

55. The Court observes that this objection primarily concerns the status of the applicant a victim under Article 9 of the Convention. It would point out in this connection that, as guaranteed that provision, the right to freedom of thought, conscience and religion denotes only those views attain a certain level of cogency, seriousness, cohesion and importance. However, provided th satisfied, the State's duty of neutrality and impartiality is incompatible with any power on the Sta part to assess the legitimacy of religious beliefs or the ways in which those beliefs are expres (see*Eweida and Others v. the United Kingdom*, nos. 48420/10, 59842/10,51671/10 and 36516 § 81, ECHR 2013, and the references indicated therein).

It is also true that an act which is inspired, motivated or influenced by a religion or beliefs, in o to count as a "manifestation" thereof within the meaning of Article 9, must be intimately linked to religion or beliefs in question. An example would be an act of worship or devotion which forms pa the practice of a religion or beliefs in a generally recognised form. However, the "manifestation religion or belief is not limited to such acts; the existence of a sufficiently close and direct ne between the act and the underlying belief must be determined on the facts of each case. In partic applicants claiming that an act falls within their freedom to manifest their religion or beliefs are required to establish that they acted in fulfilment of a duty mandated by the religion in question (i § 82, and the references indicated therein).

56. It cannot therefore be required of the applicant either to prove that she is a practising Mu or to show that it is her faith which obliges her to wear the full-face veil. Her statements suffice in connection, since there is no doubt that this is, for certain Muslim women, a form of prac observance of their religion and can be seen as a "practice" within the meaning of Article 9 § 1 o Convention. The fact that it is a minority practice (see paragraph 16 above) is without effect o legal characterisation.

57. Furthermore, the applicant admittedly does not claim to have been convicted – or e stopped or checked by the police – for wearing the full-face veil in a public place. An individual nevertheless argue that a law breaches his or her rights in the absence of a specific instanc enforcement, and thus claim to be a "victim", within the meaning of Article 34, if he or she is requ either to modify his or her conduct or risk being prosecuted, or if he or she is a member of a cate of persons who risk being directly affected by the legislation (see, in particular, *Marckx v. Belgi* 13 June 1979, § 27, Series A no. 31; *Johnston and Others v. Ireland*, 18 December 1986, § Series A no. 112; *Norris*, cited above, § 31; *Burden v. the United Kingdom* [GC], no. 13378 § 34, ECHR 2008; and *Michaud v. France*, no. 12323/11, §§ 51-52, ECHR 2012). This is the c under the Law of 11 October 2010 for women who, like the applicant, live in France and wish to w the full-face veil for religious reasons. They are thus confronted with a dilemma comparable *mu mutandis* to that which the Court identified in the *Dudgeon* and *Norris* judgments (both cited ab § 41 and §§ 30-34, respectively): either they comply with the ban and thus refrain from dressir accordance with their approach to religion; or they refuse to comply and face prosecution (also *Michaud*, cited above, § 52).

58. The Government's objection must therefore be dismissed.

B. Exhaustion of domestic remedies

59. The Government argued that, in the absence of any domestic proceedings, the applica should be declared inadmissible for failure to exhaust domestic remedies.

60. The applicant observed that applicants were not required to exhaust any domestic reme which would be ineffective or pointless.

61. In the Court's view, this question is devoid of relevance in the context of the French l system, in so far as it has found that the applicant is entitled to claim victim status in the absenc any individual measure. As a subsidiary consideration, it would observe that, whilst it is true tha complaints submitted to the Court had not previously been examined by domestic courts in context of remedies used by the applicant, the Constitutional Council ruled on 7 October 2010 tha Law was compatible with (*inter alia*) freedom of religion (see paragraph 30 above). The Crim

under Article 9 on the ground that the Law of 11 October 2010 had the aim, in accordance with second paragraph of that Article, of "protecting public order and safety, by requiring anyone pre in a public place to show their face" (see paragraph 34 above). From the latter judgment it moreover, be seen that, if the applicant had been convicted pursuant to the Law and subsequently appealed on points of law on the grounds of a violation of Article 9, her appeal w have been dismissed. The Court must therefore dismiss this objection.

C. Abuse of the right of individual application

62. The Government criticised "an improper exercise of the right of individual application". described the application as containing "a totally disembodied argument, lodged on the very day prohibition on concealing the face in public came into force by an applicant who ha[d] not beer subject of domestic proceedings and of whom nothing [was] known, except what she [had] seen say about her religious opinions and about her uncertain way of expressing them in behaviour". They observed that two other applications which were very similar in form and substa had been lodged by the same United Kingdom lawyers who were representing the applicant. added that "questions [might] well be asked about the seriousness of the case" and that it "in no involve[d] a normal use of the right of individual application" but amounted to an *actio popularis*.

63. In the applicant's view, this argument had to be rejected for the same reasons as those she gave for the dismissal of the objection that she was not entitled to claim victim status.

64. The Government thus seem to have suggested that the applicant is merely being used a cover. The Court has taken their observations into account on this point. It would observe, howe that its Registry has verified the name and address on the application and has ensured that lawyers who drafted it have produced the authority form duly signed by the applicant.

65. The Court considers that the Government's argument should otherwise be examined in te of Article 35 § 3 (a), which allows the Court to declare inadmissible any individual application th considers to be "an abuse of the right of individual application".

66. The Court reiterates in this connection that the implementation of this provision is "exceptional procedural measure" and that the concept of "abuse" refers to its ordinary mean namely, the harmful exercise of a right by its holder in a manner that is inconsistent with the purp for which such right is granted (see *Miroļubovs and Others v. Latvia*, no. 798/05, § 62, September 2009). In that connection, the Court has noted that for such "abuse" to be establishe the part of the applicant it requires not only manifest inconsistency with the purpose of the rig application but also some hindrance to the proper functioning of the Court or to the smooth condu the proceedings before it (ibid., § 65).

67. The Court has applied that provision in four types of situation (see*Miroļubovs and Oth* cited above, §§ 62-66). First, in the case of applications which were knowingly based on untrue f (see *Varbanov v. Bulgaria*, no. 31365/96, § 36, ECHR 2000-X), whether there had been falsifica of documents in the file (see, for example, *Jian v. Romania*(dec.), no. 46640/99, 30 March 200 failure to inform the Court of an essential item of evidence for its examination of the case (see example,*Al-Nashif v. Bulgaria*, no. 50963/99, § 89, 20 June 2002, and *Kerechashvil Georgia* (dec.), no. 5667/02, 2 May 2006) or of new major developments in the course of proceedings (see, for example, *Predescu v. Romania*, no. 21447/03, §§ 25-27, 2 December 20 Secondly, in cases where an applicant had used particularly vexatious, contemptuous, threatenin provocative expressions in his correspondence with the Court (see, for example, *Řehák v. the Cz Republic* (dec.), no. 67208/01, 18 May 2004). Thirdly, in cases where an applicant had delibera breached the confidentiality of negotiations for a friendly settlement (see, for example,*Hadrab and Others v. the Czech Republic* (dec.), nos. 42165/02 and466/03, 25 September 2 and *Deceuninck v. France* (dec.), no.47447/08, 13 December 2011). Fourthly, in cases wh applicants had repeatedly sent quibbling and manifestly ill-founded applications resembling application they had previously lodged that had been declared inadmissible (see *Anibal Viei Filhos LDA and Maria Rosa Ferreira da Costa LDA v. Portugal* (dec.), nos. 980/12 and 18385 13 November 2012; see also the Commission decisions *M. v. the United Kingdom*, no.13284/87

an abuse of the right of application, the situation is different where the applicant, driven by poli interests, gives an interview to the press or television showing an irresponsible and frivolous atti towards proceedings that are pending before the Court (see *Miroļubovs and Others*, cited abov 66).

68. The Court would first observe that the present application does not fall into any of those categories. Moreover, even supposing that it could be considered that an application which amo to an *actio popularis* is thereby rendered "manifestly at odds with the purpose of the righ application", the Court would refer back to its previous observations about the applicant's vi status and its conclusion that the present case cannot be described as an *actio popularis* (paragraphs 57-58 above). Furthermore, there is no evidence capable of leading the Cou consider that, by her conduct, the applicant has sought to hinder the proper functioning of the Cou the smooth conduct of proceedings before it. Also taking into account the fact that the inadmissil of an application on the ground that it constitutes an abuse of the right of application must remai exception, the Court dismisses the Government's objection.

II. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION, TAKEN SEPARATELY A TOGETHER WITH ARTICLE 14

69. The applicant complained that, since the wearing in public of clothing designed to concea face was prohibited by law on pain of a criminal sanction, if she wore the full-face veil in a pu place she would expose herself to a risk not only of sanctions but also of harassment discrimination, which would constitute degrading treatment. She relied on Article 3 of the Conven which reads:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

She further complained of a violation of Article 14 of the Convention taken together with Artic Article 14 reads as follows:

> "The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discriminatio any ground such as sex, race, colour, language, religion, political or other opinion, national or social o association with a national minority, property, birth or other status."

70. The Court observes that the minimum level of severity required if ill-treatment is to fall w the scope of Article 3 (see *Ireland v. the United Kingdom*, 18 January 1978, § 162, Series A no. is not attained in the present case. It concludes that the complaint under this Article is manifest founded, within the meaning of Article 35 § 3 (a) of the Convention. This also means that, as the f at issue do not fall within the ambit of Article 3 of the Convention (see, for example, *X and Othe Austria* [GC], no. 19010/07, § 94, ECHR 2013), Article 14 of the Convention cannot be relied upo conjunction with that provision.

71. Accordingly, this part of the application is inadmissible and must be rejected pursuan Article 35 §§ 3 and 4 of the Convention.

III. ALLEGED VIOLATION OF ARTICLE 11 OF THE CONVENTION, TAKEN SEPARATELY A TOGETHER WITH ARTICLE 14

72. The applicant complained that the statutory ban on wearing clothing designed to concea face in public deprived her of the possibility of wearing the Islamic full-face veil in public places. alleged that there had been a violation of her right to freedom of association and discrimination in exercise of that right. She relied on Article 11 of the Convention, taken separately and together the above-cited Article 14. Article 11 reads as follows:

> "1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, inclu the right to form and to join trade unions for the protection of his interests.
>
> 2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law are necessary in a democratic society in the interests of national security or public safety, for the preventi

armed forces, of the police or of the administration of the State."

73. The Court observes that the applicant did not indicate how the ban imposed by the Law o October 2012 would breach her right to freedom of association and would generate discrimina against her in the enjoyment of that right. It concludes that, being unsubstantiated, this part of application is manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention (see example, *Özer v. Turkey (no. 2)*, no. 871/08, § 36, 26 January 2010) and is, as such, inadmissib must therefore be dismissed pursuant to Article 35 §§ 3 and 4 of the Convention.

IV. ALLEGED VIOLATION OF ARTICLES 8, 9 AND 10 OF THE CONVENTION, TAK SEPARATELY AND TOGETHER WITH ARTICLE 14

74. The applicant complained for the same reasons of a violation of her right to respect for private life, her right to freedom to manifest her religion or beliefs and her right to freedor expression, together with discrimination in the exercise of these rights. She relied on Articles 8, 9 10 of the Convention, taken separately and together with the above-cited Article 14. Those first t Articles read as follows:

Article 8

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as accordance with the law and is necessary in a democratic society in the interests of national security, public s or the economic well-being of the country, for the prevention of disorder or crime, for the protection of heal morals, or for the protection of the rights and freedoms of others."

Article 9

"1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to ch his religion or belief and freedom, either alone or in community with others and in public or private, to manifes religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by and are necessary in a democratic society in the interests of public safety, for the protection of public order, h or morals, or for the protection of the rights and freedoms of others."

Article 10

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions ar receive and impart information and ideas without interference by public authority and regardless of frontiers. Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democ society, in the interests of national security, territorial integrity or public safety, for the prevention of disord crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventin disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

A. Admissibility

75. The Court finds that these complaints are not manifestly ill-founded within the meanin Article 35 § 3 (a) of the Convention. It further notes that they are not inadmissible on any o grounds. They must therefore be declared admissible.

B. Merits

1. The parties' submissions

76. In the applicant's submission, she was born in Pakistan and her family belongs to a S cultural tradition in which it is customary and respectful for women to wear a full-face veil in pu She claimed to have sustained a serious interference with the exercise of her rights under Artic as the Law of 11 October 2010, which sought to prohibit Muslim women from wearing thefull- veil in public places, prevented her from manifesting her faith, from living by it and from observing public. She added that, whilst the interference was "prescribed by law", it did not pursue any o legitimate aims listed in the second paragraph of that provision and was not "necessary democratic society".

77. The applicant began by observing that this interference could not be said to have legitimate aim of "public safety" as it was not a measure intended to address specific safety conc in places of high risk such as airports, but a blanket ban applying to almost all public places. As t Government's argument that it sought to ensure respect for the minimum requirements of lif society, because the reciprocal exposure of faces was fundamental in French society, the appli objected that it failed to take into account the cultural practices of minorities which did not necess share this philosophy or the fact that there were forms of communication other than visual, and th any event this bore no relation to the idea of imposing criminal sanctions to prevent people f veiling their faces in public. She submitted, moreover, that the Government's assertion that for wo to cover their faces was incompatible with the principle of gender equality was simplistic. She arg that, according to a well-established feminist position, the wearing of the veil often denoted wom emancipation, self-assertion and participation in society, and that, as far as she was concerne was not a question of pleasing men but of satisfying herself and her conscience. Furthermore, it c not be maintained that because of wearing the veil the women concerned were denied the rig exist as individuals in public, when in the majority of cases it was worn voluntarily and without proselytising motive. She added that other member States with a strong Muslim population did prohibit the wearing of the full-face veil in public places. She also found it ironic that an abstract i of gender equality could run counter to the profoundly personal choice of women who decided to w veils, and contended that imposing legal sanctions exacerbated the inequality that was suppose be addressed. Lastly, she took the view that in claiming that the prohibition had the legitimate ai "respect for human dignity" the Government were justifying the measure by the abstract assump based on stereotyping and chauvinistic logic, that women who wore veils were "effaced".

78. Under the heading of "necessity", the applicant argued that a truly free society was one w could accommodate a wide variety of beliefs, tastes, pursuits, customs and codes of conduct, that it was not for the State to determine the validity of religious beliefs. In her view, the prohibitio wearing the full-face veil in public and the risk of criminal sanctions sent out a sectarian message discouraged the women concerned from socialising. She pointed out that the Human Ri Committee, in its General Comment no. 28, had found that any regulation of clothing that wo could wear in public might breach the principle of equal rights for men and women, and in its deci in *Raihon Hudoyberganova v. Uzbekistan* (cited above), had observed that the freedom to man one's religion encompassed the right to wear clothes or attire in public which were in conformity the individual's faith or religion. She further observed that, whilst the Law of 11 October 2010 been passed almost unanimously, the above-cited cases of *Dudgeon*,*Norris* and *Modinos* sho that a measure might have wide political support and yet not be "necessary in a democratic socie

Moreover, even supposing that the aims pursued were legitimate, the impugned prohibition c not fulfil that condition where they might be achieved by less restrictive means. Thus, to address questions of public safety, it would be sufficient to implement identity checks at high-risk locations in the situations examined by the Court in the cases of *Phull v. France* ((dec.), no. 35753/03, EC 2005-I) and *El Morsli v. France*((dec.), no. 15585/06, 4 March 2008). As to the aim of guarante respect for human dignity, it was still necessary to weigh up the competing interests: thos members of the public who disapproved of the wearing of the veil; and those of the wome question who, like the applicant, were forced to choose between acting in a manner contrary to beliefs, staying at home or breaking the law. The rights of the latter were much more seric affected than those of the former. In the applicant's view, if it were considered, as the Governr argued, that it was necessary to criminalise not only the coercion of another into veiling but alsc fact of voluntarily wearing the veil, on the grounds that women might be reluctant to denounce th

examination of proportionality. Such an attitude was not only paternalistic, but it also reflected intention to punish the very women who were supposed to be protected from patriarchal press Lastly, the applicant found irrelevant the Government's comment that freedom to dress accordir one's wishes remained very broad in France and that the ban did not apply in places of worship c to the public, pointing out that her beliefs precisely required her to cover her face and that it shoul possible to manifest one's religion in public, not only in places of worship.

