



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

### NEWS REPORT

<b>Country:</b>	Germany
<b>Title:</b>	Headscarf in kindergarten
<b>Date:</b>	14 December 2016
<b>Expert:</b>	Mahlmann, Matthias
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Permissibility of headscarf, worn by kindergarten teacher
<b>Ground of discrimination:</b>	Religion/belief
<b>Source:</b>	Federal German Constitutional Court, 1 BvR 354/11, 18 October 2016
<b>Field:</b>	Employment, Education
<b>Applicable law:</b>	Art. 4 Basic Law

### **Content**

**Decision of the Court:** The decision concerns the permissibility of wearing an Islamic headscarf by a kindergarten teacher employed by a public authority. The teacher was reprimanded by the public authority because of wearing the headscarf during work. The court decided that the basic right to freedom of religion entitles the teacher to wear such a headscarf. Provisions of anti-discrimination law do not provide legal rights of the claimants beyond those derived from freedom of religion. The court underlined that such a garment is by now common in Germany and a necessary consequence of a pluralist society.

**Key points of analysis:** The court confirms with this decision its case law on the matter of headscarves worn by teachers in public education (cf. Federal German Constitutional Court, BVerfGE 138, 296) and extends it to the sphere of pre-school education.

**Internet link source:** [http://www.bverfg.de/e/rk20161018\\_1bvr035411.html](http://www.bverfg.de/e/rk20161018_1bvr035411.html).