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FLASH REPORT

Country:	France
Title:	Lyon Administrative appeal Court, 23 July 2019, n° 17LY04351
Date:	9 January 2020
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<u>Context</u>	
Issue at stake:	Refusal to admit mother wearing the Islamic veil for activities in class
Grounds of discrimination:	Religion or belief
Field of application:	Education
Source:	National court decision
Applicable law:	Article L111-1 of the code of education

Content

Case: By a decision of 2 April 2015, the Rector of the School district of Lyon refused to intervene in order to question the legality of the in-house regulation of a kindergarten imposing the religious neutrality of parents participating in activities inside the class, thereby denying access to mothers wearing the Islamic veil.

The request to annul the decision of the Rector was dismissed by the Lyon administrative court.

The mothers appealed alleging that access could not be denied in their capacity of users of the public service.

Decision of the court: On 23 July 2019, the Administrative Appeal Court of Lyon dismissed the appeal.

It decided that the principle of secularity of public education is a constitutive element of the secularity of the State and of the neutrality of all public service. It imposes that teaching be delivered in the respect of the principle of neutrality, whether it be by teachers or other persons intervening inside the class. The Court held that a requirement of neutrality could be imposed to activities within the school premises that relate to support of pedagogical tasks that are, as in this case, comparable to those engaged by teachers.

Key points of analysis: The Conseil d'Etat had held in its study of 19 December 2013 that parents participating to school events were not collaborators of the public service, but users of the public service, and were therefore not bound by the obligation of religious neutrality.

Here the Court creates a distinction with the situation decided by the Conseil d'Etat. It creates a new category relating to class activities where parents participate to educative activities beyond the safekeeping of children, as opposed to the situation of parents

accompanying children in school field trips, where parents were held to be users of the public service.

The Court considers that in such situations, parents are collaborating in the public service of education and their activities are comparable to those exercised by teachers. Consequently, the neutrality requirements that apply to teachers therefore apply to parents as well, in such situations.

Internet link:

<https://www.legifrance.gouv.fr/affichJuriAdmin.do?idTexte=CETATEXT000038915805>.