DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

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
France	2016	France / CCPR/C/134/D/2921/2016	https://digitallibrary.un.org/record/3990940/files/CCPR_C_134_D_2921_2016-EN.pdf?ln=ru	Religion	Human Rights Committee	The petitioner is a Muslim and a national of France. Because of her religious beliefs, she wears a headscarf to cover her hair. As part of her vocational training she enroled at Gerta Tertiaire 94 - a group of public establishments for adults' lifelong learning - to study for an advanced vocational training certificate. She attended the interview wearing her headscarf and passed it. On the first day of her training, the school director verbally denied her entry owing to the ban on wearing religious symbols in a public educational establishment.	The Committee found violation of articles 18 and 26 of the Convention. In accordance with article 2, paragraph 3 (a) of the Convention the State party is under an obligation to provide the author with an effective remedy. This requires it to make full reparation to individuals whose Convention rights have been violated. France is obligated to provide adequate compensation and appropriate measures of satisfaction to the author, readmission to the training course if author wishes, compensations for the lost opportunity and the reimbursement of legal costs.	The Committee noted that the author's claim about being denied access to her training course while wearing a headscarf violated her right to freely manifest her religion under article 18 of the Convention, since it constituted a limitation that was not prescribed by law, not necessary in a democratic society and not proportionate.	The case points out the freedom to manifest one's religion and discrimination on the basis of the religion and gender.	'The Committee therefore concludes that the restriction imposed on the author, prohibiting her from participating in her vocational training course while wearing a headscarf, constitutes a restriction interfering with her freedom of religion in violation of article 18 of the Covenantion.''

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