

PROHIBITION OF WEARING RELIGIOUS SYMBOLS

**Comparative table on the
prohibition of wearing religious symbols
in public schools, at universities, in public, on ID photographs,
at the workplace, for civil servants and for military personnel
in 36 selected countries.**

**Compiled by Michael Wiener
(last update: 19 January 2006)**

The scope of this research concerns only the freedom of religion or belief of individuals with regard to religious symbols, e.g. garments and ornaments. This compilation does not claim to be exhaustive. It relies on case law and incidents as reported by international judicial and quasi-judicial bodies, by national courts as well as by non-governmental organisations worldwide. It also refers to national legislative acts which have been passed or tabled.

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Country	In public schools		At university		In public/ at work/ on ID photographs	For civil servants	For military	ICCPR	OP 1
	For pupils	For teachers	For students	For lecturers					
Albania			Regulations on wearing the Islamic headscarf in universities.					4 January 1992 (a)	-
Algeria						Female Government employees are forbidden from wearing the full veil.		12 Dec. 1989	+
Australia	The New South Wales Government enshrined in its 2004 uniform policy a pupil's right to wear religious attire. However, in May 2005, a 17-year-old Muslim girl wearing a mantoo (i.e. body-length religious tunic) to school was put on detention for disobeying the principal's orders.				A referee has been suspended after a 14-year-old girl was reportedly asked to take off her Islamic headscarf during a junior soccer match in Melbourne.			13 Nov. 1980	+
Austria	No special legislation governing the wearing of the headscarf, turban or kippa. A ban on wearing the headscarf would only be justified if it poses a health or safety hazard for pupils.							10 Dec. 1978	+
Azerbaijan			Regulations on wearing the Islamic headscarf in universities.		Ban on headscarves in passport photographs (see also the communication of UN Special Rapporteur Amor in UN Doc. E/CN.4/2001/63, para. 17).			13 Nov. 1992 (a)	+
[Bahrain]					[Since 2003 women are allowed to drive while fully veiled.]	[Ban on policewomen wearing headscarves lifted in 2003.]		-	-
Belgium	In the French Community, teachers must not permit religious proselytism under their authority by or on behalf of pupils. In the Flemish Community, restrictions on religious symbols may be imposed on grounds of hygiene or safety.				The Flemish city of Maaseik has introduced a ban on publicly wearing the niqab which covers the face. [According to a ruling by the Appeal Court, people are not required in passport photos to have their heads uncovered.]			21 July 1983	+

Notes: ICCPR = International Covenant on Civil and Political Rights; OP 1 = ICCPR First Optional Protocol; (a) = accession; *italics* = case; [square brackets] = lifting of bans on wearing religious symbols

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Canada	[A Muslim pupil was expelled from a private school after refusing to remove her hijab. In June 2005, the Quebec Human Rights Commission concluded that private, not-for-profit schools have the same obligation as public schools to make reasonable accommodation for their students' religious beliefs.]				In the <i>Bhinder v. Canada</i> case, the UN Human Rights Committee found that the requirement of wearing safety headgear during work also for Sikhs was justified under art. 18(3) ICCPR. [Photographs taken for the Permanent Resident Card do not require the head covering to be completely removed, but all facial features must be visible for security purposes.]	[Subsequent to a revision of the Royal Canadian Mounted Police regulations a Khalsa Sikh officer was authorised to substitute turbans for the traditional mountie stetson and forage cap (see HRC, <i>Riley v. Canada</i> , No. 1048/2002).]		19 August 1976 (a)	+
Cuba	Some pupils have been disciplined formally for wearing crucifixes.							-	-
[Egypt]					[Three female TV presenters who allegedly had been banned from appearing on screen because they were wearing headscarves won their court case in July 2005.]			14 April 1982	-
[Ethiopia]	[Prohibition of headscarves in schools lifted.]							11 Sept. 1993 (a)	-
France	Ban for pupils on ostentatious religious symbols including Islamic headscarves, Sikh turbans, Jewish skullcaps and large crucifixes. More than 50 children have been expelled from school since.	Ban for school teachers even on discreet religious symbols due to the strict obligation of neutrality.			French law allegedly forbids anyone from wearing anything that obscures the view of the head in a visa photo. Security staff in airports require Sikhs to remove the turban for inspection (ECtHR, 35753/03).	A nurse pupil in Bordeaux got excluded from her professional training for refusing to refrain from wearing a headscarf.		4 February 1981 (a)	+
Gambia	Each school administration determines its own policy on headscarves.							22 June 1979 (a)	+
Germany		A 2003 Supreme Court judgment requires a statutory basis for bans on religious symbols worn by teachers. Since then, banning laws have been passed in the states of Baden-Württemberg, Bayern, Berlin, Bremen, Hessen, Niedersachsen and Saarland, or tabled in Brandenburg and Nordrhein-Westfalen.			The compulsory wearing of a headscarf on ID photos in order to issue papers for deportation back to the Islamic Republic of Iran was not considered by an administrative court in Munich to be contrary to the woman's negative freedom of religion or belief.	Laws against wearing visible religious symbols in civil service (e.g. police and prison officers, administration of justice) have been passed in the states of Berlin and Hessen.		23 March 1976	+