79. In the applicant's submission, the fact that she was prevented by the Law of 11 October 2 from wearing the full-face veil in public also entailed a violation of her right to respect for her pri life under Article 8 of the Convention. Her private life was affected for three reasons. First, beca her ability to wear the full-face veil was an important part of her social and cultural identity. Secc because, as the Court had pointed out in its *Von Hannover v. Germany* judgment (no. 59320/00 50 and 69, ECHR 2004-VI), there was a zone of interaction of a person with others, even in a pu context, which might fall within the scope of private life, and the protection of private life under Ar 8 extended beyond the private family circle and also included a social dimension. The third rea was that if she went out of the house wearing the full-face veil she would probably encounter hos and would expose herself to criminal sanctions. Thus, being obliged to remove it when she wen and only being able to wear it at home "as if she were a prisoner", she was forced to adopt a "J and Hyde personality".

Furthermore, referring back in essence to her observations on Article 9 of the Convention, applicant argued that the interference did not pursue any of the legitimate aims enumerated ir second paragraph of Article 8 of the Convention. She added that, even supposing that one of th aims could be accepted, the impugned interference could not be regarded as necessary democratic society, especially as the requirements of the second paragraph of Article 8 were, in connection, stricter than those of the second paragraph of Article 9.

80. The applicant further argued that the ban on wearing clothing designed to conceal the fac public, which undoubtedly targeted the burqa, generated discrimination in breach of Article 14 grounds of sex, religion and ethnic origin, to the detriment of Muslim women who, like her, w thefull-face veil. In her view this was indirect discrimination between Muslim women whose be required them to wear the full-face veil and other Muslim women, and also between them and Mu men. The exception provided for by the Law, according to which the ban did not apply if the clot was worn in the context of "festivities or artistic or traditional events"was also, in her v discriminatory, in that it created an advantage for the Christian majority: it allowed Christians to w in public clothing that concealed their face in the context of Christian festivities or celebrat (Catholic religious processions, carnivals or rituals, such as dressing up as Santa Claus) wher Muslim women who wished to wear the full-face veil in public remained bound by the ban even du the month of Ramadan.

(b) The Government

81. The Government admitted that, even though it was formulated in general terms, the introduced by the Law of 11 October 2010 could be seen as a "limitation", within the meanin Article 9 § 2 of the Convention, on the freedom to manifest one's religion or beliefs. They arg however, that the limitation pursued legitimate aims and that it was necessary, in a democ society, for the fulfilment of those aims.

82. In the Government's submission, the first of those aims was to ensure "public safety". The satisfied the need to identify individuals so as to prevent danger for the safety of persons property and to combat identity fraud. The second of those aims concerned the "protection of rights and freedoms of others" by ensuring "respect for the minimum set of values of an open democratic society". The Government mentioned three values in this connection. First, observance of the minimum requirements of life in society. In the Government's submission, the plays a significant role in human interaction: more so than any other part of the body, the expresses the existence of the individual as a unique person, and reflects one's shared humanity the interlocutor, at the same time as one's otherness. The effect of concealing one's face in pu places is to break the social tie and to manifest a refusal of the principle of "living together" (*le "v ensemble"*). The Government further argued that the ban sought to protect equality between men

expression of their individuality to the private family space or to an exclusively female space. Last was a matter of respect for human dignity, since the women who wore such clothing were there "effaced" from public space. In the Government's view, whether such "effacement" was desire suffered, it was necessarily dehumanising and could hardly be regarded as consistent with hu dignity.

On the question of gender equality, the Government expressed surprise at the applica statements to the effect that the practice of wearing the full-face veil often denoted the wom emancipation, self-assertion and participation in society, and they did not agree with the hi positive presentation of that practice by the applicant and the intervening non-governme organisations. They took note of the study reports presented by two of the third-party interver showing that women who wore or used to wear the full-face veil did so voluntarily and those that given up the practice had done so mainly as a result of public hostility. They observed, however, those studies were based on only a small sample group of women (twenty-seven in one case, th two in the other) recruited using the "snowball method". That method was not very reliable, a consisted in targeting various people fitting the subject profile and then, through them, reachir greater number of people who generally shared the same views. They concluded that the repor question provided only a very partial view of reality and that their scientific relevance had to be vie with caution.

83. As regards the necessity and proportionality of the limitation, the Government argued tha Law of 11 October 2010 had been passed both in the National Assembly and the Senate by unanimous vote of those cast (less one vote), following a wide democratic consultation involving society. They pointed out that the ban in issue was extremely limited in terms of its subject matter only concealment of the face was prohibited, irrespective of the reason, and everyone remained f subject to that sole restriction, to wear clothing expressing a religious belief in public. They added the Law was necessary for the defence of the principles underlying its enactment. They indicate this connection that to restrict sanctions only to those coercing someone else to cover their f would not have been sufficiently effective because the women concerned might have hesitate report it and coercion could always be diffuse in nature. They further pointed out that the C afforded States a wide margin of appreciation when it came to striking a balance between compe private and public interests, or where a private interest was in conflict with other rights secured by Convention (they referred to *Evans v. the United Kingdom* [GC], no. 6339/05, § 77, ECHR 200 They further took the view that the penalties stipulated were light – a mere fine of 150 euros citizenship course. They noted that both the Constitutional Council and the Court of Cassation recognised the "necessity" of the Law.

84. As to Article 8 of the Convention, the Government indicated that they were not convinced this provision applied, since the ban on clothing designed to cover the face concerned only pu places and it could not be considered that an individual's physical integrity or privacy were at st Pointing out that the applicant's arguments related, in any event, more to her freedom to manifest beliefs or religion and therefore to Article 9, they referred back to the arguments they had set under that head as to the justification for the interference and its proportionality.

85. Lastly, the Government found the applicant "particularly ill-placed to consider herself a victi discrimination on account of her sex", as one of the essential objectives of the impugned Law wa combat that type of discrimination as a result of women being effaced from public space through wearing of the full-face veil. In their view, the assertion that the Law had been based on a stereo whereby Muslim women were submissive was unfounded and caricatural: firstly, because the Law not target Muslim women; and secondly, because the social effacement manifested by the wearir the burqa or niqab was "hardly compatible with the affirmation of a social existence". In their opir it was not possible to infer from Article 14 of the Convention a right to place oneself in a positic discrimination. As to the contention that one of the effects of the Law would be to dissuade women concerned from going to public places and to confine them at home, it was particularly futi the instant case since the applicant claimed that she wore this clothing only voluntarily occasionally.

The Government added that the Law did not create any discrimination against Muslim wo either. They observed in this connection that the practice of wearing the full-face veil was a re development, quite uncommon in France, and that it had been criticised on many occasions by h

the face was religious, and regardless of the sex of the individual. Lastly, they pointed out that the that certain individuals who wished to adopt behaviour which they justified by their beliefs, whethe not religious, were prevented from doing so by a statutory prohibition could not in itself be conside discriminatory where the prohibition had a reasonable basis and was proportionate to the pursued. They referred on this point to their previous arguments.

2. Arguments of third-party interveners

(a) The Belgian Government

86. The intervening Government stated that the wearing of the full-face veil was not required by Koran but corresponded to a minority custom from the Arabian peninsula.

87. They further indicated that a law prohibiting the wearing of any "clothing entirely or substan concealing the face" had been passed in Belgium on 1 June 2011 and had come into force on July 2011. Two constitutional challenges lodged against it had been dismissed by the Bel Constitutional Court in a judgment of 6 December 2012, finding –subject to one reserva concerning places of worship – that the wearing of such clothing posed a safety issue, was obstacle to the right of women to equality and dignity, and, more fundamentally, undermined the essence of the principle of living together. They took the view that no one was entitled to claim, on basis of individual or religious freedom, the power to decide when and in what circumstances would agree to uncover their faces in a public place. It was necessarily a matter for the pu authorities to assess public safety requirements. They further noted that the issue of women's rig equality and dignity had been raised by both parties, and acknowledged that the wearing of the face veil was not necessarily an expression of subservience to men. They considered, however, the right to isolation had its limits, that codes of clothing which prevailed in our societies were product of societal consensus and the result of a balanced compromise between our indivi freedom and our codes of interaction within society, and that those who wore clothing concealing face were signalling to the majority that they did not wish to take an active part in society and w thus dehumanised. In their view, one of the values forming the basis on which a democratic soc functioned was the possibility for individuals to take part in an active exchange.

