



Mikyas and others v. Belgium (application No. 50681/20)

Third Party Intervention by :

THE HUMAN RIGHTS CENTRE¹ AT GHENT UNIVERSITY

and

THE EQUALITY LAW CLINIC² AT THE UNIVERSITÉ LIBRE DE BRUXELLES

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This intervention summarizes some of the findings and insights that result from many years of research at both ULB and Ghent University on the topics raised in the *Mikyas* case. We are presenting it in a format that we hope will be useful to the lawyers and Judges who will be working on this case. In a first part, we present several highly relevant elements of the legal and societal context of the case: the situation regarding bans on religious signs/dress worn by pupils in Belgian schools and their impact (1.1.), the broader context of bans on religious signs/dress in Belgium (1.2.), the broader context of hostility against Muslims in Belgian society (1.3.), church/state relations in Belgium (1.4.), the treatment of bans on religious signs/dress in international human rights law (1.5.), and the relevance of intersectionality (1.6.). This will be followed by a second part, suggesting pathways of legal reasoning under the Convention in this type of cases.

1. Legal and societal context

1.1. Bans on religious signs/dress worn by pupils in Belgian schools and their impact

There are many educational networks in Belgium, organised at the level of three federated entities named the Communities. The Dutch and the French Communities are the major ones. In brief, a distinction is made in each Community between two main networks: the public school network and the subsidized school network³. The latter is largely financed by the Communities. Yet, it is not public as it has organizational autonomy and is ethos-based (chiefly Catholic, but also based on other faiths or on pedagogical principles independent of any faith). We refer to this school network as ‘semi-private’ to avoid any confusion with private education as it exists in other European countries (and marginally in Belgium) and which is *de facto* attended by very privileged pupils.

1.1.1. Prevalence and jurisprudence

Most Belgian schools today prohibit the wearing of religious signs by pupils. In Dutch-speaking education, the public network GO! introduced, in 2013, a general ban on the wearing of religious signs by pupils in its 700 primary and secondary schools. The schools’ internal regulations implementing this ban have been contested before the Council of State⁴ and judicial courts⁵ and, until the contested judgment of the Antwerp Court of Appeal in the case at hand, were consistently found to violate the right to religious freedom. Yet, GO! has failed to lift the ban. In the semi-private school network mainly consisting of the Catholic network, decision on the prohibition is left to school authorities resulting in widespread bans. In French-speaking education, there is no general ban on the wearing of religious signs by pupils⁶. Yet, many schools are in favor of banning the expression of religious beliefs⁷ and many do forbid the wearing of religious signs⁸. In the absence of official data, it is estimated that only 10% of all schools still allow them⁹, with prohibitions relatively less prevalent in schools with a high socio-economic index, presumably because they count fewer pupils of foreign origin¹⁰. Belgium’s inter-federal equality body, Unia, holds that clear legal frameworks are needed in both parts of the country to stop the current state of arbitrariness¹¹. This situation is further exacerbated by judicial precedents in the opposite direction from two superior courts. On the one hand, the Council of State, the highest administrative court, ruled that the policy of the Flemish public school network GO! banning religious dress/signs worn by pupils did not comply with Article 9 ECHR.¹² According to the Council of State, such a ban can only

³ Proportion of secondary-school pupils in the respective networks in the Dutch Community: Proportion of secondary-school pupils in the respective networks in the Dutch Community: 27,8 % in the public school network (20,2 % in the official network GO! and 7,6 % in the official provincial and municipal networks OGO); 72,2 % in the semi-private network. See Vlaamse Gemeenschap: <https://publicaties.vlaanderen.be/view-file/42107>. In the French Community: 38.9% in the public school network (23.5% in the official network of the French Community (Wallonia-Brussels Education) and 15.4% in the official provincial and municipal networks) and 61.1% in the semi-private network. See Fédération Wallonie-Bruxelles, “[Les indicateurs de l’enseignement 2020](#)”.

⁴ Belgian Council of State, 14 October 2014, no. [228.748](#), no. [228.751](#), no. [228.752](#).

⁵ Court of First Instance of [Tongeren](#), 23 February 2018 and Court of First Instance of [Leuven](#), 27 August 2019.

⁶ Unia & Myria, “[Parallel CESCR Report to the 5th periodic report of Belgium 2020](#)”, February 2020, p. 13, point 51.

⁷ Unia, “Baromètre de la diversité – Enseignement”, *op. cit.*, p. 132. Recently, the Court of First Instance of Wallon Brabant ruled on the prohibition of wearing religious symbols in a provincial secondary school and found that there was no discrimination in one case ([Ordinance of 11 February 2020](#)) and discrimination in the other ([Ordinance of 4 May 2020](#)).

⁸ Unia & Myria, *op. cit.*, p. 13, point 51.

⁹ All but one of the Catholic network’s 1.400 schools ban the wearing of headgear, which includes headscarves (X, “[Port du voile: pas plus de 10% des écoles l’autorisent](#)”, *Sudinfo*, 2 September 2015). The Catholic network schools 60% of secondary school pupils (SeGEC ([General Secretariat of Catholic Education](#)), In official networks, only a handful of schools would still allow the wearing of religious signs (B. HUPIN, “Port du voile à l’école: quelle est la position des partis francophones?”, *RTBF*, 27 August 2018).

¹⁰ Unia, « Baromètre de la diversité – Enseignement », *op. cit.*, p. 132.

¹¹ *Ibid.*, p. 19.

¹² Belgian Council of State, 14 October 2014, no. [228.748](#), no. [228.751](#), no. [228.752](#).

be justified in case there is evidence that it is required and proportionate in the concrete circumstances, for example to protect pupils from undue pressure. On the other hand, the Constitutional Court ruled that the ban of political, philosophical or religious symbols in a school of higher education in order to create a neutral environment was constitutional and does not violate the freedom of religion of adult Muslim female students¹³. Contrary to the Council of State, the Constitutional Court did not require any concrete evidence supporting the ban.

1.1.2. Impact

Despite the lack of official data measuring the impact of headscarf bans on students, research has shown that a colorblind approach to dealing with diversity (such as prevails in Belgian schools) creates an unwelcoming environment impairing minority achievement through undermining belonging¹⁴. Several studies show that this results in students with an immigrant background being twice as likely to perform worse academically than majority students¹⁵. In the opposite, it seems that the multiculturalist approach has a significant positive effect for minority students, without significantly negatively impacting the majority students' achievement¹⁶.

