



## NEWS REPORT

**Update of flash report nr:** Update 332-BE-40 “The Flemish Community prohibits any religious signs at school”

**Date:** 7 May 2010

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**Title:** The Council of State suspended the Flemish Education Council decision to prohibit religious and philosophical symbols at school

**Country:** Belgium

### Context

**Issue at stake:** The Council of State suspended the Flemish Education Council decision of September 2009 to prohibit religious and philosophical symbols at school and referred a preliminary ruling to the Constitutional Court

**Ground of discrimination:** Religion/belief

**Source:** Press release. Council of State decision n° 202.039, 18 March 2010

**Field:** Education

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

### Content

**Case:** The Flemish Education Council (an administrative authority at the head of 700 public primary and secondary schools) decided, on 11 September 2009, to prohibit the wearing of any religious or philosophical symbol at school. The prohibition targeted staff members, professors and students and concerned primary as well as secondary schools. An exception was admissible for the time of religious or philosophical courses. For the schools which had not already prohibited the religious symbols at school, the prohibition would not enter into force before September 2010.

This Flemish Education Council decision has been suspended by the Council of State on 18 March 2010 (decision n° 202.039). Indeed, a Muslim student

challenged it before the Council of State, which suspended it, referring a preliminary ruling to the Constitutional Court over the constitutionality of the Flemish Special Decree of 14 July 1998 as interpreted to allow the Flemish Education Council to adopt a general ban of religious symbols at school. Its central interrogation was to know if the Flemish Education Council had the competence to take such a decision without a preliminary legislative act regulating the question (decree).

Besides that, the Constitutional Court will also have to assess the conformity of the Flemish Special Decree on Public Education with the different principles enshrined at Article 24 of the Constitution; the principle of legality, the principle of freedom of education, and the neutrality requirement for public education.

**Internet link source and additional information:**

HYPERLINK "http://www.raadvst-consetat.be/Arresten/202000/000/202039dep.pdf" \l  
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