Muslim women are a fast-growing segment of the United States population that reflects the breadth of this country’s racial, ethnic, and multicultural heritage and includes U.S.-born Muslims of diverse ethnicities, immigrants from many countries and regions, and converts from various backgrounds. Many Muslim women, although by no means all, practice hijab in accordance with their religious beliefs: these women may wear a headscarf, also known as hijab or khimar, and loose-fitting clothing when they are in public and when they are in the presence of men who are not part of their immediate family. Some women additionally cover much of their face with a covering known as niqab.

Muslim women, like all people in the United States, have the right to practice their religion. They also have the right to be treated equally and the right not to be discriminated against or harassed because of their religion, their gender, or perceptions about their nationality or ethnicity. Numerous sources of law protect these rights (see box).
Muslim women should be free to express their religious beliefs— including choosing whether or not to wear headcoverings—free from discrimination and prejudice.

Muslin women are free to express their religious beliefs— including choosing whether or not to wear headcoverings—free from discrimination and prejudice. At work: Muslim women have been denied the right to wear a headscarf while working as police officers and in other occupations. Women also have been fired for refusing to remove their headscarves. Teachers in public school have been prevented from wearing religious garb, a bar that has been authorized by some state statutes and upheld by some courts.

At school: Muslim girls who wear headscarves, or whose mothers wear headscarves, have been harassed and assaulted. Students also have been denied the right to wear hijab to school and have been prevented from participating in extracurricular activities, including musical concerts and athletic events.

In law enforcement contexts: Muslim women have been denied the right to wear a headscarf while in jail and courthouse detention, while visiting family members in correctional institutions, and even while working in correctional institutions. Women also have been harassed by police officers for wearing headscarves, both when being arrested and when they have called the police for help.

In public places: Muslim women and girls have been denied the right to enter public buildings, shopping malls, and swimming pools unless they submit to being searched by male guards or agree to remove their headcoverings and other garments that they wear for religious reasons.

In obtaining drivers’ licenses: Muslim women have been denied drivers’ licenses unless they remove their headcoverings for the photograph.

A Number Of Employers And Correctional Settings Have Demonstrated That It Is Possible To Recognize And Accommodate The Right To Wear Religious Garb, Including Headscarves:

- Police forces in the nation’s three largest metropolitan areas – New York, Los Angeles, and Chicago – and in Cook County, Illinois, the second-largest county in the country, have accommodated officers wishing to wear religious garb.

- The Montgomery County fire department in Maryland accommodated a Muslim firefighter who chose to wear a headscarf while on duty.

- Correctional systems including the Federal Bureau of Prisons and the Kentucky and New York state correctional departments have policies in place accommodating inmates who wear headcoverings for religious reasons.

- A majority of states permits exceptions for those who, for religious reasons, do not wish to be photographed without headcoverings for drivers’ licenses.

Enforcing Your Rights

If you have been discriminated against or harassed because you wear hijab, or if you have been barred from wearing hijab, you are not alone. Do not remain silent—take action:

- If you believe that your rights have been violated, contact your local American Civil Liberties Union office:
  
  Find Your Local ACLU
  www.aclu.org/affiliates

- If you believe you have been subjected to discrimination on the job, you may file a charge with the nearest field office of the EEOC:
  
  EEOC Field Offices
  www.eeoc.gov/offices.html

- For more information about discrimination against Muslim women, contact the ACLU:
  
  Women’s Rights Project
  American Civil Liberties Union
  125 Broad Street, 18th Floor
  New York, NY 10004
  (212) 549-2644
  womensrights@aclu.org
  www.aclu.org/womensrights

  Program on Freedom of Religion and Belief
  American Civil Liberties Union
  915 15th Street, NW Suite 600
  Washington, D.C. 20005
  (202) 675-2330
  www.aclu.org/religion

- National and local Muslim community and advocacy groups and anti-discrimination organizations may also be resources.
The word hijab comes from the Arabic word hajab, which means to hide or screen from view or to cover. Sometimes the word hijab refers specifically to a woman’s headscarf; sometimes it is used more generally to refer to the practice of wearing modest clothing in accordance with religious beliefs.


6 2007 CAIR Report, supra note 2, at 20.

7 CAIR, unpublished data, 2006, copy on file with the Women’s Rights Project.


9 See, e.g., Webb v. City of Philadelphia, No. 07-3081 (3d Cir. filed July 13, 2007). On January 9, 2008 the ACLU filed a friend-of-the-court brief in an appeal concerning the right of a Muslim woman to cover her hair while working as a police officer. The district court ruled against the officer and, as of the time of printing, the case is on appeal to the Third Circuit. ACLU brief available at http://www.aclu.org/womensrights/employ/35023lg/20080109.html.