Besides impacting minority students' academic performances, the ban has an adverse influence on their psychological state. A recent study done in Flanders showed that 73.4% of the girls affected by headscarf bans experienced personal limitations relating to the ban, 84.8% feel emotionally affected by it in a negative way and feel less confident when forced to take their veil off and all of them feel they have been discriminated against¹⁷.

Headscarf bans in schools can have dramatic consequences on the education of young Muslim girls as it may influence their choices of schools, higher studies and employment¹⁸. A few girls even had to opt for home education¹⁹. Following the same idea, the ban inevitably narrows Muslim women's professional perspectives. Indeed, 84.4% and 88.6% of the interviewees in the above-mentioned Flemish study will look for another place to study or work at if the place they would have chosen in the first place did not accept their wearing the headscarf, even if that means turning down a dream job/career²⁰. Muslim women who choose to manifest their religion or cultural background by wearing specific forms of dress are therefore excluded from employment (or at least feel discouraged to seek it) and marginalized from the beginning of their career paths²¹. This leads to a number of longer-term outcomes, such as lower labor force participation, higher unemployment rates, increased financial dependency and decreased social integration²². Some of them have decided to stay at home or to work in the few sectors where their headscarf was perceived to be less problematic²³. This is also supported by another study which points out the intersection of several types of discriminations experienced by women in the job market: sexism, racism, and Islamophobia²⁴.

¹³ Belgian Constitutional Court, 20 July 2020, no. [81/2020](#).

¹⁴ L. CELESTE et al., "Can School Diversity Policies Reduce Belonging and Achievement Gaps Between Minority and Majority Youth? Multiculturalism, Colorblindness, and Assimilationism Assessed", *Personality and Social Psychology Bulletin*, Society for Personality and Social Psychology Inc, Leuven, 2019, p. 1613. .

¹⁵ S. GROMMEN, "Onderzoek toont aan : scholen met oog voor diversiteit doen prestatiekloof tussen leerlingen krimpen", 14 May 2019 ; C. FERRARA, "Transmitting faith in the Republic : Muslim schooling in modern plural France", in *Religious Education*, vol. 113, n° 1, 2018, p. 21: the researcher, when analyzing education in French Muslim schools, reported that "the lack of discrimination or feelings of being ostracized (...) boosted the confidence, the ability to learn and the academic success" of the students ; A. ABDELGADIR and V. FOUKA, "Political secularism and Muslim integration in the West: Assessing the effects of the French headscarf ban", in *American Political Science Review*, vol. 114, Issue 3, 2020, p. 708 : this research shows that exposure to the ban made it significantly harder and longer for Muslim girls to complete secondary education.

¹⁶ L. CELESTE ET AL., *op. cit.*, p. 1612.

¹⁷ K. BAKIR, "The influence on adolescent Muslim girls as a result of the headscarf ban: the psychological and Professional influence on Muslim girls from the third grade of secondary school in all kinds of Flemish schools as a result of the headscarf ban", bachelor thesis, Hogeschool VIVES, 2018, available at: <https://www.scriptiebank.be/sites/default/files/thesis/2018-09/Influence-adolescents-headscarfban.pdf>, pp. 35-40 : 105 Muslims pupils were interviewed ; see also C. FERRARA, *op. cit.*, p. 21 ; see also A. ABDELGADIR and V. FOUKA, *op. cit.*, p. 717 : "women affected by the ban report increased perceptions of discrimination at school".

¹⁸ Committee on the Rights of the Child (CRC), "Concluding observations on the combined fifth and sixth periodic reports of Belgium", 28 February 2019, CRC/C/BEL/CO/5-6.

¹⁹ Amnesty International, "Choice and prejudice – Discrimination against Muslims in Europe", p. 64.

²⁰ K. BAKIR, *Ibid.*, p. 43-44; Amnesty International, *op.cit.*

²¹ The public organizations involved in training and employment (such as Actiris in Brussels) often proceed this way, by offering women job positions where the headscarf will not cause any problems for employers (European Network Against Racism (ENAR), "Forgotten Women: The Impact of Islamophobia on Muslim Women in Belgium", 2016.

²² Abdelgadir and Fouka's study shows that the veiling law widens the gap between Muslim and non-Muslim women by more than a third regarding employment and by more than half regarding labor force participation (*op. cit.*, p. 716).

²³ Amnesty International, *op. cit.*, pp. 4-5

²⁴ H. KARIMI, "The Hijab and Work: Female Entrepreneurship in Response to Islamophobia", *International Journal of Politics, Culture, and Society*, n° 31, 2018, p. 426.

1.2. The broader context of bans on religious signs/dress in Belgium

In general, the increase in headscarf bans has resulted in a growing marginalisation of Muslim women²⁵. In fact, headscarf bans are spreading in many areas of life and they can deeply affect women in their career opportunities²⁶. Muslim religion is now almost absent from the public sphere, which causes a feeling of incomprehension and rejection for Muslim citizens, especially for Muslim women who are excluded from a growing number of social spaces²⁷. We submit that it is highly relevant to situate bans on religious signs/dress in schools in the broader societal context in which bans that affect mainly the Muslim headscarf are widespread, to the effect that the headscarf itself is de-normalized and almost automatically problematized.

In a study conducted by the Fundamental Rights Agency, out of all Muslim respondents in Europe (10 527), 31% of Muslim women who at least sometimes wear religious clothing in public reported experiencing harassment due to their ethnic or immigrant background 12 months before the survey²⁸. In Belgium, Unia receives numerous reports concerning bans on wearing the Islamic headscarf in places such as school or work. In fact, most of Unia's case files related to the right to wear certain clothes involve Muslim women wishing to wear the headscarf²⁹.

Limitations on the wearing of religious sign/dress in the workplace occur both in the public and private sector. This is particularly the case for Muslim women who wear a hijab. The Flanders Government Agreement 2019-2024, stipulates a zero tolerance on the presence of visible faith symbols (including the headscarf) in schooling and employment on the grounds of neutrality³⁰. De facto, several public institutions already prohibit the wearing of religious signs by their employees. Similar bans are proliferating in the private sector. In 2020 alone, Unia received 66 complaints involving prohibitions on the wearing of a hijab in the workplace³¹. Amnesty International likewise reported cases of women who are not allowed to wear a hijab (or alternative such as a sterile cap) in medical laboratories, a call-center or a cleaning company³². In all, several monitoring organizations report that faith-based discrimination in employment remains widespread³³. A particularly disturbing trend is moreover the refusal of access to services and facilities to Muslims wearing a hijab. In recent cases women were denied access to an ice-cream bar,³⁴ to the terrace of a restaurant,³⁵ to the gym,³⁶ to a public swimming pool³⁷ and even to the courtroom³⁸.