88. The intervening Government pointed out that the Belgian legislature had sought to defer model of society in which the individual outweighed any philosophical, cultural or religi attachments so as to encourage full integration and enable citizens to share a common heritag fundamental values such as democracy, gender equality and the separation of Church and St They referred to the judgment of the Belgian Constitutional Court, which had found that, where consequence of concealing the face was to prevent a person's facial individualisation, even tho such individualisation was a fundamental condition associated with his or her very essence, prohibition on wearing clothing concealing the face in places accessible to the public, even if it w the expression of a religious belief, met a compelling social need in a democratic society. T added that the Belgian legislature had opted for the lightest criminal sanction (a fine) and observe again referring to the Constitutional Court's judgment – that if certain women stayed at home so not to go out with their faces uncovered, that was the result of their own choice and not o illegitimate constraint imposed on them by the Law. Lastly, they were of the view that the French Belgian Laws were not discriminatory, as they did not specifically target the full-face veil and app to any person who wore items concealing the face in public, whether a man or a woman, and whe for a religious or any other reason.

(b) The non-governmental organisation Amnesty International

89. This third-party intervener observed that the right to wear clothing with a religious connota was protected by the International Covenant on Civil and Political Rights, in terms of the righ freedom of thought, conscience and religion and the right to freedom of expression. It added that Covenant provided for limitations similar to those in Articles 9 and 10 of the Convention, and arg that public international law required the provisions of both instruments to be interpreted in a sim manner. It thus called on the Court to take into account the Human Rights Committee's Gen Comments nos. 22, 27 and 34, together with its jurisprudence (see paragraph 38 above).

international and regional instruments for the protection of fundamental rights, that a homogene interpretation was also required in that connection, and that, in accordance with the Internati Covenant on Civil and Political Rights and the Convention on the Elimination of All Form Discrimination against Women (CEDAW), States had an obligation to take effective measures to an end to discriminatory practices. It further referred to the Human Rights Committee's Ger Comments nos. 22 and 28. It also pointed to the risk of intersecting discrimination: women m experience a distinct form of discrimination due to the intersection of sex with other factors such religion, and such discrimination might express itself, in particular, in the form of stereotypin subgroups of women. It also observed that restrictions on the wearing of headscarves or veils m impair the right to work, the right to education and the right to equal protection of the law, and m contribute to acts of harassment and violence.

91. In the third party's submission, it is an expression of gender-based and religion-ba stereotyping to assume that women who wear certain forms of dress do so only under coerc ending discrimination would require a far more nuanced approach.

(c) The non-governmental organisation ARTICLE 19

92. This third-party intervener observed that the wearing of religious dress or symbols covered by the right to freedom of expression and the right to freedom of religion and thought. It referred to the Human Rights Committee's General Comment no. 28. It further mentioned Committee's decision in *Hudoyberganova v. Uzbekistan* (cited above), where it had been found the freedom to manifest one's religion encompassed the right to wear clothes or attire in public w were deemed to be in conformity with the individual's faith or religion, and that to prevent a pe from wearing religious clothing might constitute a violation of Article 18 of the International Cove on Civil and Political Rights. It referred also to the Committee's General Comment no. 34 on free of opinion and expression. It added that, in her 2006 report, the United Nations Special Rappo on freedom of religion or belief had laid down a set of guidelines for considering the necessity proportionality of restrictions on wearing religious dress or symbols and recommended that following questions be answered by the administration or judiciary when making such an assessm is the restriction in question appropriate having regard to the legitimate interest that it seek protect, is it the least restrictive, has it involved a balancing of the competing interests, is it like promote religious intolerance and does it avoid stigmatising any particular religious community?

93. The intervener further observed that, as noted by the Special Rapporteur on freedor religion or belief in his interim 2011 report, the prohibition on sex-based discrimination was c invoked in favour of banning the full-face veil, whereas such prohibitions might lead to intersecti discrimination against Muslim women. In the intervener's view, this could be counterproductive might lead to the confinement of the women concerned in the home and to their exclusion from pu life and marginalisation, and might expose Muslim women to physical violence and verbal attack further observed that the Parliamentary Assembly of the Council of Europe, in particular, had rec recommended that member States should not opt for general bans on the wearing of the full-face in public.

94. According to the intervener, international standards on the right to freedom of expressio freedom of opinion and religion and to equal treatment and non-discrimination did not sup general prohibitions on covering the face in public.

(d) Human Rights Centre of Ghent University

95. The intervener emphasised that the French and Belgian Laws prohibiting concealment o face in public had been passed on the basis of the assumption that women who wore the full-face did so for the most part under coercion, showed that they did not wish to interact with others in soc and represented a threat to public safety. It referred to empirical research that had been carried o Belgium among twenty-seven women who wore or used to wear the full-face veil (see E. Bre Y. Janssens, K. Lecoyer, S. Ouald Chaib and V. Vandersteen, *Wearing the Face Veil in Belgi Views and Experiences of 27 Women Living in Belgium Concerning the Islamic Full Face Veil the Belgian Ban on Face Covering*), together with research carried out in France by the C Society Foundations (see paragraph 104 below) and in the Netherlands by Professor A. Mc

96. In the intervener's submission, this research showed that the ban did not actually serv stated purpose: the women concerned avoided going out, leading to their isolation and deterioration of their social life and autonomy, and cases of aggression against them had increa It further found the ban disproportionate, because public space was defined very broadly, sa concerns might be addressed by the occasional duty to identify oneself by showing one's face, ar today's society there were many forms of social interaction in which people did not have to see e other's face.

97. In the intervener's view, in addition to constituting a disproportionate interference with free of religion, the ban generated indirect and intersectional discrimination on grounds of religion sex, endorsed stereotypes and disregarded the fact that veiled women made up a vulnerable min group which required particular attention.

98. Lastly, the intervener asked the Court to examine the present case in the light of the ris Islamophobia in various European countries. It took the view that the adoption and enforcement blanket ban on face covering in public were all the more harmful as this had been accompanie political rhetoric specifically targeting women wearing an Islamic face veil, thus reinforcing nega stereotypes and Islamophobia.

(e) The non-governmental organisation Liberty

99. This intervener observed that, although the Law of 11 October 2010 was framed in ne terms, its aim was to prohibit the wearing of the burqa and it applied to all public places, with result that the women concerned faced the agonising choice between remaining at home or remo their veil. It pointed out that the origins of the Convention were firmly rooted in the atrocities o Second World War, that it was the horrors perpetrated against the Jews that had provided impetus for embedding the right to freedom of religion in the list of fundamental rights, and that s then there had been other crimes against humanity where religion had been at least a contribu factor. It added that there was a close relationship between religion and race.

100. The intervener further emphasised that general rules regulating clothing worn by wome public might involve a violation not only of a number of fundamental rights but also of international regional instruments such as the Framework Convention for the Protection of National Minorities regards the Convention, the intervener was of the view that Articles 8, 9, 10 and 14 applied ir present case. It submitted that the threefold justification in the explanatory memoran accompanying the Bill had not been convincing. It further argued that the ban and the del surrounding it contributed to stigmatising Muslims and fuelled racist attitudes towards them.

101. In conclusion, the intervener observed that, whilst many feminists, in particular, regar the full-face veil as demeaning to women, undermining of their dignity, and the result of patriar others saw it as a symbol of their faith. In its view, these controversies were not resolve imprisoning at home those women who felt compelled to wear it, on pain of sanctions. This was liberating for women and in all likelihood would encourage Islamophobia.

(f) The non-governmental organisation Open Society Justice Initiative

102. This third-party intervener pointed out that the ban on the full-face veil had been critic within the Council of Europe and that only France and Belgium had adopted such a blanket meas It emphasised that, even though the French and Belgian Laws were neutral in their wording, legislative history showed that the intent was to target specifically the niqab and the burqa.

103. The intervener further noted that the aim of the French Law was to preserve public sa gender equality and secularism. It asserted in this connection that reasoning based on public o might easily disguise intolerance when freedom of religion was at stake. Referring in particular to Court's judgment in *Palau-Martinez v. France* (no. 64927/01, § 43, ECHR 2003-XII), it added States might rely on this notion to justify interference with the exercise of a Convention right only if could show that there was concrete evidence of a breach of public order. As regards the protectio gender equality, it noted that such an objective was based on the supposition that women who w the veil were coerced into doing so and thus disadvantaged, whereas this was not shown by ar the evidence examined in the legislative process.

