

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Germany	2016	Germany / Federal Constitutional Court / 1 BvR 354/11 ECU-DE:8VerfG:2016:rk20161018_1bvr035411	http://www.bverfg.de/e/rk20161018_1bvr035411.html	Religion	Federal Constitutional Court (Bundesverfassungsgericht)	A Muslim day care nurse was reprimanded by her employer for wearing a religious headscarf during work. This woman is a German citizen who was born in Turkey. At the time of the incident, the state of Baden-Württemberg had a legal ban of religious headscarves in child day care. The woman took the issue to the Federal Labour Court (Bundesarbeitsgericht), but her case was rejected. The case was then taken to the Federal Constitutional Court (Bundesverfassungsgericht), which ruled in favour of the kindergarten teacher.	The ban of headscarves in kindergarten and school teaching was ruled unconstitutional and therefore had to be lifted. It was also clarified that no one has a right to be spared from exposure to other religious beliefs and symbols.	The Federal Constitutional Court argued that forbidding someone to wear a headscarf is an infringement of the freedom of religion, which is a basic human right. It was further argued that wearing religious headscarves in child day care centres is not reasonable danger towards children rights. The wearing of such headscarves has no sufficient effects on converting to or advertising a religion. Headscarves have become a common symbol in everyday life of society and are therefore not an unusual sight.	According to the Federal Constitutional Court, fundamental rights of children and their parents are not endangered by teachers who wear Muslim headscarves, as was previously argued by the Federal Labour Court (Bundesarbeitsgericht).	"Die Einzelnen haben in einer Gesellschaft, die unterschiedlichen Glaubensüberzeugungen Raum gibt, allerdings kein Recht darauf, von der Konfrontation mit ihren fremden Glaubensbekenndungen, kultischen Handlungen und religiösen Symbolen verschont zu bleiben." (Rn. 64) "Individuals however, have no right to be spared from the confrontation of other beliefs, cultural behaviour and religious symbols in a society that provides space to different beliefs." (para. 64)

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