We respectfully submit that the present case offers an opportunity to the Court to address this problematic of the continuously widening sphere in which limitations are placed on Muslim women. It is an opportunity to emphasize that limitations should not be the rule, but the exception. In any case, such limitations require evidence of necessity and proportionality in accordance to human rights law.

1.3. The broader context of hostility against Muslims in Belgian society

We submit that the targeting of Muslim women who wear a headscarf, cannot be detached from the context of rising Islamophobia³⁹. Feelings of irrational hostility, fear or hatred toward Muslims have exacerbated in recent years by the rise of populist nationalist politicians and the terrorist attacks in Brussels⁴⁰. An absolute majority of individuals of

²⁵ J. RINGELHEIM, "[Les interdictions de port du foulard visant les femmes adultes](#)", Analyse de la ligue des droits de l'homme (updated on 16 Octobre 2017), p. 18

²⁶ Special Rapporteur on freedom of religion or belief (UN Human Rights Council), "[Gender-based violence and discrimination in the name of religion or belief](#)", 27 February 2020, doc. A/HRC/43/48, §32.

²⁷ J. RINGELHEIM, *op. cit.*, p.18

²⁸ European Union Agency for Fundamental Rights (FRA) (2017b), "[Second European Union Minorities and Discrimination Survey: Muslims – Selected findings. EU-MIDIS II](#)", Luxembourg, Publications Office, p.45 (Figure 24).

²⁹ Unia, "[Annual report 2019 – Contributing to a more equal society for all](#)", June 2020, p. 34..

³⁰ Flemish Government, *Vlaamse Regering 2019-2024: Regeerakkoord*, 10.

³¹ Numbers to be published in UNIA, *Jaarverslag Discriminatie/Diversiteit 2020*.

³² Amnesty International, o.c.

³³ ECRI, "[ECRI Report on Belgium](#)", 2019; Amnesty International, "[Belgium: Punching below its Weight](#)", *Amnesty International Submission to the Universal Periodic Review*, 2016; EUMC, [Muslims in the European Union](#), 2006.

³⁴ Court of Appeal of Ghent, 8 October 2015, nr. 2014/RK/173.

³⁵ Rb. Brussel, 22.12.2009, unpublished and Court of First Instance of Huy, 26 May 2010, nr. 09/928/B

³⁶ Court of First Instance of Brussels, 4 February 2020; Court of First Instance Liège, 1 September 2020.

³⁷ Court of First Instance Ghent, 5 July 2018, nr. 17/3312/A.

³⁸ ECtHR, *Lachiri v. Belgium*, 18 September 2018, nr. 3413/09.

³⁹ See the [observations made by the former Commissioner of Human Rights](#); EUAFR, [European Union Minorities and Discrimination Survey](#), 2010.

⁴⁰ See [OSF 2019](#); Amnesty International 2012.

Turkish and Moroccan descent feel that Belgians are very negative towards Islam⁴¹. This negative attitude has seemingly resulted in a sustained and continued growth of explicit and measurable physical and verbal attacks toward Muslims⁴². Concrete examples include vandalism of mosques, flyers and posters with discriminatory content⁴³, and messages on social network (Facebook) with the intent to incite violence⁴⁴. Hate crimes are often heavily gendered, distinctly impacting (visibly) Muslim women⁴⁵. Such crimes include stabbings⁴⁶ and the forced removal of the headscarf⁴⁷. In addition to violent attacks, Muslims in Belgium also experience other forms of discrimination. For instance, 38% of Muslims with Moroccan descent reported negative experiences when searching for rent properties⁴⁸ and a survey from the Flemish government revealed that many interviewees do not wish to live next to Muslims⁴⁹.

1.4. Church/state relations and neutrality in Belgium

In this section, we provide some information on church/state relations in Belgium, as your Court's case law points to the relevance of contextualising any restrictive measures relying on secularism and neutrality.

Your Court has accepted secularism and neutrality of public authorities as a legitimate aim in the context of bans on religious dress/symbols worn by students and professors in public educational institutions, as well as by public servants in general (*Ebrahimian v France*). In these cases, the reliance on secularism to justify restrictions is limited to states with a particular national context of church/state relations. However it is not fully clear which states may or may not rely on this argument. In *Ebrahimian*, the Court clarified: 'la Cour souligne qu'elle a déjà approuvé une mise en oeuvre stricte des principes de laïcité et de neutralité lorsqu'il s'agit d'un principe fondateur de l'État,' (§ 37). This suggests that the Court would apply stricter scrutiny to cases in which neutrality arguments are invoked by states in which secularism does not have a similar fundamental constitutional status. This is important because far-reaching restrictions of freedom of religion are justified by the principle.

The Court has stated that secularism is one of the fundamental principles of the Turkish state (*Leyla Şahin*, § 114); of Switzerland (*Dahlab*, as interpreted in *Dogru v France*, § 72) and of the French Republic (*Dogru v France*, § 72 ; *Ebrahimian v France*, § 67). Yet, the Court has stated that a uniform conception of the significance of religion in society cannot be discerned among member states but, instead, that the regulation on wearing of religious symbols in educational institutions will vary in accordance with a country's national traditions (*Hamidović v Bosnia and Herzegovina*, § 130). There is no such thing as European secularism⁵⁰.

An important distinctive feature of the present case compared to previous cases that have reached the Court in this context is that Belgium is not a secular state in the same way as France, Turkey or Switzerland. In France, the socio-historical configuration of the country has contributed to a distinct and much more radical silence towards religion in the public space than can be found anywhere else in Europe⁵¹. Where, in France, secularism is part of the constitutional order of the Republic⁵², in Belgium, voices to constitutionally entrench secularism or state neutrality have failed to gather sufficient political support. Thus far, state neutrality has not been reflected in the Belgian constitution⁵³. Instead, the Belgian foundational principles of the Belgian state include religious and philosophical pluralism⁵⁴ and a positive account of freedom of religion⁵⁵. For instance, respect of the philosophical, ideological or religious beliefs of parents and pupils is constitutionally entrenched⁵⁶. While, in France, no religion is funded or recognized, Belgium does

⁴¹ 70% of respondents in a study on migration and integration from the Flemish government ([VMIM 2018](#)).

