



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

**Country:** France  
**Title:** Nice Administrative Tribunal, 9 June 2015, no 1305386  
**Date:** 30 June 2015  
**Expert:** Sophie Latraverse

#### Context

**Issue at stake:** Scope of the obligation of neutrality and applicability towards mothers on school field trips  
**Ground of discrimination:** Religion

**Source:** National court decision  
**Field:** Education  
**Applicable law:** Articles 8 and 14 ECHR

#### Content

**Case:** The school teacher requested volunteer parents to accompany children on a school field trip by way of a message written in the student liaison booklet. Petitioner replied in the booklet that she was available, and asked whether she could be authorized to wear her Islamic veil. The School teacher replied in writing that the school was no longer authorized to accept mothers wearing the Islamic veil to accompany children on field trips and that she must remove it in order to participate to the field trip.

Plaintiff attacked this decision before the administrative tribunal.

**Decision of the Court:** Parents authorised to participate to field trips, as the students, are users of the public service. Therefore, any restriction to the freedom to express one's religion must be based on specific express legislation or on considerations related to public order or functional requirements of the organisation of public service, which the state has the burden of establishing.

The teacher's reply to the proposition of Petitioner to accompany this field trip itself shows that the school did not prevail itself of a legal requirement, public order or of functional requirements necessary to the proper management of the public service.

Therefore the school's decision is based on an error in law and must be quashed.

**Key points of analysis:** Lower administrative courts follow indications of the Conseil d'Etat (Supreme Administrative Court) which has put an end to the controversy regarding the scope of the duty of neutrality of persons participating to the execution of a public service and its applicability to mothers accompanying field trips.

**Internet link source and additional information:** <http://nice.tribunal-administratif.fr/content/download/43508/377042/version/1/file/1305386.pdf>