104. The intervener further referred to the report of a survey conducted in France by the C

Truth: Why 32 Muslim Women Wear the Full-Face Veil in France and published in April 201 indicated that the women interviewed were not coerced into wearing the veil, that many had deci to wear it despite opposition from their families, that one third did not wear it as a permanent daily practice, and that the majority maintained active social lives. The report also revealed tha ban had contributed to discontent among these women and had reduced their autonomy, and tha public discourse accompanying it had encouraged verbal abuse and physical attacks against t by members of the public. The intervener also submitted a follow-up report published September 2013. It noted that, according to the latter, the majority of the women intervie continued to wear the full-face veil as an expression of their religious beliefs. It added that the re showed the significant impact of the ban on their personal and family lives. The intervener fu noted the report's finding that all women interviewed had described a decline in their personal sa since the ban, with incidents of public harassment and physical assaults resulting from a climat which the public appeared emboldened to act against women wearing the full-face veil.

105. In conclusion, the intervener argued that there was a European consensus against ban the wearing of the full-face veil in public. It further stressed the fact that blanket bans v disproportionate where less intrusive measures might be possible, that public order justificat must be supported by concrete evidence, that measures introduced to promote equality mus objectively and reasonably justified and limited in time, and that measures seeking to pron secularism must be strictly necessary.

3. The Court's assessment

(a) Alleged violation of Articles 8 and 9 of the Convention

106. The ban on wearing clothing designed to conceal the face, in public places, raises quest in terms of the right to respect for private life (Article 8 of the Convention) of women who wish to w the full-face veil for reasons related to their beliefs, and in terms of their freedom to manifest th beliefs (Article 9 of the Convention).

107. The Court is thus of the view that personal choices as to an individual's desired appeara whether in public or in private places, relate to the expression of his or her personality and thus within the notion of private life. It has found to this effect previously as regards a haircut (see*Pop Romania* (dec), no. 4233/09, §§ 32-33, 18 June 2013; see also the decision of the Europ Commission on Human Rights in *Sutter v. Switzerland*, no. 8209/78, 1 March 1979). It considers, the Commission (see, in particular, the decisions in *McFeeley and Others v. the United Kingd* no. 8317/78, 15 May 1980, § 83, Decisions and Reports (DR) 20, and *Kara v. the United Kingd* no. 36528/97, 22 October 1998), that this is also true for a choice of clothing. A measure emana from a public authority which restricts a choice of this kind will therefore, in principle, constitute interference with the exercise of the right to respect for private life within the meaning of Article the Convention (see the *Kara* decision,cited above). Consequently, the ban on wearing clot designed to conceal the face in public places, pursuant to the Law of 11 October 2010, falls u Article 8 of the Convention.

108. That being said, in so far as that ban is criticised by individuals who, like the applic complain that they are consequently prevented from wearing in public places clothing that the prac of their religion requires them to wear, it mainly raises an issue with regard to the freedom to man one's religion or beliefs (see, in particular, *Ahmet Arslan and Others v. Turkey*, no. 41135/98, § 23 February 2010). The fact that this is a minority practice and appears to be contested (paragraphs 56 and 85 above) is of no relevance in this connection.

109. The Court will thus examine this part of the application under both Article 8 and Article 9 with emphasis on the second of those provisions.

(i) Whether there has been a "limitation" or an "interference"

110. As the Court has already pointed out (see paragraph 57 above), the Law of 11 October 2 confronts the applicant with a dilemma comparable to that which it identified the *Dudgeon* and *Norris* judgments: either she complies with the ban and thus refrains from dres

situation to that of the applicants in *Dudgeon* and*Norris*, where the Court found a "contin interference" with the exercise of the rights guaranteed by the second of those provisions (judgm both cited above, § 41 and § 38, respectively; see also, in particular, *Michaud*, cited above, § There has therefore been, in the present case, an "interference" with or a "limitation" of the exercis the rights protected by Articles 8 and 9 of the Convention.

111. Such a limitation or interference will not be compatible with the second paragraphs of th Articles unless it is "prescribed by law", pursues one or more of the legitimate aims set out in th paragraphs and is "necessary in a democratic society", to achieve the aim or aims concerned.

(ii) Whether the measure is "prescribed by law"

112. The Court finds that the limitation in question is prescribed by sections 1, 2 and 3 of the of 11 October 2010 (see paragraph 28 above). It further notes that the applicant has not disputed these provisions satisfy the criteria laid down in the Court's case-law concerning Article 8 § 2 Article 9 § 2 of the Convention.

(iii) Whether there is a legitimate aim

113. The Court reiterates that the enumeration of the exceptions to the individual's freedor manifest his or her religion or beliefs, as listed in Article 9 § 2, is exhaustive and that their definitic restrictive (see, among other authorities, *Svyato-Mykhaylivska Parafiya v. Ukraine*, no. 77703 § 132, 14 June 2007, and *Nolan and K. v. Russia*, no. 2512/04, § 73, 12 February 2009). For it t compatible with the Convention, a limitation of this freedom must, in particular, pursue an aim that be linked to one of those listed in this provision. The same approach applies in respect of Article the Convention.

114. The Court's practice is to be quite succinct when it verifies the existence of a legitimate within the meaning of the second paragraphs of Articles 8 to 11 of the Convention (see, for exam the above-cited judgments of *Leyla Şahin*, § 99, and *Ahmet Arslan and Others*, § 43).Howeve the present case, the substance of the objectives invoked in this connection by the Government, strongly disputed by the applicant, call for an in-depth examination. The applicant took the view the interference with the exercise of her freedom to manifest her religion and of her right to respec her private life, as a result of the ban introduced by the Law of 11 October 2010, did not corresp to any of the aims listed in the second paragraphs of Articles 8 and 9. The Government argued their part, that the Law pursued two legitimate aims: public safety and "respect for the minimum s values of an open and democratic society". The Court observes that the second paragraph Articles 8 and 9 do not refer expressly to the second of those aims or to the three values mentic by the Government in that connection.

115. As regards the first of the aims invoked by the Government, the Court first observes "public safety" is one of the aims enumerated in the second paragraph of Article 9 of the Conver (*sécurité publique* in the French text) and also in the second paragraph of Article 8 (*sû publique* in the French text). It further notes the Government's observation in this connection tha impugned ban on wearing, in public places, clothing designed to conceal the face satisfied the r to identify individuals in order to prevent danger for the safety of persons and property and to cor identity fraud. Having regard to the case file, it may admittedly be wondered whether the La drafters attached much weight to such concerns. It must nevertheless be observed that explanatory memorandum which accompanied the Bill indicated – albeit secondarily – that practice of concealing the face "could also represent a danger for public safety in ce situations" (see paragraph 25 above), and that the Constitutional Council noted that the legisla had been of the view that this practice might be dangerous for public safety (see paragraph above). Similarly, in its study report of 25 March 2010, the*Conseil d'État* indicated that public sa might constitute a basis for prohibiting concealment of the face, but pointed out that this could be case only in specific circumstances (see paragraphs 22-23 above). Consequently, the Court acc that, in adopting the impugned ban, the legislature sought to address questions of "public sa within the meaning of the second paragraphs of Articles 8 and 9 of the Convention.

116. As regards the second of the aims invoked – to ensure "respect for the minimum se values of an open and democratic society" – the Government referred to three values: respec

requirements of life in society. They submitted that this aim could be linked to the "protection o rights and freedoms of others", within the meaning of the second paragraphs of Articles 8 and 9 o Convention.

117. As the Court has previously noted, these three values do not expressly correspond to ar the legitimate aims enumerated in the second paragraphs of Articles 8 and 9 of the Conven Among those aims, the only ones that may be relevant in the present case, in relation to the value question, are "public order" and the "protection of the rights and freedoms of others". The forme not, however, mentioned in Article 8 § 2. Moreover, the Government did not refer to it either in written observations or in their answer to the question put to them in that connection during the pu hearing, preferring to refer solely to the "protection of the rights and freedoms of others". The C will thus focus its examination on the latter "legitimate aim", as it did previously in the cases of *L Şahin* and *Ahmet Arslan and Others* (both cited above, § 111 and § 43, respectively).

118. First, the Court is not convinced by the Government's submission in so far as it conc respect for equality between men and women.