⁴² Collectif contre L'Islamophobie en Belgique (CCIB), "[Rapport des Chiffres 2018](#)"; CCIB, "[Rapport des Chiffres 2019](#)".

⁴³ Court of First Instance of East-Flanders sect. Ghent, 2015, GE56.L2.3657/14/sw3.

⁴⁴ Court of First Instance Brussels, 31 May 2016; Court of First Instance of East-Flanders sect. Ghent, 16 October 2018, GE56.RL.100116/2018.

⁴⁵ See Unia, "[Statistical report 2019](#)", June 2020.

⁴⁶ SudInfo, "[Une femme poignardée devant ses trois enfants à Anderlecht](#)", 2 April 2019.

⁴⁷ GVA, "[Dronken vrouw valt moslima aan in Deurne](#)", 6 July 2019.

⁴⁸ HRC, "Countering Islamophobia/Anti-Muslim Hatred to Eliminate Discrimination and Intolerance Based on Religion or Belief", *Report of the Special Rapporteur on Freedom of Religion or Belief*, 19 March 2021, A/HRC/46/30.

⁴⁹ VMIM 2018.

⁵⁰ J-P. WILLAIME, 'Religious and Philosophical Diversity as a Challenge for the Secularism: A Belgian-French Comparison' in G. GIORDAN and E. PACE (eds), *Religious Pluralism*, Springer, 2014, p. 63.

⁵¹ J-P. WILLAIME, 'Teaching Religious Issues in French Public Schools' in R. JACKSON and others (eds), *Religion and education in Europe. Developments, contexts and debates*, Waxmann, 2007, p. 89.

⁵² Its character as a 'secular, democratic and social Republic' is recognised in article 1 of the French Constitution.

⁵³ T. MODOOD and F. BOVENKERK, [Multiculturalism - How can society deal with it? A Thinking Exercise in Flanders](#), Standpunt 51, KVAB Press, 2017, p. 10.

⁵⁴ J-P. WILLAIME, 'Religious and Philosophical Diversity as a Challenge for the Secularism: A Belgian-French Comparison', *op.cit.*, p. 65.

⁵⁵ C. SÄGESSER, 'Le régime des cultes en Belgique: origine et évolution' in C. SÄGESSER and J-P. SCHREIBER (eds), *Le financement public des religions et de la laïcité en Belgique*, Bruylant-Academia, 2010.

⁵⁶ Art 24 of the Belgian Constitution.

recognize and fund various religions, including Islam. The awarded recognition comes with a lot of privileges, such as religious courses in both public and semi-private schools which are financed by the government⁵⁷. As such, it is argued that, in Belgium, 'secularism' is not perceived as 'a framework embracing all society'⁵⁸, as is the case in France. Instead, it is represented as the 'seventh recognised faith'⁵⁹ or a philosophical alternative to religion.

In France, religion remains almost entirely absent from public education. There is no Islamic religious education in French public schools⁶⁰. In Belgium, on the other hand, confessional religious education is organised in public schools. An approach that is mirrored throughout the majority of European countries⁶¹. Religion is not perceived as contrary to the ideal of citizenship, instead the aim of promoting a shared ideal of citizenship is found in both the confessional religious instruction curriculum as the secular ethics curriculum⁶². Next, the Belgian education landscape also differs significantly from the French one because of the extensive network of state-subsidised Catholic schools⁶³. Finally, in Belgium, as in almost all Western-European states, numerous connections exist between the state and Christian traditions⁶⁴.

In conclusion, states such as Belgium, in which the principle of secularism is far less entrenched than in France, cannot rely on the same argument as a basis for a wide margin of appreciation in the context of far-reaching restrictions of religious freedom. We submit that it is important that the ECtHR remains respectful of the varying types of church-state relations across the member states and does not automatically transpose the exceptional and loaded meaning of secularism in France to other European states.

1.5. Bans on religious signs/dress in international human rights law

Bans on religious signs/dress in education and other contexts, have been addressed by an impressive range of supranational human rights monitoring bodies at the level of the United Nations. These include five United Nations human rights treaty bodies. They are unanimous in expressing concern over such bans, with most of them expressing specific concern over the application of bans in schools, and five treaty bodies specifically discussing Belgium.

The Human Rights Committee (UNHRC), ruling on individual complaints, found violations of religious freedom in the cases of a Sikh boy who was expelled from a secondary school for wearing a turban⁶⁵, and in the case of a university student who was expelled for wearing an Islamic headscarf⁶⁶. More recently, the Committee found intersectional discrimination (*infra*, 1.6) in addition to a violation of religious freedom, in a case concerning the refusal of registering a woman as a university student because she covered her hair⁶⁷. In the context of the reporting procedure *regarding Belgium*, the UNHRC expressed its concern about the prohibition against the wearing of religious symbols in Belgian public schools, which it said could result in discrimination and marginalisation⁶⁸. Outside the school context, the Committee found similar violations in the case of a daycare centre that prohibited employees from wearing an Islamic headscarf⁶⁹.

The Committee on the Rights of the Child in expressing concluding observations on Belgium, likewise expressed concern about the fact 'that schools are allowed to ban wearing religious symbols, such as Islamic headscarves, which stigmatizes and discriminates against children, particularly girls of Muslim faith, and may influence their choice of school, further studies and employment'⁷⁰.

⁵⁷ Other privileges include: 'the government pays the salaries and retirements of the clergy and of chaplains and nonconfessional moral consultants in hospitals and in the army; [...] recognized worldviews get free broadcasting time on radio and television; and material goods and housing for the clergy are subsidized by the state'. L. FRANKEN and P. LOOBUYCK, 'Is active state support for religions and worldviews compatible with the liberal idea of State neutrality? A critical analysis of the Belgian case' (2012) 55.3 *Journal of Church and State* 485.

⁵⁸ As it is in France (J-P. WILLAIME, 'Religious and Philosophical Diversity as a Challenge for the Secularism: A Belgian-French Comparison', *op. cit.* p. 65).

