



## NEWS REPORT

**Date:** 22 September 2009  
**Expert:** Emmanuelle Bribosia  
**Title:** The Flemish Community prohibits visible religious and philosophical symbols at school  
**Country:** Belgium

### Context

**Issue at stake:** The Flemish Education Council prohibits the wearing of visible religious and philosophical symbols in the 700 public schools of the Flemish Community

**Ground of discrimination:** Religion

**Source:** Flemish Education Council decision (*Beslissing van de Raad GO! inzake het dragen van levensbeschouwelijke kentekens, 11 September 2009*), press release.

**Field:** Education

**Legislative provisions:** Decision of the Flemish Education Council (administrative decision), available at [http://www.go.be/sites/portaal\\_nieuw/OverGO/levensbeschouwelijkekentekens/Pages/default.aspx](http://www.go.be/sites/portaal_nieuw/OverGO/levensbeschouwelijkekentekens/Pages/default.aspx)

**Content:** The Flemish Education Council (a public authority at the head of 700 public primary and secondary schools in the Flemish Region) decided, on 11 September 2009, to prohibit the wearing of visible (“zichtbare”) religious and philosophical symbols at school. This prohibition targets the staff, the professors and the students and concerns primary as well as secondary schools. An exception is admissible during religious or philosophical courses. For the schools of the Flemish Region which have not yet prohibited religious symbols, the prohibition will enter into force in September 2010.

This prohibition takes place in the context of the new school year and various events that happened recently.

At the beginning of September 2009, three schools, two in Dison (a town located in the South of Belgium and depending on the French Community) and one in Antwerp (a major city located in the Flemish Region), decided to prohibit the wearing of conspicuous religious signs at school. At that time, in the Flemish, as well as in the French, Community, each school had the competence to freely decide to prohibit visible religious signs at school.

On 8 September 2009 a court of first instance in Verviers (a town located in the South of Belgium), ruled in emergency proceedings that the concerned schools of Dison should let three girls wearing a headscarf to enter into the school. Despite that ruling, the schools denied them access to the classrooms, with the approval of the Dison municipal Council.

On the same day, a student launched an action in suspension before the *Conseil d'Etat* (Council of State, i.e. the supreme administrative Court in Belgium) against the decision of the school of Antwerp to forbid students from wearing any conspicuous religious symbols while at school. In his opinion (which is not compulsory) the Council of State's Auditor considered on that day that the school regulation on religious symbols was unconstitutional without a general decision in this sense of the Flemish Education Council.

On 11 September 2009 the Flemish Education Council took the decision to prohibit the wearing of any philosophical and religious symbols at school.

On 15 September, the Council of State ruled on the action in suspension in emergency proceedings launched against the Antwerp school decision. It rejected it because the conditions put to the action were not fulfilled. According to the Council of State, the applicant failed to introduce the action soon enough, and therefore, the urgency condition was not met.

**Internet link:** Decision of the Flemish Education Council (administrative decision):

[http://www.go.be/sites/portaal\\_nieuw/OverGO/levensbeschouwelijkekentekens/Pages/default.aspx](http://www.go.be/sites/portaal_nieuw/OverGO/levensbeschouwelijkekentekens/Pages/default.aspx)