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India					The Indian Supreme Court has ruled that constitutional protection is only warranted “with respect to religious practice which forms an essential and integral part of the religion”.			10 July 1979	-
Italy	Bill that would ban the wearing of headscarves was introduced in Parliament in September 2004.	A kindergarten allegedly asked a Muslim trainee teacher to remove her headscarf.			Several women have been fined for wearing burqas under a 1931 law that forbids persons from hiding their identity.			15 Dec. 1978	+
Kyrgyzstan	Ban on wearing the hijab while in school.							7 Jan. 1995 (a)	+
Libyan Arab Jamahiriya					Some practicing Muslims have allegedly shaved their beards to avoid harassment from the security services.			23 March 1976 (a)	+
Malaysia	[Three minor Muslim male schoolchildren were expelled from a public school for wearing the Muslim head dress called “serban” said to be in contravention of the school’s circular on uniform dress. The Civil High Court ruled that the expulsion was wrong as the school had no power to issue a dress code and thus had acted <i>ultra vires</i> .]					A female public servant at the Perak State Legal Adviser’s Office was dismissed for wearing a purdah, covering her body, head and partially her face except for the eyes. The Malaysian Supreme Court dismissed the appeal.		-	-
Netherlands	Schools may require pupils to wear a uniform provided that the rules are not discriminatory and are included in the school prospectus and that the punishment for transgressions is not disproportionate. A ban on the burqa is regarded as justified by the need to be able to identify and communicate with pupils.		Proposed ban by Free University Amsterdam on wearing burqas.		In December 2005, the Dutch Parliament adopted a motion to prohibit the wearing of burqas in public. The Utrecht municipal authorities allegedly seek to cut the unemployment benefits of a Muslim woman who refuses to take off her burqa during job interviews.			11 March 1979	+

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Pakistan	Ten Muslim girls in Karachi allegedly were asked to remove their scarves and burqas to become eligible to take examinations.							-	-
[Russian Federation]					[A previous interior ministry ban on headscarves in photographs for official identification was overturned by Supreme Court in 2003.]			23 March 1976	+
Singapore	Several secondary school pupils were suspended for wearing headscarves (tudungs), but Sikhs are allowed to wear turbans and Christians may wear crucifixes.							-	-
Somalia					Ban on veils in the Middle Shabelle region, where at least 17 women who had violated the decree allegedly got jailed.			24 April 1990 (a)	+
Spain	School governors have the power, by virtue of two 1996 royal Decrees, to issue school rules which may include provisions on dress. Generally speaking, State schools allow the headscarf to be worn.							27 July 1977	+
Sweden	According to 2003 mandatory directives by the National Education Agency, schools are allowed to prohibit the burqa (veil covering whole body and face) and niqab (veil covering upper body with the exception of the eyes), provided they do so in a spirit of dialogue on the common values of equality of the sexes and respect for the democratic principle.							23 March 1976	+

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Switzerland		A Swiss primary school teacher got dismissed for refusing to work without her headscarf. The European Court of Human Rights declared her application inadmissible (<i>Dahlab v. Switzerland</i> , No. 42393/98), arguing that a teacher in a position of authority, wearing such a “powerful external symbol”, may have a proselytizing effect on young children. Thus the ECtHR concurred with the view of the Swiss Federal Court that the prohibition of wearing a headscarf in the context of the applicant’s activities as a teacher was “justified by the potential interference with the religious beliefs of her pupils, other pupils at the school and the pupils’ parents, and by the breach of the principle of denominational neutrality in schools”.			The retailing company Migros decided in November 2004 not to ban the wearing of Muslim headscarves by their female employees. However, Migros retains the right to decide on a case-by-case basis.			18 Sept. 1992	-
Thailand						Prohibition to wear headscarves when dressed in civil servant uniforms.		29 January 1997 (a)	-
Trinidad and Tobago						The issue of convicts wishing to wear beards has been dealt with by the UN Human Rights Committee in the communications no. 569/1993 (<i>Patterson Matthews</i>) and no. 721/1996 (<i>Clement Boodoo</i>).		21 March 1979	(-) since 27 June 2000 (+) From 14 Nov 1980 to 26 June 2000
Tunisia						Ban on wearing of hijab in government offices.		23 March 1976	-

