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NEWS REPORT

Country:	France
Title:	Administrative tribunal decision quashing the Instruction of 4 December 2013 of the academic director of the Amiens district excluding the participation to field trips of veiled mothers
Date:	29 January 2016
Expert:	Sophie LATRAVERSE
<u>Context</u>	
Issue at stake:	Whether District school authorities can exclude mothers wearing an exterior religious sign such as an Islamic Veil from school activities
Ground of discrimination:	Religion/belief
Source:	National court decision: Amiens Administrative Tribunal, 15 December 2015, n° 1401803
Field:	Education
Applicable law:	Article 1 of the Law of 27 May 2008, Article L111-1, L111-4 and L141-5 of the Code of education

Content

Case:

The academic director of the Amiens educational district issued an instruction on 4 December 2013 ordering school principals of a certain town¹ to refuse the participation of school activities to all mothers wearing an Islamic veil.

The petitioner requested that this instruction would be annulled on the ground of its illegality and claims damages for the refusals to her requests to accompany field trips of December 2013 and 11 February 2014.

Decision of the Court:

Article L111-1 of the Code of Education states the principles of social inclusion and equality, and article L111-4 states that parents are members of the educational system and must be associated to the life of the school, but that students are forbidden to wear ostentatious religious signs. Participation to field trips is a typical way of associating parents to school activities.

The Ministry of Education admits that article L 141-5 of the code of education, prohibiting that students exhibit religious signs within the school environment and premises, is not

¹ The name of the town has been erased from the decision.

applicable to parents.

Even if school authorities can for specific circumstances limit the expression of religious freedom in order to ensure the respect of public order, in the absence of an explicit legal text they are not subjected to the strict obligation of neutrality imposed on personnel and students and religious signs cannot be forbidden on a continuous basis.

As regards Petitioner's claim, she did not establish before the court that she had submitted requests to accompany field trips and refusals that she invokes, therefore her claim is dismissed.

Internet link source:

Not available.