⁵⁹ C. JAVEAU, 'La laïcité ecclésialisée en Belgique' in Jean-Paul Willaime and Séverine Mathieu (eds) *Des maîtres et des dieux. Ecoles et religions en Europe*, Belin, 2005, p. 157.

⁶⁰ D-P. JOZSA, 'Islam and Education in Europe, with special reference to Austria, England, France, Germany and the Netherlands' in R. JACKSON and others (eds), *Religion and education in Europe. Developments, contexts and debates*, Waxmann, 2007, p. 74.

⁶¹ *Ibid* p. 70, footnote 5.

⁶² J-P. WILLAIME, 'Different Models for Religion and Education in Europe' in R. JACKSON and others (eds), *Religion and education in Europe. Developments, contexts and debates*, *op. cit.*, p. 62.

⁶³ *Ibid*, p. 58.

⁶⁴ T. MODOOD, 'Multiculturalism, Secularism and the State', *Critical Review of International Social and Political Philosophy*, 1998, p. 22.

⁶⁵ UNHRC, *Singh v. France*, 1 November 2012.

⁶⁶ UNHRC, *Hudoyberganova v. Uzbekistan*, 5 November 2004.

⁶⁷ UNHRC, *Seyma Türkan v Turkey*, 22 October 2018.

⁶⁸ UNHRC concluding observations on the sixth periodic report of Belgium, 6 December 2019, CCPR/C/BEL/CO/6, § 17.

⁶⁹ UNHRC, *F.A. v France*, 24 September 2018.

⁷⁰ UNHRC concluding observations on the combined fifth and sixth periodic reports of Belgium, 28 February 2019, CRC/C/BEL/CO/5-6, § 21.

The Committee on the Elimination of Discrimination Against Women (CEDAW) discussing the case of Belgium in 2008 expressed 'its concern that the ban on headscarves in schools may increase the discrimination faced by girls from ethnic and religious minorities and may impede equality of access to education'⁷¹. In 2014, the CEDAW again expressed concern 'about the lack of information on the impact of the ban on wearing headscarves on women and girls', and urged Belgium to monitor this impact, 'in particular in relation to their access to education and employment'⁷².

The Committee on Economic, Social and Cultural Rights in its observations on Belgium last year expressed concern at 'the risk of school dropout caused by the ban on wearing religious symbols in public educational establishments'⁷³.

The Committee on the Elimination of Racial Discrimination discussing Belgium expressed its concern in 2008 about the effects of headscarf bans in schools about the equal enjoyment of the right to education by all girls in Belgium⁷⁴. In 2014, it expressed concern 'that the decision of the autonomous board of Flemish Community Education to prohibit the wearing of symbols of belief in all schools under its authority, as well as the decision of the French Community to leave that decision to each school, may constitute a basis for discrimination against members of some ethnic groups'⁷⁵.

The consensus among these UN treaty bodies about the problematic character of banning the wearing of headscarves, amongst others in schools, and amongst others in Belgium, is of great relevance for the ECtHR. While supranational human rights bodies need not necessarily reach the same outcome on all matters, experts have suggested that they should adopt a dialogical attitude that takes the output of other bodies into account⁷⁶. This would mean concretely that an outlier position would have to be justified with reference to the specific mandate of context of the relevant supranational body.

1.6. The relevance of intersectionality

We submit that the present case offers a perfect opportunity for the Court to engage with intersectionality, which is increasingly recognized as a necessary dimension for supranational human rights bodies to engage with.

Intersectional oppression refers to the situation in which multiple grounds of oppression interact to create a new situation that cannot be reduced to the simple sum of its parts⁷⁷. The absence of an intersectional approach of inequalities and oppressions can lead to a lack of attention for the least privileged members of a marginalized community, and to inadequate redress for the human rights violations they suffer⁷⁸. In order to avoid this, it is important to pay attention to patterns of sameness and difference between individuals and communities⁷⁹.

The concept of intersectionality has been increasingly recognised by international human rights monitoring bodies in the last few years. The CEDAW Committee, for example, stressed the importance of intersectionality in gendered discrimination in its General Recommendation no. 28 on general State obligations, as well as in several decisions on individual communications⁸⁰. In its 2020 concluding observations on Belgium's fifth periodic report, the CESCR Committee specifically expressed strong concern at Belgium's 'lack of recognition of the situations of intersectionality affecting women in the most marginalized segments of society'⁸¹. The Inter-American Court of Human Rights explicitly insisted upon the role of intersectionality in the human rights violations suffered by a young girl living with HIV in a situation of poverty⁸².

⁷¹ CEDAW concluding observations on Belgium, 7 November 2008, CEDAW/C/BEL/CO/6, § 35.

⁷² CEDAW concluding observations on the seventh periodic report of Belgium, 14 November 2014, CEDAW/C/BEL/CO/7, §§ 18-1.

⁷³ CESCR concluding observations on the fifth periodic report of Belgium, 26 March 2020, E/C.12/BEL/CO/5.

⁷⁴ CERD concluding observations on Belgium, CERD/C/BEL/CO/15, 11 April 2008.

⁷⁵ CERD concluding observations on Belgium, CERD/C/BEL/CO/16-19, 14 March 2014.

⁷⁶ O. DE SCHUTTER, 'The Formation of a Common Law of Human Rights' in E. BRIBOSIA & I. RORIVE (eds.), *Human Rights Tectonics, Global Perspectives on Integration and Fragmentation*, Intersentia, 2018, 44-47; E. BREMS, "Smart Human Rights Integration", in E. BREMS and S. OUALD CHAIB (eds.), *Fragmentation and Integration in Human Rights Law: Users' Perspectives*, Edward Elgar Publishing 2018, pp. 165-193.

⁷⁷ K. CRENSHAW, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics", *University of Chicago Legal Forum*, 1989, n°1, Article 8.

⁷⁸ J. BOUCHARD and P. MEYER-BISCH, "Intersectionality and Interdependence of Human Rights: Same or Different?", *Equal Rights Review*, 2016, n°16, p. 186.

⁷⁹ S. ATREY, "Beyond Universality: An Intersectional Justification of Human Rights", in S. ATREY and P. DUNNE (ed.), [Intersectionality and Human Rights Law](#), Oxford: Hart Publishing, 2020, pp. 17-38.

