**TURKISH LAW PLATFORM**

**DISCUSSION ON THE CONTROVERSIAL DECISION OF THE EU COURT OF JUSTICE**

**PRESS RELEASE**

The EU Court of Justice ruled on 14 March 2017 that prohibiting religious symbols by private sector businesses was not a direct discrimination. Samira Achbita, a muslim woman who has started to work as a receptionist at G4S, a security firm, informed the employer that she wanted to wear the headscarf during working hours. In response, the G4S company management has stated that wearing a headscarf, wearing visible political, philosophical and religious symbols, may not be tolerated because it would be contrary to the policy of impartiality of G4S in communication with its customers.

On June 12, 2006, Ms. Achbita was removed from her work as she persistently continued wearing her headscarf. He sued against such removal before the Belgian courts.

The Supreme Court has moved the case to the Court of Justice and the Court of Justice has made it clear that "as per evidence in hand, there is no indication that a different internal rule has been applied to Ms. Achbita compared to other G4S employees. Such an in-house rule does not, therefore, constitute a separate practice based on a straightforward or rudimentary basis for the purposes of the relevant directive ... if such a legitimate purpose is used and if the measures referred to in this paragraph are appropriate and necessary such an exclusionary practice will not constitute indirect discrimination ... prohibition on wearing political, philosophical and religious symbols of beliefs in a visible way is a suitable ban for the purpose of ensuring that the neutrality policy is properly applied, provided that it is followed in a truly organized and systematic manner".

In the case in which Belgium and France are involved, one of the prosecutors of the Court, Kotte said that the woman who worked at the same workplace had not had a problem for 3 years, before wearing the headscarf, but had experienced this problem after wearing the headscarf, so he stated that the practice was not for the woman but for the headscarf. Sharpston has, by expressing that an individiual does not sell its soul to the employer but sells his time only, so that an employee can not leave his faith out during the business hours, stated that the religious belief is a whole thing and the one has the right to express himself in every aspect of life. For this reason, Sharpston stated that the prohibition of headscarf would be a direct discrimination. As a matter of fact, the United States Supreme Court has accepted in its judgments that removal women from the work due to the headscarf is an illegal discrimination.

Such decision made by the Court of Justice has now made it possible to ban headscarves in the workplaces in 28 European countries. Apparently, the EU Court of Justice, by its decision which is also welcomed by extreme right-wing trends in Europe, has made it difficult for Muslims’ life which is already tough in Europe by complicating also their lives in business. From now on, to work in Europe, especially in Germany, with headscarves will be more difficult for Muslim women who wear headscarves. Such practices will indirectly be a cover for racial discrimination as well. It is our opinion that the practices of this prohibitory and discriminatory mind will not stay with it and will expand gradually. This will also be reflected in the public sector and services.

Decisions like this and increasing racism and discrimination across Europe are contradictory to the European system of values and Basic Human Rights and Freedoms. These negative developments across Europe, which are opposed to democratic values, undermine belief in democratic values and put world peace in jeopardy.

We expressly condemn the implementation of this decision, which contradicts the European system of freedom values claimed and which clearly contradicts democratic human rights practices.

We are urging European countries to immediately respect the basic human rights and freedoms, democratically elected governments, to comply with the democratic values, legal system, and to abandon prohibitive, secular, otherizing politics.

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