119. It does not doubt that gender equality might rightly justify an interference with the exercis certain rights and freedoms enshrined in the Convention (see, *mutatis mutandis*, *Staatku Gereformeerde Partij v. the Netherlands* (dec.), 10 July 2012). It reiterates in this connection advancement of gender equality is today a major goal in the member States of the Council of Eur (ibid.; see also, among other authorities, *Schuler-Zgraggen v. Switzerland*, 24 June 1993, § Series A no. 263, and*Konstantin Markin v. Russia* [GC], no. 30078/06, § 127, ECHR 2012). Th State Party which, in the name of gender equality, prohibits anyone from forcing women to con their face pursues an aim which corresponds to the "protection of the rights and freedoms of oth within the meaning of the second paragraphs of Articles 8 and 9 of the Convention (see *L Şahin*,cited above, § 111). The Court takes the view, however, that a State Party cannot inv gender equality in order to ban a practice that is defended by women – such as the applicant – ir context of the exercise of the rights enshrined in those provisions, unless it were to be understood individuals could be protected on that basis from the exercise of their own fundamental rights freedoms. It further observes that the *Conseil d'État* reached a similar conclusion in its study repo 25 March 2010 (see paragraph 22 above).

Moreover, in so far as the Government thus sought to show that the wearing of the full-face ve certain women shocked the majority of the French population because it infringed the principl gender equality as generally accepted in France, the Court would refer to its reasoning as to the c two values that they have invoked (see paragraphs 120-122 below).

120. Secondly, the Court takes the view that, however essential it may be, respect for hu dignity cannot legitimately justify a blanket ban on the wearing of the full-face veil in public places. Court is aware that the clothing in question is perceived as strange by many of those who obser It would point out, however, that it is the expression of a cultural identity which contributes to pluralism that is inherent in democracy. It notes in this connection the variability of the notion virtuousness and decency that are applied to the uncovering of the human body. Moreover, it does have any evidence capable of leading it to consider that women who wear the full-face veil see express a form of contempt against those they encounter or otherwise to offend against the digni others.

121. Thirdly, the Court finds, by contrast, that under certain conditions the "respect for minimum requirements of life in society" referred to by the Government – or of "living together" stated in the explanatory memorandum accompanying the Bill (see paragraph 25 above) – can linked to the legitimate aim of the "protection of the rights and freedoms of others".

122. The Court takes into account the respondent State's point that the face plays an impo role in social interaction. It can understand the view that individuals who are present in places ope all may not wish to see practices or attitudes developing there which would fundamentally call question the possibility of open interpersonal relationships, which, by virtue of an establis consensus, forms an indispensable element of community life within the society in question. Court is therefore able to accept that the barrier raised against others by a veil concealing the fac perceived by the respondent State as breaching the right of others to live in a space of socialisa which makes living together easier. That being said, in view of the flexibility of the notion of "li together" and the resulting risk of abuse, the Court must engage in a careful examination of

(iv) Whether the measure is necessary in a democratic society

(α) General principles concerning Article 9 of the Convention

123. As the Court has decided to focus on Article 9 of the Convention in examining this part o application, it finds it appropriate to reiterate the general principles concerning that provision.

124. As enshrined in Article 9, freedom of thought, conscience and religion is one of foundations of a "democratic society" within the meaning of the Convention. This freedom is, i religious dimension, one of the most vital elements that go to make up the identity of believers their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and unconcerned. The pluralism indissociable from a democratic society, which has been dearly won the centuries, depends on it. That freedom entails,*inter alia*, freedom to hold or not to hold relig beliefs and to practise or not to practise a religion (see, among other authorities, *Kokkinaki Greece*, 25 May 1993, § 31, Series A no. 260-A; *Buscarini and Others v. San Marino* [no. 24645/94, § 34, ECHR 1999-I; and *Leyla Şahin*, cited above, § 104).

125. While religious freedom is primarily a matter of individual conscience, it also imp freedom to manifest one's religion, alone and in private, or in community with others, in public within the circle of those whose faith one shares. Article 9 lists the various forms which manifestation of one's religion or beliefs may take, namely worship, teaching, practice observance (see, *mutatis mutandis*, *Cha'are Shalom Ve Tsedek v. France* [GC], no. 27417 § 73, ECHR 2000-VII, and *Leyla Şahin*, cited above, § 105).

Article 9 does not, however, protect every act motivated or inspired by a religion or belief and c not always guarantee the right to behave in the public sphere in a manner which is dictated by o religion or beliefs (see, for example, *Arrowsmith v. the United Kingdom*, no. 7050/75, Commissi report of 12 October 1978, DR 19; *Kalaç v. Turkey*, 1 July 1997, § 27,*Reports of Judgments Decisions* 1997-IV; and *Leyla Şahin*, cited above, §§ 105 and 121).

126. In democratic societies, in which several religions coexist within one and the sa population, it may be necessary to place limitations on freedom to manifest one's religion or belie order to reconcile the interests of the various groups and ensure that everyone's beliefs respected (see*Kokkinakis*, cited above, § 33). This follows both from paragraph 2 of Article 9 from the State's positive obligations under Article 1 of the Convention to secure to everyone withi jurisdiction the rights and freedoms defined therein (see *Leyla Şahin*, cited above, § 106).

127. The Court has frequently emphasised the State's role as the neutral and impartial organ of the exercise of various religions, faiths and beliefs, and has stated that this role is conducive public order, religious harmony and tolerance in a democratic society. As indicated previously, it considers that the State's duty of neutrality and impartiality is incompatible with any power or State's part to assess the legitimacy of religious beliefs or the ways in which those beliefs expressed (see *Manoussakis and Others v. Greece*, 26 September 1996, § 47, *Reports* 19 IV; *Hasan and Chaush v. Bulgaria* [GC], no. 30985/96, § 78, ECHR 2000-XI; and *Refah Partisi Welfare Party) and Others v. Turkey* [GC], nos. 41340/98,41342/98, 41343/98 and 41344/98, § ECHR 2003-II), and that this duty requires the State to ensure mutual tolerance between oppo groups (see, among other authorities, *Leyla Şahin*, cited above, § 107). Accordingly, the role o authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, b ensure that the competing groups tolerate each other (see *Serif v. Greece*, no. 38178/97, § ECHR 1999-IX; see also *Leyla Şahin*, cited above, § 107).

128. Pluralism, tolerance and broadmindedness are hallmarks of a "democratic society". Altho individual interests must on occasion be subordinated to those of a group, democracy does simply mean that the views of a majority must always prevail: a balance must be achieved w ensures the fair treatment of people from minorities and avoids any abuse of a dominant pos (see, *mutatis mutandis*, *Young, James and Webster v. the United Kingdom*, 13 August 1981, § Series A no. 44, and*Chassagnou and Others v. France* [nos. 25088/94, 28331/95 and28443/95, § 112, ECHR 1999-III). Pluralism and democracy must be based on dialogue and a spirit of compromise necessarily entailing various concessions or part of individuals or groups of individuals which are justified in order to maintain and promote ideals and values of a democratic society (see *mutatis mutandis*, *the United Communist Par*

above § 99). Where these "rights and freedoms of others" are themselves among those guarant by the Convention or the Protocols thereto, it must be accepted that the need to protect them lead States to restrict other rights or freedoms likewise set forth in the Convention. It is precisely constant search for a balance between the fundamental rights of each individual which constitutes foundation of a "democratic society" (see *Chassagnou and Others*, cited above, § 113; also *Leyla Şahin*,cited above, § 108).

129. It is also important to emphasise the fundamentally subsidiary role of the Conver mechanism. The national authorities have direct democratic legitimation and are, as the Court held on many occasions, in principle better placed than an international court to evaluate local ne and conditions. In matters of general policy, on which opinions within a democratic society reasonably differ widely, the role of the domestic policy-maker should be given special weight (for example, *Maurice v. France* [GC], no. 11810/03, § 117, ECHR 2005-IX). This is the case particular, where questions concerning the relationship between State and religions are stake (see, *mutatis mutandis*, *Cha'are Shalom Ve Tsedek*, cited above, § 84, and *Wingrove v. United Kingdom*, 25 November 1996, § 58, *Reports*1996-V; see also *Leyla Şahin*, cited ab § 109). As regards Article 9 of the Convention, the State should thus, in principle, be afforded a v margin of appreciation in deciding whether and to what extent a limitation of the right to man one's religion or beliefs is "necessary". That being said, in delimiting the extent of the margi appreciation in a given case, the Court must also have regard to what is at stake therein (see, am other authorities, *Manoussakis and Others*, cited above, § 44, and *Leyla Şahin*,cited above, § 1 It may also, if appropriate, have regard to any consensus and common values emerging from practices of the States parties to the Convention (see, for example, *Bayatyan v. Armenia* [G no. 23459/03, § 122, ECHR 2011).

