



## NEWS REPORT

**Date:** 9 June 2010  
**Expert:** Matthias Mahlmann  
**Title:** Prohibition of public prayer in school is legitimate.

**Country:** Germany

### Context

**Issue at stake:** Prayer in school  
**Ground of discrimination:** religion  
**Source:** national court decision  
**Field:** education

**Legislative provisions:** Art. 4 Basic Law

### Content

**Case law:** A Muslim pupil attending public school wished to pray in the school premises but the school authority did not grant permission. A lower instance court (Berlin Administrative Court, Verwaltungsgericht Berlin, 29. September 2009 - VG 3 A 984.07) ruled that the school had to provide for such a possibility. Consequently, the school provided a separate pray room for the pupil as a provisional measure and filed an appeal against the decision.

In appeal, the Regional Administrative Court of Berlin (Oberverwaltungsgericht Berlin, 27 May 2010 – OVG 3 B 29.09) reversed the decision of the lower instance court arguing that praying in public schools falls within the ambit of freedom of religion. According to the court, this right is however limited by other constitutional values. In particular, the neutrality of state requires equal treatment of all religions. In that respect, to provide a space for all prayers of all religions is not possible due to organisational constraints. Under these circumstances, absence of pray rooms at school is legitimate.

**Internet link source and additional information:**



<http://www.berlin.de/sen/justiz/gerichte/ovg/presse/archiv/20100527.1605.297041.html>