

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
Belgium	2020	Belgium / Constitutional Court / 81/2020	https://www.const-court.be/public/n/2020/2020-081n.pdf	Religion	Constitutional Court (Grondwettelijk Hof)	A Brussels institute for higher education (college) prohibits in its internal regulations, among other things, the wearing of religious signs. Female Muslim students who wish to wear a headscarf initiate legal proceedings and the court formulates a preliminary question tot he Constitutional Court. The students claim that the ban on head scarfs is contrary to the Anti-Discrimination Decree of 12 December 2008.	The Constitutional Court decides that the ban on religious signs does not conflict with the duty of neutrality that applies in official education and does not violate religious freedom.	According to the Court, a school has a legitimate reason to issue a ban on religious signs, including headscarves, when other students do not want to express their own convictions visibly. Such students must be protected from social pressure. The Court of Appeal also noted that a general prohibition is not mandatory. Institutions of higher education may therefore just as well allow the wearing of religious signs and opt for a policy of inclusive neutrality.	The Court is asked whether article 3 of the decree of 31 March 1994, in the interpretation that it allows a school to provide in the internal regulations a total ban on wearing insignia, jewellery or clothing that is political in nature, the expression of philosophical or religious opinions or beliefs and any headgear, in particular those expressing such opinions or beliefs, with a view to creating a totally neutral educational environment , is in violation of Articles 19, 23 and 24 of the Constitution, Article 9 of the European Convention on Human Rights and Article 2 of the First Additional Protocol to that Convention.	"Het verbod voor de studenten om juwelen, insignes en kledij, met inbegrip van hoofddeksels, te dragen die een politieke, filosofische of godsdienstige mening of strekking weergeven, wordt beschouwd als een maatregel die ertoe strekt, overeenkomstig het pedagogisch project dat gebaseerd is op een welbepaalde opvatting van neutraliteit van het officieel onderwijs, alle studenten te beschermen tegen de sociale druk die zou kunnen worden uitgeoefend door diegenen onder hen die hun mening en overtuigingen zichtbaar maken." "The ban on students wearing jewellery, badges and clothing, including headgear, which reflect a political, philosophical or religious opinion or intent is considered to be a measure which, in accordance with the pedagogical project based on a well-defined concept of neutrality in official education, aims to protect all students from the social pressure which could be exerted by those among them who make their opinions and beliefs visible."

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