130. In the *Leyla Şahin* judgment, the Court pointed out that this would notably be the case wh came to regulating the wearing of religious symbols in educational institutions, especially in vie the diversity of the approaches taken by national authorities on the issue. Referring to the C *Preminger-Institut v. Austria* judgment (20 September 1994, § 50, Series A no. 295-A) the *Dahlab v. Switzerland* decision (no. 42393/98, ECHR 2001-V), it added that it was thus possible to discern throughout Europe a uniform conception of the significance of religion in soc and that the meaning or impact of the public expression of a religious belief would differ accordir time and context. It observed that the rules in this sphere would consequently vary from one count another according to national traditions and the requirements imposed by the need to protect rights and freedoms of others and to maintain public order. It concluded from this that the choic the extent and form of such rules must inevitably be left up to a point to the State concerned, would depend on the specific domestic context (see *Leyla Şahin*, cited above, § 109).

131. This margin of appreciation, however, goes hand in hand with a European supervi embracing both the law and the decisions applying it. The Court's task is to determine whether measures taken at national level were justified in principle and proportionate (see, among c authorities,*Manoussakis and Others*, cited above, § 44, and *Leyla Şahin*, cited above, § 110).

(β) Application of those principles in previous cases

132. The Court has had occasion to examine a number of situations in the light of those princip

133. It has thus ruled on bans on the wearing of religious symbols in State schools, imposed teaching staff (see, *inter alia*, *Dahlab*, decision cited above, and *Kurtulmuş v. Turkey* (d no. 65500/01, ECHR 2006-II) and on pupils and students (see, *inter alia*, *Leyla Şahin,* c above; *Köse and Others v. Turkey* (dec.), no. 26625/02, ECHR 2006-II; *Kervanci v. Fra* no. 31645/04, 4 December 2008; *Aktas v. France* (dec.), no. 43563/08, 30 June 2009; and *R Singh v. France* (dec.) no. 27561/08, 30 June 2009), on an obligation to remove clothing wi religious connotation in the context of a security check (*Phull v. France* (dec.), no. 35753/03, EC 2005-I, and*El Morsli v. France* (dec.), no. 15585/06, 4 March 2008), and on an obligation to app bareheaded on identity photos for use on official documents (*Mann Singh v. France* (d no. 24479/07, 11 June 2007). It did not find a violation of Article 9 in any of these cases.

134. The Court has also examined two applications in which individuals complained in partic

religion. One was an employee of an airline company, the other was a nurse (see *Eweida Others*, cited above). The first of those cases, in which the Court found a violation of Article 9, is most pertinent for the present case. The Court took the view, *inter alia*, that the domestic courts given too much weight to the wishes of the employer – which it nevertheless found legitimate project a certain corporate image, in relation to the applicant's fundamental right to manifest religious beliefs. On the latter point, it observed that a healthy democratic society needed to tole and sustain pluralism and diversity and that it was important for an individual who had made religi central tenet of her life to be able to communicate her beliefs to others. It then noted that the cross been discreet and could not have detracted from the applicant's professional appearance. There no evidence that the wearing of other, previously authorised, religious symbols had had any nega impact on the image of the airline company in question.While pointing out that the national authori in particular the courts, operated within a margin of appreciation when they were called upo assess the proportionality of measures taken by a private company in respect of its employee thus found that there had been a violation of Article 9.

135. The Court also examined, in the case of *Ahmet Arslan and Others*(cited above), question of a ban on the wearing, outside religious ceremonies, of certain religious clothing in pu places open to everyone, such as public streets or squares. The clothing in question, characterist the *Aczimendi tarikati* group, consisted of a turban, a sirwal and a tunic, all in black, together w baton. The Court accepted, having regard to the circumstances of the case and the decisions o domestic courts, and particularly in view of the importance of the principle of secularism for democratic system in Turkey, that, since the aim of the ban had been to uphold secular democratic values, the interference pursued a number of the legitimate aims listed in Article 9 § 2 maintaining of public safety, the protection of public order and the protection of the rights freedoms of others. It found, however, that the necessity of the measure in the light of those aims not been established.

The Court thus noted that the ban affected not civil servants, who were bound by a ce discretion in the exercise of their duties, but ordinary citizens, with the result that its case-law on servants – and teachers in particular – did not apply. It then found that the ban was aimed at clot worn in any public place, not only in specific public buildings, with the result that its case emphasising the particular weight to be given to the role of the domestic policy-maker, with regar the wearing of religious symbols in State schools, did not apply either. The Court, moreo observed that there was no evidence in the file to show that the manner in which the applicants manifested their beliefs by wearing specific clothing – they had gathered in front of a mosque fo sole purpose of participating in a religious ceremony – constituted or risked constituting a threa public order or a form of pressure on others. Lastly, in response to the Turkish Governme allegation of possible proselytising on the part of the applicants, the Court found that there wa evidence to show that they had sought to exert inappropriate pressure on passers-by in public str and squares in order to promote their religious beliefs. The Court thus concluded that there had b a violation of Article 9 of the Convention.

136. Among all these cases concerning Article 9, *Ahmet Arslan and Others* is that which present case most closely resembles. However, while both cases concern a ban on wearing clot with a religious connotation in public places, the present case differs significantly from *Ahmet Ar and Others* in the fact that the full-face Islamic veil has the particularity of entirely concealing the f with the possible exception of the eyes.

(γ) Application of those principles to the present case

137. The Court would first emphasise that the argument put forward by the applicant and som the third-party interveners, to the effect that the ban introduced by sections 1 to 3 of the Law o October 2010 was based on the erroneous supposition that the women concerned wore the full- veil under duress, is not pertinent. It can be seen clearly from the explanatory memoran accompanying the Bill (see paragraph 25 above) that it was not the principal aim of the ban to pro women against a practice which was imposed on them or would be detrimental to them.

138. That being clarified, the Court must verify whether the impugned interference is "necessa a democratic society" for public safety (within the meaning of Articles 8 and 9 of the Convention;

139. As regards the question of necessity in relation to public safety, within the meanin Articles 8 and 9 (see paragraph 115 above), the Court understands that a State may find it esse to be able to identify individuals in order to prevent danger for the safety of persons and property to combat identity fraud. It has thus found no violation of Article 9 of the Convention in ca concerning the obligation to remove clothing with a religious connotation in the context of sec checks and the obligation to appear bareheaded on identity photos for use on official docum (see paragraph 133 above). However, in view of its impact on the rights of women who wish to w the full-face veil for religious reasons, a blanket ban on the wearing in public places of clot designed to conceal the face can be regarded as proportionate only in a context where there general threat to public safety. The Government have not shown that the ban introduced by the La 11 October 2010 falls into such a context. As to the women concerned, they are thus obliged to up completely an element of their identity that they consider important, together with their cho manner of manifesting their religion or beliefs, whereas the objective alluded to by the Governr could be attained by a mere obligation to show their face and to identify themselves where a risk the safety of persons and property has been established, or where particular circumstances ent suspicion of identity fraud. It cannot therefore be found that the blanket ban imposed by the Law o October 2010 is necessary, in a democratic society, for public safety, within the meaning of Articl and 9 of the Convention.

140. The Court will now examine the questions raised by the other aim that it has found legitim to ensure the observance of the minimum requirements of life in society as part of the “protectio the rights and freedoms of others” (see paragraphs 121-122 above).

141. The Court observes that this is an aim to which the authorities have given much weight. can be seen, in particular, from the explanatory memorandum accompanying the Bill, which indic that “[t]he voluntary and systematic concealment of the face is problematic because it is quite sim incompatible with the fundamental requirements of ‘living together’ in French society” and that “ systematic concealment of the face in public places, contrary to the ideal of fraternity, ... falls sho the minimum requirement of civility that is necessary for social interaction” (see paragraph 25 abo It indeed falls within the powers of the State to secure the conditions whereby individuals can together in their diversity. Moreover, the Court is able to accept that a State may find it essenti give particular weight in this connection to the interaction between individuals and may consider to be adversely affected by the fact that some conceal their faces in public places (see paragr 122 above).

142. Consequently, the Court finds that the impugned ban can be regarded as justified in principle solely in so far as it seeks to guarantee the conditions of “living together”.

143. It remains to be ascertained whether the ban is proportionate to that aim.

144. Some of the arguments put forward by the applicant and the intervening non-governme organisations warrant particular attention.

145. First, it is true that only a small number of women are concerned. It can be seen, among o things, from the report “on the wearing of the full-face veil on national territory” prepared b commission of the National Assembly and deposited on 26 January 2010, that about 1,900 wo wore the Islamic full-face veil in France at the end of 2009, of whom about 270 were living in Fre overseas administrative areas (see paragraph 16 above). This is a small proportion in relation to French population of about sixty-five million and to the number of Muslims living in France. It may seem excessive to respond to such a situation by imposing a blanket ban.