⁸⁰ CEDAW, General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW, *Alyne da Silva Pimentel Texeira v. Brazil*, 25 July 2011, no 17/2008, § 7.7; *Cécilia Kell v. Canada*, 28 February 2012, no 19/2008, § 10.2; *R. P. B. v. The Philippines*, 21 February 2014, no 34/2011, § 8.3.

⁸¹ CESCR, Concluding observations on the fifth periodic report of Belgium, 6 March 2020, §§ 26-27.

⁸² IACtHR, *Case Of Gonzales Lluy Et Al. V. Ecuador*, Judgment of 1 September 2015, § 290.

We submit that the situation of Muslim girls who wear a headscarf in a country such as Belgium exemplifies the relevance of intersectionality analysis. Their gender, age, religion and race interact in a way that places them in a unique position and subjects them to a variety of vulnerabilities at all levels of society. Legal analyses that artificially limit their cases to the religious aspect consequently ignore the ways in which headscarf bans in schools impact Muslim girls not just based on their religion, but on its specific intersection with their gender⁸³, age, religion and race⁸⁴. The UNHRC embraced such an analysis in no less than four decisions on individual communications. It has explicitly found that bans on head coverings do indeed constitute a form of intersectional discrimination based on gender and religion⁸⁵.

The importance of intersectionality is beginning to emerge in your Court's case law. In *B.S. v. Spain*, your Court stressed that the vulnerability of a person or a group may result from the interaction of several characteristics such as gender, social and ethnic origins⁸⁶. Moreover, your Court considered an intersectional subject of a *prima facie* case of discrimination in *S.A.S. v. France* when stating that the ban 'has specific negative effects on the situation of Muslim women'⁸⁷. Finally, in *Pinto Carvalho de Sousa Morais v. Portugal*, your Court clearly tackled an intersectional stereotype based on age and gender⁸⁸. These developments offer a promising basis to develop a case law that does justice to intersectional vulnerability.

At the same time, in your precedents at the intersection of gender and religion, your Court has consistently ignored the gender dimension of the claims of female religious applicants⁸⁹. What is more, scholarly analysis has uncovered striking patterns in the ECtHR's case law under Article 9 ECHR. Neither the religion nor the gender of the applicant serves as an outcome predictor. Yet when these factors are combined – in other words, once intersectionality is taken into account, – troublesome conclusions emerge. A study conducted by Castillo-Ortiz and al. shows that, while cases brought by Muslim men and Christian women had a high success rate, Muslim women systematically lose their cases before your Court⁹⁰. This is an important finding: while it is not explicitly tackled by the ECtHR, the intersection of gender and religion clearly plays a role in its assessment of Muslim women's cases. We therefore respectfully invite the Court to address this combined dimension of inequalities.

2. Legal reasoning under the European Convention on Human Rights

This second section does not aim to provide a step-by-step overview of the entire legal reasoning in cases regarding bans on religious signs/dress in schools. Instead it zooms in on those aspects to which the interveners want to draw the Court's particular attention. Discussing first the necessity of such bans in light of a legitimate aim (2.1.), we focus on to aspects: the conditions under which neutrality can be accepted as a 'legitimate aim' (2.1.1.), and the importance of evidence (2.1.2.). Then we turn to the proportionality assessment (2.2.), where we draw attention to the salient issues of vulnerability (2.2.1.), intersectionality (2.2.2.) and indivisibility (2.2.3.).

2.1. On the necessity of the measures for a legitimate aim

2.1.1. The neutrality of public education as a 'legitimate aim' under Article 9 ECHR

The neutrality of public education is not mentioned anywhere in the Convention as a legitimate ground for rights restriction. For a rights-restrictive measure that is motivated under domestic law under the heading of 'neutrality of public education' to be accommodated under the Convention, it would have to be justified by the protection of the 'rights and freedoms of others'. One can easily imagine that schools as such could, through their organization or activities, promote or disparage certain worldviews in a way that could infringe upon the freedom of conscience and

⁸³ The Brussels transport company (STIB), an autonomous public company that had rejected the application of a veiled woman because of an exclusive neutrality policy, was convicted on 3 May 2021 of direct religious discrimination and indirect gender discrimination. This First Instance Labour Court ruling ([no. 19/1755/A](#)) is the first one to take into account gender in this type of case in Belgium.

⁸⁴ P. CHOW, "Has Intersectionality Reached its Limits? Intersectionality in the UN Human Rights Treaty Body Practice and the Issue of Ambivalence", *Human Rights Law Review*, 2016, n°16, p. 453.

⁸⁵ HRC, *Seyma Türkan v. Turkey*, §7.8; *Sonia Yaker v. France*, §8.17; *Miriana Hebbadj v. France*, §7.17; *Fatima Afif v. France*, §8.13

⁸⁶ "The decisions made by the domestic courts failed to take account of the applicant's particular vulnerability inherent in her position as an African woman working as a prostitute" (§ 62).

⁸⁷ *S.A.S. v. France*, § 161 ; See E. BREMS, "[Hidden under Headscarves? Women and Religion in the case law of the European Court of Human Rights](#)", *Religion & Human Rights*, *op. cit.*

⁸⁸ *Pinto Carvalho de Sousa Morais v. Portugal*, § 52-56.

⁸⁹ E. BREMS, *op. cit.*

⁹⁰ P. CASTILLO-ORTIZ, A. ALI and N. SAMANTA, "[Gender, intersectionality, and religious manifestation before the European Court of Human Rights](#)", *Journal of Human Rights*, 2019.

religion of pupils or on the right of parents to ensure that education and teaching is in conformity with their own religious and philosophical convictions. One can also imagine that individual teachers could, through their behavior in the school context, infringe upon those rights. It is less evident (though not impossible, see *infra* under b)) to consider the ‘non-neutral’ behaviour of pupils as a potential threat to the rights and freedoms of other pupils. Indeed, in the broader context of the neutrality of public services, the behaviour of the users of such service is generally not considered as a potential threat to neutrality. In *Hamidović v Bosnia and Herzegovina* (§ 40), the Court stated that – in democratic societies – private citizens are normally not under a duty of discretion, neutrality and impartiality. Instead, the focus is on the public service as such (including religious signs in buildings etc.) and on the behaviour of public servants. Hence, we submit that when restrictions on the Convention rights of pupils are argued to be necessary in the name of neutrality, the conventionality control should carefully establish whether such restrictions are necessary in light of a real threat for the rights and freedoms of others.

