



**France:
Implementation of the Law
Prohibiting Conspicuous
Religious Signs or Clothing in
Public Schools**

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FRANCE

IMPLEMENTATION OF THE LAW PROHIBITING CONSPICUOUS RELIGIOUS SIGNS OR CLOTHING IN PUBLIC SCHOOLS

A review of some of the leading French newspapers shows that since the Law Prohibiting Conspicuous Religious Signs or Clothing in Public Schools¹ took effect at the start of the academic year on September 2, 2004, at least ten girls have been expelled from school for refusing to remove their headscarves.² The first two to be expelled are of French and Algerian origin, and both are 12 years old. They were expelled from a school in the eastern city of Mulhouse on October 19, 2004, following disciplinary hearings.³ As provided by the law, these hearings took place after a period of dialog between the students and the schools authorities when such authorities were unable to persuade the students to respect the ban on religious signs or clothing.

Both girls wore headscarves for a few days and then replaced them by bandanas. Their headmasters, however, deemed it to be an insufficient compromise. Before the school started, the Ministry of Education had given instructions on distinguishing between an “ordinary bandana” and a “bandana which would be used as disguised headscarves,” which are defined as those headscarves that are worn all day long without interruption, every day of the week, and fully hide all hair.⁴

Within a week, eight more girls, were expelled from schools across France. Additional disciplinary hearings will take place in November, after the vacation period marking the All Saints Day holiday which ends November 3rd. According to the Ministry of Education, 700 students arrived wearing conspicuous religious signs at the start of the school. However, six weeks later, most of the cases had been resolved through dialog, and only 72 students still refused to conform to the ban.⁵ As seen above, ten of these students have been expelled. As to the remaining 62, some are still in the dialog phase with the school authorities, while others will attend disciplinary hearings in November.

In a different case, on October 22, 2004, an administrative court ordered a high school to hold a disciplinary hearing within two weeks to decide whether three Sikh boys who had been excluded from classes for wearing turbans should be admitted or expelled. The boys were suspended from classes without a hearing, and the court called the suspensions a serious and unlawful attack on the boys’ rights.⁶

On October 8, 2004, the *Conseil d'état*, (supreme court for administrative matters) denied a request to void a circular issued by the Ministry of Education on May 18, 2004, implementing the Law

¹ Law 2004-228 of March 15, 2004, J.O. [Journal Official], March 17, 2004, p. 5190.

² LE MONDE, LE FIGARO, LIBERATION, LA CROIX, AND LE PARISIEN.

³ Martine Laronche, *La loi sur le voile a conduit à deux premières exclusions*, LE MONDE, available at LEXIS, Presse Library, Le Monde File.

⁴ Martine Laronche, *Trois autres lycéennes exclues pour non respect de la loi sur la laïcité à Mulhouse et dans l'Orne*, LE MONDE available at LEXIS, Presse Library, Le Monde File.

⁵ *72 élèves réfractaires à la loi*, LE FIGARO, available at Lexis, Presse Library, Le Figaro File.

⁶ Helene Fouquet, *France: School told to review suspensions*, THE NEW YORK TIMES available at LEXIS, News Library, News, Most Recent 90 Days file.

Prohibiting Conspicuous Religious Signs or Clothing in Public Schools. The *Conseil d'état* found that the infringement upon freedom of thought, conscience, and religion resulting from the law which was restated in the circular, was proportionate to the general-interest objective pursued; that is, the respect of the principle of secularism in public schools.⁷ This decision is consistent with the recent decision of the European Court of Human Rights, which ruled that Turkey has the right to prohibit the wearing of headscarves at its universities.⁸

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⁷ CE, sect., Oct. 8, 2004, nos. 269077 & 269704, Union française pour la cohésion nationale at http://www.conseil-etat.fr/ce/jurispd/index_ac_ld0437.shtml.

⁸ Leyla Sahin v. Turkey, Eur. Ct. H.R., June 29, 2004 (available at <http://www.echr.coe.int/>).