146. In addition, there is no doubt that the ban has a significant negative impact on the situatio women who, like the applicant, have chosen to wear the full-face veil for reasons related to t beliefs. As stated previously, they are thus confronted with a complex dilemma, and the ban may h the effect of isolating them and restricting their autonomy, as well as impairing the exercise of t freedom to manifest their beliefs and their right to respect for their private life. It is understandable that the women concerned may perceive the ban as a threat to their identity.

147. It should furthermore be observed that a large number of actors, both international national, in the field of fundamental rights protection have found a blanket ban to be disproportion This is the case, for example, of the French National Advisory Commission on Human Rights (paragraphs 18-19 above), non-governmental organisations such as the third-party interveners, Parliamentary Assembly of the Council of Europe (see paragraphs 35-36 above) and

148. The Court is also aware that the Law of 11 October 2010, together with certain deb surrounding its drafting, may have upset part of the Muslim community, including some members are not in favour of the full-face veil being worn.

149. In this connection, the Court is very concerned by the indications of some of the third-p interveners to the effect that certain Islamophobic remarks marked the debate which preceded adoption of the Law of 11 October 2010 (see the observations of the Human Rights Centre of G University and of the non-governmental organisations Liberty and Open Society Justice Initia paragraphs 98, 100 and 104 above). It is admittedly not for the Court to rule on whether legislatic desirable in such matters. It would, however, emphasise that a State which enters into a legisla process of this kind takes the risk of contributing to the consolidation of the stereotypes which a certain categories of the population and of encouraging the expression of intolerance, when it ha duty, on the contrary, to promote tolerance (see paragraph 128 above; see also the "Viewpoint" o Commissioner for Human Rights of the Council of Europe, paragraph 37 above). The Court reiter that remarks which constitute a general, vehement attack on a religious or ethnic group incompatible with the values of tolerance, social peace and non-discrimination which underlie Convention and do not fall within the right to freedom of expression that it protects (see, among c authorities, *Norwood v. the United Kingdom*(dec.), no. 23131/03, ECHR 2004-XI, and *Ivano Russia* (dec.), no.35222/04, 20 February 2007).

150. The other arguments put forward in support of the application must, however, be qualified

151. Thus, while it is true that the scope of the ban is broad, because all places accessible to public are concerned (except for places of worship), the Law of 11 October 2010 does not affec freedom to wear in public any garment or item of clothing – with or without a religious connotati which does not have the effect of concealing the face. The Court is aware of the fact that impugned ban mainly affects Muslim women who wish to wear the full-face veil. It nevertheless fin to be of some significance that the ban is not expressly based on the religious connotation of clothing in question but solely on the fact that it conceals the face. This distinguishes the present c from that of *Ahmet Arslan and Others* (cited above).

152. As to the fact that criminal sanctions are attached to the ban, this no doubt increases impact of the measure on those concerned. It is certainly understandable that the idea of b prosecuted for concealing one's face in a public place is traumatising for women who have chose wear the full-face veil for reasons related to their beliefs. It should nevertheless be taken into acc that the sanctions provided for by the Law's drafters are among the lightest that could be envisag because they consist of a fine at the rate applying to second-class petty offences (currently 150 e maximum), with the possibility for the court to impose, in addition to or instead of the fine obligation to follow a citizenship course.

153. Furthermore, admittedly, as the applicant pointed out, by prohibiting everyone from wea clothing designed to conceal the face in public places, the respondent State has to a certain ex restricted the reach of pluralism, since the ban prevents certain women from expressing personality and their beliefs by wearing the full-face veil in public. However, for their part, Government indicated that it was a question of responding to a practice that the State deer incompatible, in French society, with the ground rules of social communication and more broadly requirements of "living together". From that perspective, the respondent State is seeking to prote principle of interaction between individuals, which in its view is essential for the expression not or pluralism, but also of tolerance and broadmindedness without which there is no democratic soc (see paragraph 128 above). It can thus be said that the question whether or not it should be perm to wear the full-face veil in public places constitutes a choice of society.

154. In such circumstances, the Court has a duty to exercise a degree of restraint in its revie Convention compliance, since such review will lead it to assess a balance that has been struc means of a democratic process within the society in question. The Court has, moreover, already occasion to observe that in matters of general policy, on which opinions within a democratic soc may reasonably differ widely, the role of the domestic policy-maker should be given special we (see paragraph 129 above).

155. In other words, France had a wide margin of appreciation in the present case.

156. This is particularly true as there is little common ground amongst the member States o

observes that, contrary to the submission of one of the third-party interveners (see paragraph above), there is no European consensus against a ban. Admittedly, from a strictly norma standpoint, France is very much in a minority position in Europe: except for Belgium, no c member State of the Council of Europe has, to date, opted for such a measure. It must be obser however, that the question of the wearing of the full-face veil in public is or has been a subje debate in a number of European States. In some it has been decided not to opt for a blanket ba others, such a ban is still being considered (see paragraph 40 above). It should be added that, i likelihood, the question of the wearing of the full-face veil in public is simply not an issue at all certain number of member States, where this practice is uncommon. It can thus be said tha Europe there is no consensus as to whether or not there should be a blanket ban on the wearir the full-face veil in public places.

157. Consequently, having regard in particular to the breadth of the margin of apprecia afforded to the respondent State in the present case, the Court finds that the ban imposed by the of 11 October 2010 can be regarded as proportionate to the aim pursued, namely the preservatic the conditions of "living together" as an element of the "protection of the rights and freedom others".

158. The impugned limitation can thus be regarded as "necessary in a democratic society". conclusion holds true with respect both to Article 8 of the Convention and to Article 9.

159. Accordingly, there has been no violation either of Article 8 or of Article 9 of the Conventio

(b) Alleged violation of Article 14 of the Convention taken together with Article 8 or Article 9 o Convention

160. The Court notes that the applicant complained of indirect discrimination. It observes in connection that, as a Muslim woman who for religious reasons wishes to wear the full-face ve public, she belongs to a category of individuals who are particularly exposed to the ban in ques and to the sanctions for which it provides.

161. The Court reiterates that a general policy or measure that has disproportionately prejud effects on a particular group may be considered discriminatory even where it is not specifically ai at that group and there is no discriminatory intent (see, among other authorities, *D.H. and Othe the Czech Republic* [GC], no. 57325/00, §§ 175 and 184-185, ECHR 2007-IV). This is only the c however, if such policy or measure has no "objective and reasonable" justification, that is, if it c not pursue a "legitimate aim" or if there is not a "reasonable relationship of proportionality" betw the means employed and the aim sought to be realised (ibid., § 196). In the present case, wh may be considered that the ban imposed by the Law of 11 October 2010 has specific nega effects on the situation of Muslim women who, for religious reasons, wish to wear the full-face ve public, this measure has an objective and reasonable justification for the reasons indicated previc (see paragraphs 144-159 above).

162. Accordingly, there has been no violation of Article 14 of the Convention taken together Article 8 or Article 9 of the Convention.

(c) Alleged violation of Article 10 of the Convention, taken separately and together with Article the Convention

163. The Court is of the view that no issue arises under Article 10 of the Convention, ta separately or together with Article 14 of the Convention, that is separate from those that it examined under Articles 8 and 9 of the Convention, taken separately and together with Article 1 the Convention.

FOR THESE REASONS, THE COURT

1. *Dismisses*, unanimously, the Government's preliminary objections;

2. *Declares*, unanimously, the complaints concerning Articles 8, 9 and 10 of the Convention, ta

3. *Holds*, by fifteen votes to two, that there has been no violation of Article 8 of the Convention;

4. *Holds*, by fifteen votes to two, that there has been no violation of Article 9 of the Convention;

5. *Holds*, unanimously, that there has been no violation of Article 14 of the Convention taken toge with Article 8 or with Article 9 of the Convention;

6. *Holds*, unanimously, that no separate issue arises under Article 10 of the Convention, ta separately or together with Article 14 of the Convention.

Done in English and in French, and delivered at a public hearing in the Human Rights Build Strasbourg, on 1 July 2014.

Erik Fribergh Dean Spielmann
Registrar President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the partly dissenting opinion of Judges Nußberger and Jäderblom is annexed to this judgment.