



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Information Note on the Court's case-law 27

February 2001

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***Dahlab v. Switzerland (dec.) - 42393/98***

Decision 15.2.2001 [Section II]

**Article 9**

**Article 9-1**

**Manifest religion or belief**

Teacher prohibited from wearing the Islamic veil while on duty: *inadmissible*

The applicant has been a teacher since 1989. In September 1990 she was appointed as a primary-school teacher with responsibility for pupils aged between four and eight. In March 1991 she converted to Islam and consequently began wearing a Muslim headscarf at work. Between 1992 and 1994 she took two periods of maternity leave. In May 1995 the district schools inspector informed the primary-education department that the applicant had regularly worn a headscarf at school without attracting any comment from the pupils' parents. The department requested the applicant to stop and then issued a ban on Muslim employees wearing headscarves, on the ground that by doing so teachers were breaking the law and "imposing a conspicuous sign of identity on pupils" and that this was "all the more unacceptable in a public, secular education system". The Geneva *Conseil d'Etat* dismissed an appeal by the applicant against the ban. That judgment was upheld by the Federal Court, which, noting that the applicant's job made her a representative of the State, held that the headscarf constituted a powerful symbol of religious allegiance and that the ban was necessary in order to safeguard the principles of denominational neutrality and gender equality within the school.

*Inadmissible* under Article 9: The impugned measure was provided for by law and pursued the legitimate aims of protecting the rights and freedoms of others and securing public safety and order. In order to determine whether the measure was also necessary in a democratic society, the requirements of protecting the rights and freedoms of others had to be weighed against the applicant's conduct. The Federal Court had found that the ban on headscarves at work was justified by the likely interference with pupils' religious beliefs and with the principle of denominational neutrality within the school. It had held that the role of state-school teachers as representatives of both the education authorities and the State required them to tolerate proportionate restrictions on their freedom of religion. The applicant had worn a headscarf for about three years without prompting any reaction from either the education authorities or the parents, a fact which suggested that her teaching had been unaffected and that she had not sought to profit in any way from this manifestation of her beliefs. While it was difficult to assess the impact of such symbols on the freedom of conscience and religion of children aged between four and eight, it could not be denied that they might have some sort of proselytising effect at an age when children were easily influenced. Moreover, the fact that only women were required to wear a headscarf was hard to reconcile with the principle of gender equality and with the message of freedom, respect for others and, above all, equality and non-discrimination that all teachers in a democratic society should convey to their pupils. In

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the circumstances, and having regard to the age of the pupils in the applicant's care, the authorities had not overstepped their margin of appreciation: manifestly ill-founded.

*Inadmissible* under Article 14: The ban on the applicant's wearing of a Muslim headscarf while teaching had not been imposed because she was a woman but had pursued the legitimate aim of ensuring the neutrality of State primary education. A similar ban could be imposed on a man wearing clothes that identified him as a member of a particular religious denomination: manifestly ill-founded.

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