2.1.2. Evidence of a real threat to the rights and freedoms of others

It is possible that in a concrete case, pupils express their worldview at school in such a manner that it intimidates other pupils to the extent of infringing on the latter’s freedom of conscience and religion, and that the wearing of religious (or anti-religious) symbols or dress is a key part of that intimidation. In such a case, the adoption of a proportionate restriction of religious expression by pupils may be considered ‘necessary’ for the protection of the rights and freedoms of others.

However, we submit that the mere fact that pupils wear visible signs or dress that identify them as adherents of a particular religion, cannot automatically be considered as a threat to the rights and freedoms of others. We submit that it would in any context be difficult to reconcile a ‘right not to be confronted with the expression of other persons’ religion’ with the text and purpose of article 9 ECHR. Reading such a right in the second paragraph of that provision (under ‘rights and freedoms of others’) would arguably disrupt the coherence of the freedom of conscience and religion under the Convention.

We submit that an interpretation that considers the wearing of religious signs as such as a threat to the rights and freedoms of others, would be even more difficult to reconcile with human rights in a school context, given that human rights texts and bodies consider school as the environment *par excellence* where tolerance for minority difference is to be encouraged⁹¹.

Hence for a ban on religious signs/dress worn by pupils to be considered ‘necessary’ for the protection of the rights and freedoms of others, it would have to be demonstrated that in the specific circumstances of the case, the wearing of such signs/dress constitutes a real threat to the rights and freedoms of others. The emphasis on evidence echoes the position of the Belgian Council of State on bans of religious signs/dress in public education (*supra*, 1.1)⁹². More importantly, it is in line with the Court’s reasoning in *Ahmet Arslan v Turkey*⁹³, *Eweida v UK*⁹⁴, and *SAS v France*⁹⁵.

We submit that in a context that is rife with anti-minority sentiment and with harmful stereotypes about Muslim women who wear a headscarf (*supra*, 1.3), it is of particular importance that no ascription of harmful impact to the wearing of a headscarf could be done on the basis of mere assumptions. A key objective of a human rights analysis in cases involving unpopular or marginalized groups is to avoid that bias that is present in society should seep into judicial reasoning. We submit that the requirement of evidence (as opposed to the acceptance of the so-called ‘self-evident’) is crucial in that endeavour.

⁹¹ Under the Convention on the Rights of the Child, education is to be directed amongst others to “the development of respect for the child’s ... own cultural identity” (art. 29(c)) and “the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups ...” (art. 29 (d)).

⁹² *Supra*, footnote 5.

⁹³ In this case, the Court held that ‘il ne ressort pas du dossier que la façon dont les requérants ont manifesté leurs croyances par une tenue spécifique constituait ou risquait de constituer une menace pour l’ordre public ou une pression sur autrui’ and that ‘aucun élément du dossier ne montre que les requérants avaient l’intention de faire subir des pressions abusives aux passants dans les voies et places publiques’ (§§ 50-51).

⁹⁴ In this case, the Court found a violation because ‘there is no evidence of any real encroachment on the interests of others’ (§ 33).

⁹⁵ In this case, the Court ruled that the rationale of ‘respect for human dignity’ could not be accepted for lack of ‘any evidence capable of leading it to consider that women who wear the full-face veil seek to express a form of contempt against those they encounter or otherwise to offend against the dignity of others.’ (§ 120) The Court thus rejects automatic assumptions of a certain meaning of a symbol; it refers instead to the intentions of the wearers and requires evidence before accepting that these would be problematic.

2.2. On the proportionality of the measures and the margin of appreciation

2.2.1. (Intersectional) vulnerability

Your Court's jurisprudence grants particular importance to the concept of vulnerability and acknowledges that several social groups have been - and still are - subject to more frequent marginalization, rejection, stigmatization and stereotyping than others (Roma minority, people with mental health issues, people living with HIV, asylum-seekers)⁹⁶. Such groups are in greater need of protection, and the Court distinctly stated that: '[i]f a restriction on fundamental rights applies to a particularly vulnerable group in society that has suffered considerable discrimination in the past, then the State's margin of appreciation is substantially narrower and it must have very weighty reasons for the restrictions in question'⁹⁷.

The context outlined above, and the multiple studies carried out on the situation of Muslim women 'who wear a headscarf', show that they suffer increasing and intense marginalization, rejection, stigmatization and misrecognition in Europe. In addition to physical or verbal aggressions, multiple laws, regulations, company policies and school policies are adopted in order to reject them, as they are, with their (religious) integrity. Despite the *prima facie* neutral character of such rules, they lead to both public and private spaces being 'neutralized' in reaction to their presence and with an effect of exclusion. We submit that Muslim women (who wear a headscarf) constitute a vulnerable group, because they clearly appear today as a minority group that is suffering 'from widespread stigma and exclusion'⁹⁸. We submit that the jurisprudence on vulnerable groups should therefore apply, and 'very weighty reasons' should be needed to justify a *prima facie* case of discrimination and an infringement of the freedom of religion.

2.2.2. The extra weight of intersectional harm

We submit that in some cases, which include restrictions that disproportionately affect Muslim women and girls, intersectional harm is intrinsically more serious than single-axis harm, and that this should be taken into account in the proportionality analysis under the ECHR. This is because such harm touches upon several key layers of these individuals' identity, each of which has been separately recognized as an important human rights interest: gender, religion, race⁹⁹ and, in the case of schoolgirls, also age.

Intersectional harm operates amongst others through harmful intersectional stereotypes. In particular, the stereotype of Muslim women and girls as deeply oppressed and in need of protection, combines paternalistic views of women and children with orientalist (racist) stereotypes about Islam. It results in a denial of Muslim women's autonomy, at least when they exercise this autonomy in favour of a religious lifestyle. At a time when it is widely recognized that women's autonomy is central in the fight for gender equality, it is telling that headscarf bans still assume that what Muslim women need most is not autonomy, but protection. In the name of such protection, headscarf bans institutionalise a limitation on Muslim women's autonomy to express themselves and their religious convictions. Non-Muslim women do not face any similar limitations of their autonomy regarding personal and religious expression. At the same time, Islamophobic stereotypes that picture Islam as a threat are projected onto headscarves and their wearers, and support the assumption that all women who wear the hijab wish to convert others to (fundamentalist) Islam, and to send to non-Muslims an aggressive message.

