

Cour Administrative d'Appel de Paris, 19 July 2005, No. 05PA01833

1) Reference Details

Jurisdiction: Administrative Court of Appeal Paris, France

Date of Decision: 19 July 2005

2) Facts

A Sikh pupil appealed the decision of his school to permanently exclude him because he refused to remove his *turban* at school. The case raised the matter of the application of the European Convention on Human Rights, in particular articles 9 and 14, to the French law prohibiting the wearing of any visible sign of religion in state schools.

3) Law

- Education Code article L.141-5-1
- European Convention on Human Rights articles 9 and 14

4) Legal Arguments

The school maintained that the Education Code prohibited the wearing, by pupils of state schools, of any sign or dress which 'ostensibly manifests their religion'. Any violation of this rule would result in disciplinary action.

The pupil appealed this decision, and the judgment of the Tribunal Administratif of Melun which upheld the decision of the school. He argued that the decision, and the rule on which it was based, violated his rights under articles 9 and 14 of the European Convention on Human Rights.

5) Decision

The Administrative Court of Appeal found that the decision was taken in conformity with article L.141-5-1 of the Education Code with no violation of any of the rules of procedure.

Concerning the conformity with the European Convention on Human Rights, the court considered that taking account of the attachment within the French educational establishment to the principle of *laïcité*, there was no violation of article 9 concerning freedom of religion as the article does permit the creation of legal exceptions, where necessary, for the protection of public security, order, health or public morals. Concerning the accusation that the rule constituted discrimination contrary to article 14 of the Convention, the Court declared that the rule is of general application and cannot therefore be regarded as discriminatory.