

## 8/7/09: USCIRF Expresses Concern about European Court Decision on Religious Garb

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WASHINGTON DC — The European Court of Human Rights on July 17 rejected claims to allow Muslim girls and Sikh boys to cover their hair while attending public school in France. The U.S. Commission on International Religious Freedom (USCIRF), a bipartisan U.S. government panel that monitors religious freedom abroad, faulted the ruling for its failure to cite any evidence to support its conclusion that the head coverings constituted a genuine threat to public order.

“International standards guarantee to every individual the freedom to peacefully manifest his or her religious beliefs, in public as well as in private, which includes wearing religious clothing or head coverings,” said Leonard Leo, USCIRF chair. “It is unfortunate that, in the absence of actual evidence of a legitimate threat to public order, France and the European Court of Human Rights have interpreted a general notion of secularism so radically that it has trumped religious belief. Secularism does not mandate a ban on peaceful individual religious expression, including the decision to wear religious articles that other believers or non-believers may associate with religious extremism.”

The European Court of Human Rights in Strasbourg rejected six cases filed by four Muslim girls and two Sikh boys who were expelled from French schools in 2004-05 for wearing headscarves or keskis (Sikh under-turbans). The youngsters were challenging France’s 2004 law that prohibits public school students from wearing conspicuous symbols of their religious affiliation. Many Muslims and Sikhs consider it a religious obligation to cover their heads.

The Court found that the French law did restrict the students’ freedom of thought, conscience, and religion guaranteed under Article 9 of the European Convention on Human Rights but the restriction was permissible based on secularism and the need to protect the rights and freedoms of others and the public order. “The Court justified the restriction as necessary to reconcile the interests of various religious groups in a diverse society and ensure that everyone’s beliefs are respected, yet everyone’s beliefs were not respected,” said Mr. Leo. “The Muslim and Sikh students believe that their religion requires them to cover their hair.”

“The Court also stated that pluralism and democracy require ‘a spirit of compromise necessarily entailing various concessions,’ yet it rejected the students’ attempts to compromise,” said Mr. Leo. The Muslim girls were willing to wear hats rather than headscarves, but the Court found that hats also would constitute a conspicuous manifestation of religious affiliation. The Court also rejected the Sikh boys’ argument that because a keski is smaller than the traditional Sikh turban, it should be permitted.

USCIRF previously has expressed concern about the French religious symbols law. (See USCIRF Press Release, France: Proposed bill may violate freedom of religion, February 3, 2004.)

USCIRF is an independent, bipartisan U.S. federal government commission. USCIRF Commissioners are appointed by the President and the leadership of both political parties in the Senate and the House of Representatives. USCIRF’s principal responsibilities are to review the facts and circumstances of violations of religious freedom internationally and to make policy recommendations to the President, the Secretary of State and Congress.

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