

Tribunale ordinario di Milano, Prima sezione civile, ordinanza 20 aprile 2017.

Court Order 20 April 2017: Civil Court of Milan, First Division (judge: Martina Flamini), Italy.

*Human Rights - Freedom of religion or belief – Right to respect for private and family life - Religious discrimination - Public safety reasons - Entrance in public offices and hospitals with covert face -- Lombardy Regional Council's resolution n. X/4553, 10 December 2015 - Whether it is possible to wear Muslim veil in public offices and hospitals in Lombardy – Whether the prohibition to wear face covering clothes for religious purposes entails a direct or indirect religious discrimination.*

The First Division of Milan Civil Court ruled that, even though Muslim women are disadvantaged by the general prohibition decided by Lombardy Regional Council to enter public offices and hospitals with covert face, such a prejudice is “objectively justified”. Such an objective justification is disconnected to a legitimate aim: “the necessity to guarantee identification and control due to public safety reasons”. In this sense, the Region took “appropriate and necessary measures”. In particular, according to the Court the Muslim veil is not prohibited as a religious symbol, but in “its objectivity”, that is, as a means by which hiding one’s identity and, consequently, endangering public safety.

With reference to article 8 and 9 of the European Convention on Human Rights, the Court holds that public safety is expressly mentioned as a legitimate reason for States to limit their enjoyment. Thus, the ban is “reasonable and proportionate” and no direct or indirect religious discrimination occurs. In particular, the Court underlines that the Lombardy Regional Council resolution does not provide a general prohibition to wear face covering clothes in public. Conversely, it identifies specific public places (such as hospitals and public offices), and it limits the possibility to wear any kind of identity hiding clothing exclusively with reference to their access and temporary stay.

Link: <http://www.olir.it/documenti/?documento=6830>

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