



NEWS REPORT

Date: 11 February 2010
Expert: Rikki Holtmaat
Title: Court allows a police officer to wear a Mohawk
Country: The Netherlands

Context

Issue at stake: Re-assignment tasks of police officer wearing Mohawk not allowed (employment)
Ground of discrimination: religion/belief (personal conviction)
Source: national court decision
Field: Employment
Legislative provisions: Art. 10 and 11 Dutch Constitution and Art. 8 European Convention on Human Rights.

Content

Case law: A police offer who wore a Mohawk and was replaced to do desk work (and not allowed to get in touch with the general public in his function), appealed to this decision. The case was finally decided by the highest court for public servants, the Centrale Raad van Beroep (Central Appeal Council). The Central Appeal Council considered that the choice for a certain hair dress is protected under the Constitution and the ECHR, as the right to personal freedom (privacy) and physical integrity. Any infringement must be reasonably and objectively justified. The police does have regulations in place in which certain (hair) dress or other ornaments (e.g. piercing) are prohibited. The employee has the right to express his personal life style or convictions. Contrary to piercings, which can be removed during working hours, the Mohawk hair dress is permanent. So, the decision to prohibit it during working hours also affects the after work hours. The hair was not very long. The Council therefore did not agree that this hair dress formed an impairment to represent the police force in public, i.e. gave a wrong impression of the police, and overruled the decision.

Internet link source and additional information:

Centrale Raad van Beroep, 24-12-2009, published on 12-01-2010. Published at:

http://zoeken.rechtspraak.nl/resultpage.aspx?snelzoeken=true&searchtype=ljn&ljn=BK7175&u_LJN=BK8782