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Turkey			<p>According to a Constitutional Court judgment of 9 April 1991 it is contrary to the principles of secularism and equality to cover the neck and hair with a veil or headscarf on grounds of religious belief in higher-education institutions.</p> <p>The European Court of Human Rights found (<i>Şahin v. Turkey</i>, No. 44774/98) that the University of Istanbul's restrictions could be regarded as "necessary in a democratic society", art. 9 (2) ECHR. Both the Chamber and the Grand Chamber referred to "the impact which wearing such a symbol, which is presented or perceived as a compulsory religious duty, may have on those who choose not to wear it."</p> <p>Judge Tulkens, however, stated in her dissenting opinion that it was not the Court's role to make a "unilateral and negative" appraisal of a religion or religious practice.</p>		<p>Alleged intervention by the military and by the Prosecutor of the Public Safety Courts against a female deputy of Turkish and American nationality who refused to remove her headcovering in the meeting hall of the Turkish National Assembly (see the in situ visit to Turkey of the UN Special Rapporteur on freedom of religion or belief, UN Doc. A/55/280/Add.1, para. 67).</p> <p>In the cases of <i>Karaduman v. Turkey</i> and <i>Bulut v. Turkey</i>, the issuance of a university diploma was rejected because the applicants had handed in ID photographs with their heads covered. However, the European Commission of Human Rights did not regard this to be an interference with their freedom of religion or belief (applications No. 16278/90 and No. 18783/91).</p>	<p>Regulations require staff working for public organizations and institutions to wear ordinary, sober, modern dress.</p>	<p>The Military has allegedly charged individuals with "lack of discipline" for being married to women who wear headscarves.</p>	23 Dec. 2003	-
[United Kingdom]	<p>[A High Court judgment on the ban of a full-length gown (jilbab) was reversed by the Court of Appeal in March 2005. The Court of Appeal accepted that there had been interference with the Muslim pupil's freedom of religion, as a minority of Muslims in the UK considered that a religious duty to wear a jilbab from the age of puberty existed and the pupil was genuinely of that opinion.]</p>				<p>[Turban-wearing Sikhs are exempted from the obligation of wearing crash helmets when riding motor-cycles and from the obligation of wearing hard hats on construction sites.]</p>	<p>[Since 2003, Rabinder Singh QC has sat as a High Court judge wearing a Sikh turban instead of the customary wig.]</p>	<p>[The British Army traditionally allows Sikh soldiers to wear turbans.]</p>	20 August 1976	-

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United States of America	Suspension of a pupil in Oklahoma for wearing the headscarf.	A Pennsylvania statute from the 19 th century prohibits teachers from wearing religious garb while teaching. The Supreme Court of Oregon upheld the dismissal of a Sikh teacher who wore a turban while teaching.			[In February 2004, Muslims in Alabama won a court case allowing them to wear headscarves in photographs for drivers' licenses.]		In 1986, the US Supreme Court upheld an Air Force regulation prohibiting the wearing of headgear while indoors.	8 Sept. 1992	-
Uzbekistan			Female students have allegedly been suspended from university for wearing hijabs. On communication No. 931/2000, submitted by <i>Raihon Hudoyberganova</i> , the majority of the UN Human Rights Committee "was let to conclude, in the absence of any justification provided by the state party, that there has been a violation of article 18, paragraph 2" ICCPR. Three Human Rights Committee members, however, appended individual opinions, referring to the uncertain state of the record.					28 Dec. 1995 (a)	+
Vietnam				Catholic nuns and priests are not allowed to wear religious dress when they teach or to identify themselves as clergy.				24 Dec. 1982 (a)	-
Zimbabwe					A Rastafarian who applied for registration as a legal practitioner was declined by the High Court to take the oath of loyalty and of office in view of his "dreadlocks hairstyle".			13 August 1991	-