The reality of intersectional harm in such cases means that schoolgirls confronted with headscarf bans experience those bans simultaneously as expressions of sexism, of islamophobia and of paternalism vis-à-vis minors. We submit that each of these harms on its own should carry a lot of weight in a human rights court, and that their combination results in intersectional harm that is more serious than the simple sum of the separate types of harm.

We would like to draw the Court's attention to an emerging trend that leads to a strengthening of the proportionality test in cases of intersectional discrimination. This was for instance Advocate-General Juliane Kokott's conclusion in the 2016 case of *Achbita v. G4S Secure Solutions* (CJEU). She stated in her separate opinion: 'The fact, for example, that a ban imposed by the [defendant] puts not only [persons] of a particular religion but also [persons] of a particular sex,

⁹⁶ *D.H. and Others v. Czech Republic*, § 182; *Alajos Kiss v. Hungary*, § 42; *Kiyutin v. Russia*, § 63; *M.S.S. v. Belgium and Greece*, § 251.

⁹⁷ *Kiyutin v. Russia*, § 63.

⁹⁸ *Kiyutin v. Russia*, § 63.

⁹⁹ Race is highly relevant, because islamophobia is often in itself an intersection of religious intolerance and racism: M. RAHMAN, "Islamophobia, the Impossible Muslim and the Reflexive Potential of [Intersectionality](#)", 2017, pp. 35–46.

colour or ethnic background at a particular disadvantage [...] might indicate that that ban is disproportionate¹⁰⁰. She renewed her statement a month later in *David L. Parris*¹⁰¹ and has been recently joined by former Advocate-General Eleanor Sharpston, in a shadow opinion, still in a case related to the headscarf ban¹⁰². Some national courts also have applied a stricter scrutiny in cases of discrimination based on multiple grounds¹⁰³. Judge Pinto de Albuquerque joined by Judge Vehabovic expressed a similar reasoning in his dissenting opinion in *Garib v. The Netherlands*¹⁰⁴. Several authors consequently argue that the justification brought by the defendant should be submitted to a stricter evaluation in case of additive or intersectional discrimination¹⁰⁵.

Such increased control could further develop your Court's case law, which already considers that discrimination based on certain protected grounds must lead to a stricter proportionality test. In the same way that the test can be modulated according to the nature of the ground at stake (race, ethnic origin, gender, sexual orientation, etc.), it could vary according to the number and/or specific interaction of characteristics at stake. We therefore respectfully invite the Court to conduct a stricter proportionality review in cases of *prima facie* intersectional discrimination.

2.2.3. A case at the intersection of multiple Convention rights: the extra weight of indivisible rights infringements

When bans on religious dress are applied to pupils at schools, this affects their religious freedom, their right to be free from (intersectional) discrimination, as well as their right to education. In a situation such as the Belgian one, where the large majority of schools ban religious dress, a pupil who wants to wear an Islamic headscarf will in many cases find that her ability to choose the type of education she wishes to receive is significantly reduced. As such, the situation of school girls affected by a ban on religious symbols typifies the indivisibility of human rights from the experience of the rights holder.

We submit that it is important that your Court recognizes all dimensions of an applicant's experience of injustice that are relevant under the Convention. In a case on the prohibition to wear a headscarf in school, that means that Article 9, Article 14 as well as Article 2 of the First Additional Protocol each merit discussion. Yet there is more: the infringements on each of these Convention rights are indivisible and interact with each other, while at the same time each concerning an important dimension of human dignity that has received separate recognition in the Convention. The separate discussion of the infringement of each of these rights is necessary, but not sufficient, as it cannot do justice to the accumulation of harms as experienced by the rights holder. We submit that the indivisibility of the different human rights infringements that affect an applicant in such a scenario, can be taken into account in the proportionality analysis, by recognizing the extra 'weight' that results from the accumulated infringements.

3. Conclusion

In this intervention, we ask the Court to take into account in its reasoning, the tremendous negative impact that widespread bans on religious signs/dress in Belgian schools are having on Muslim girls, especially in a context in which such bans are spreading to many spheres of society, and in which hostility against Muslims is omnipresent. We also ask the Court to carefully consider the key aspects in which church/state relations in Belgium differ from those in countries such as France. Turning to international human rights law, we ask the Court to engage in a dialogue with the consensus among UN treaty bodies that the prohibition of headscarves in schools is a human rights problem. And we invite the Court to join the emerging trend in international human rights law that recognizes the importance of intersectionality. In the second part of the intervention, we urge the Court to critically examine the necessity of a ban in relation to a legitimate aim, and we conclude with three arguments that point to strict scrutiny and a narrow margin of appreciation. Considering all these elements, this case provides the Court with an opportunity to clarify its stance on a number of central matters in human rights adjudication that transcend the case at hand.

¹⁰⁰ Opinion of advocate general Kokott, delivered on 31 May 2016, *Achbita v. G4S Secur Solutions*, case C-157/15, §121.

¹⁰¹ Opinion of advocate general Kokott, delivered on 30 June 2016, *David L. Parris v. Trinity College Dublin*, case C-443/15, §157. See also §145.

¹⁰² Shadow Opinion of former Advocate-General Sharpston: headscarves at work ([Cases C-804/18 and C-341/19](#)), § 270.

¹⁰³ Tribunal Superior de Justicia de Las Palmas de Gran Canaria, *Humberto Guadalupe Hernandez*, 4 de junio de 2018, n° 605/2018. For some national courts in Europe, the judicial review's increased expectations regarding intersectional discrimination have even led to stricter sanctions and higher damages being awarded in such cases. See Tribunal du travail de Liège, 11 août 2017, n° 16/294/A ; Arbeidsrechtbank te Antwerpen, 29 september 2020, n° 193232/A ; Tribunal Superior de Justicia de Barcelona, *Maria Macarena Martínez Miranda*, 2 de mayo de 2017, n° 2715/2017.

¹⁰⁴ *Garib v. The Netherlands*, dissenting opinion, § 39.

¹⁰⁵ E. BRIBOSIA, R. MEDARD INGHILTERRA and I. RORIVE, « La discrimination intersectionnelle en droit : mode d'emploi », *Revue trimestrielle des droits de l'homme*, n° 126, avril 2021, pp. 265-267. See also, S. ATREY, *Intersectional discrimination*, Oxford, Oxford University Press, 2019, pp. 187-189.