10 See, e.g., Press Release, American-Arab Anti-Discrimination Committee, ADC Welcomes Jury Award for Muslim Woman [June 4, 2007], available at http://www.adc.org/index.php?id=3117&nocache=1&sword_list[]=hijab [describing a 2001 incident in which a woman was fired from her job at a car rental company in Phoenix, AZ, for refusing to remove her headscarf during the Muslim holy month of Ramadan. The EEOC brought a discrimination case on her behalf, and a jury awarded her $287,640.].

11 See, e.g., Suffer the Little Muslims: A Look at the Appalling Discrimination against Middle Eastern Students Countenanced by Bay Area Public Schools, San Francisco Weekly [Aug. 17, 2005], available at http://www.ing.org/about/islampage.asp?num=42. The article mentions the case of Muslim high school student Jana Elhifny in Nevada, who wore her hijab to school and was harassed by peers at school with school officials’ knowledge and participation. She was called a terrorist, and her pleas for help to school officials met with inappropriate comments and no action. In 2004, the ACLU of Nevada filed Title VI, Title IX, and First Amendment Freedom of Religion claims on behalf of Ms. Elhifny against the Washoe County School District and various school employees who permitted this abusive treatment to continue. As of the time of printing, the case is in discovery. Barns v. Gifford, et al., No. 3:04-cv-00583 (D. Nev. filed Oct. 19, 2004), complaint available at http://www.aclu.org/womensrights/edu/35029lg20041014.html.

See also 2007 CAIR Report, supra note 2, at 9 (describing an incident in which a female Muslim college senior at Baylor University in Texas was attacked from behind while walking through the university’s campus. The assailant pushed, slapped, and kicked her while using racial and anti-Muslim slurs and pulled off her headscarf. The woman was treated at the hospital for contusions and a dislocated shoulder.). See also Shouting Across the Divide, This American Life [Dec. 15, 2006], available at http://www.thisamericanlife.org/Radio_Episode.aspx?episode=322 [interviewing a Muslim family whose female children were harassed in schools in Delaware].

12 See, e.g., Hearn v. Muskogee School District, No. 6:03-cv-00598 [E.D. Okla. filed Oct. 28, 2003]. In 2003 a sixth-grade girl in Muskogee, Oklahoma was suspended from the Benjamin Franklin Science Academy for refusing to take off her headscarf, after being told it violated the school’s dress code, which prohibits students from wearing hats, caps, bandanas, or jacket hoods inside school buildings. The Department of Justice Civil Rights Division filed a complaint against the school district for violating the student’s Fourteenth Amendment rights. The case settled pursuant to a consent decree. See Press Release, American-Arab Anti-Discrimination Committee, ADC Commends DOJ for Protecting Student’s Right to Wear Headscarf in School [Mar. 31, 2004], available at http://www.adc.org/index.php?id=2183&nocache=1&sword_list[]=headscarf.

13 See, e.g., 2007 CAIR Report, supra note 2, at 23 [reporting a 2006 incident in which a 10-year-old female Muslim student in Jacksonville, Florida, elementary school was discriminated against by her teacher for wearing a headscarf. The cello instructor reportedly asked mocking questions and refused to let her play in a school concert.].

14 See, e.g., When the Rules Run Up Against Faith: Prep Athlete Wearing Muslim Clothing Disqualified From Track Meet, Washington Post [Jan. 16, 2008], available at http://www.washingtonpost.com/wp-dyn/content/article/2008/01/15/AR2008011503356.html [describing the case of a high school senior who was disqualified from a track and field meet after officials said her Muslim clothing violated national competition rules].
with the Parks and Recreation Commission, which adopted a new policy for swim wear at its water parks to provide for religious accommodation. See http://www.aclu.org/womensrights/gen/35367prs20060110.html.

In a separate incident in 2005, a Muslim seventh-grade student was denied swimming privileges at the Rolling Hills Water Park in Ypsilanti, MI, while on a class trip, because she was wearing clothing covering her body in accordance with her religious beliefs. The ACLU of Michigan worked with the Parks and Recreation Commission, which adopted a new policy for swimwear at its water parks to provide for religious accommodation. See Washenaw County Parks and Recreation Policy on Swimwear at Aquatic Facilities (Jan. 10, 2006), available at http://www.aclu.org/womensrights/gen/35367res20060110.html.

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