

Closing the enforcement gap between EU anti-discrimination law and practical access to rights

13 July 2026

Provedoria de Justiça
Palácio Vilalva, Rua Marquês de Fronteira
1069-452 Lisboa, Portugal
provedor@provedor-jus.pt

For the attention of the Provedor de Justiça

Re: Request for constitutional scrutiny of the pending face-covering ban (approved by the Assembleia da República, 17 October 2025) prior to or following promulgation

Excelentíssimo Senhor Provedor de Justiça,

I write as founder of EqualFaith Europe, a civil society initiative focused on closing the enforcement gap between European anti-discrimination law and the practical ability of Muslim communities to access those protections. I am writing to formally request that your office give close scrutiny — including consideration of a request for abstract review of constitutionality before the Tribunal Constitucional — to the bill approved by the Assembleia da República on 17 October 2025, banning the wearing of face coverings for “gender or religious motives” in public spaces, currently before the President of the Republic.

I raise three points I believe merit the Provedoria’s attention.

1. The bill diverges from the Council of Europe’s own human rights standards.

While the European Court of Human Rights upheld France’s comparable ban in *S.A.S. v. France* (2014) on the basis of the state’s margin of appreciation, the United Nations Human Rights Committee subsequently reached the opposite conclusion. In *Yaker v. France* and *Hebbadj v. France* (Views of 17 July 2018, CCPR/C/123/D/2747/2016 and CCPR/C/123/D/2807/2016), the Committee found that an identical French ban violated Articles 18 and 26 of the International Covenant on Civil and Political Rights, to which Portugal is a party. The Committee held that the restriction was not necessary to protect the rights and freedoms of others and that it constituted intersectional discrimination on grounds of sex and religion, disproportionately affecting Muslim women. Portugal’s own obligations under the ICCPR therefore already sit in tension with the bill now awaiting promulgation.

2. The bill has not yet been tested domestically, which is precisely why early scrutiny matters.

Unlike France and Belgium, where equivalent bans were only reviewed by courts after years of enforcement and mounting evidence of disproportionate impact on Muslim women, Portugal has the opportunity to subject this measure to constitutional review before it produces those effects. I would respectfully draw attention to Articles 13 (principle of equality) and 41 (freedom of conscience, religion and worship) of the Constituição da República Portuguesa as the relevant domestic standards against which the bill should be measured.

3. I request formal acknowledgment of this submission and, where appropriate, that it be considered alongside any request for a preventive or abstract review of constitutionality.

I am aware that the decision to request preventive review lies with the President of the Republic, and that the Provedor de Justiça holds independent standing to request abstract review following promulgation under Article 283 of the Constitution. I would be grateful if this submission could be treated as a standing civil society contribution to either process, and I would welcome the opportunity to provide further documentation, including EqualFaith Europe’s prior published analysis of comparable measures in France, Belgium, Latvia, Austria and Spain under Articles 8 and 9 of the European Convention on Human Rights.

I am available to provide any further information that would assist your office’s consideration of this matter.

Yours sincerely,

Goran Kolouch Founder, EqualFaith Europe kolouch@equalfaitheurope.org