**Columbia Global Freedom of Expression Case Analysis Form**

**META DATA**

|  |  |
| --- | --- |
| 1. Case Title   (Party 1 v.Party 2 OR The Case of X) | The Case of Ms. E: Ban on wearing a headscarf for legal trainees is constitutional |
| 1. Case Number | 2 BvR 1333/17 |
| 1. Corresponding Law Reference | BVerfG, 14.01.2020 - 2 BvR 1333/17  ECLI:DE:BVerfG:2020:rs20200114.2bvr133317 |
| 1. Date of Decision | January 14, 2020 |

|  |  |
| --- | --- |
| 1. Region | Africa  Middle East and North Africa  Asia Pacific  Europe and Central Asia  International  North America  Latin America and Caribbean |
| 1. Country | Germany |
| 1. Type of Expression | Audio / Visual Broadcasting  Electronic / Internet Based Communications  Books / Plays  Non-Verbal Expression  Pamphlets / Posters / Banners  Press / Newspapers  Public Assembly  Public Documents  Public Speech  Written Speech |
| 1. Judicial Body   **(select one)** | Administrative Court  First Instance Court  Appellate Court  Constitutional Court  Supreme Court (court of final appeal)  Administrative Supreme Court  Electoral Council or Court  Military Court  Specialized Court / Tribunal  European Court of Human Rights (ECtHR)  Court of Justice of the European Union (CJEU)  Inter-American Court of Human Rights (IACtHR)  Inter-American Commission on Human Rights  African Court on Human and Peoples' Rights  African Commission on Human and Peoples’ Rights (ACHPR)  Sub Regional African Courts  United Nations Human Rights Committee (UNHRC)  Other UN Treaty Body  Public Prosecutor's Office  Religious Court  Indigenous Judicial Body |
| 1. Type of Law | Military Order  Intellectual Property Law  Law of Evidence  Administrative Law  Civil Law  Criminal Law  Constitutional Law  International / Regional Human Rights Law  Islamic Jurisprudence  Election Law  Employment Law / Workplace  Other |
| 1. Main Themes | Access to Public Information  Cyber Security / Cyber Crime  Defamation / Reputation  Commercial Speech  Hate Speech  Artistic Expression  Gender Expression  Political Expression  Religious Expression  Indecency / Obscenity  Freedom of Association and Assembly / Protests  Licensing / Media Regulation  Public Order  Privacy, Data Protection and Retention  Protection of Sources  Content Regulation / Censorship  National Security  Surveillance  Violence against Speakers / Impunity |
| 1. Outcome | * 1. Decision (procedural outcome)   Admissible  Inadmissible  Dismissed  Affirmed Lower Court  Reversed Lower Court  Affirmed in Part, Reversed in Part  Remanded for Decision in Accordance with Ruling  Jurisdiction Relinquished in Favour of Plenary Court   * 1. Decision Outcome (disposition / ruling)   Acquittal  Judgment in Favor of Defendant  Access to Information Granted  Access to Information Denied  Amnesty  Blocking or filtering of information  Closure / suspension of a media outlet  Monetary Damages / Fines  Official Court Documents Unavailable  Law or Action Upheld  Law or Action Overturned or Deemed Unconstitutional  Temporary Release  Administrative Measures / Administrative Sanctions to protect FoE  Administrative Measures / Administrative Sanctions that restrict FoE  Provisional Measures / Precautionary Measures for those who exercise FoE  Provisional or Precautionary Measures against those who exercise FoE  Advisory Opinion / Preliminary Ruling  Rectification or Reformation order / Order to publish a correction  Order to publish a reply  Order to update  Injunction or Order Denied  Injunction or Order Granted  Imprisonment  Ban / Censorship  Reparations made by individual or entity who exercised FoE  Reparations for individual or entity sued for exercising FoE  Declaratory Relief  Criminal Sanctions  Suspension of conviction issued against individual exercising FoE  Other   * 1. Violation of a Rule of International Law   ICCPR Violation  CFREU Violation  ACHR or American Declaration of the Rights and Duties Violation  ACHPR Violation   * 1. Suspended Sentence   2. ECtHR   Article 2 Violation  Article 6 Violation  Article 8 Violation  Article 9 Violation  Article 10 Violation  Article 11 Violation Convention  Articles on Freedom of Expression and Information not violated  ECtHR - non Freedom of Expression and Information article violations  Unilateral Declaration |
| 1. Status   **(select one)** | Closed  Decision Pending  In Progress  On appeal |
| 1. Tags | Access to information on political parties and movements  Access to Court  Update information ASimsimo,mimo, pude colaborar ee redacciibertad de conciencia y de religiberoamerica. la cidh. ASimsimo,mimo, pude colaborar e  National Security Agency (NSA)  Intelligence Agencies  Allegory  Search Warrant  Legally Ambiguous or Overly Broad  Anonymity  Anti-Stalking  Law enforcement  Apostasy  Artists / Art  Investigation Hearings  Self regulation  Blasphemy  Blog  Blocking  Broadcasting Networks  Cartoons  Censorship  Administrative Censorship  Indirect Censorship  Judicial Censorship  Criticism and Public Opposition  Fair Comment  Constitution  Corruption  Fourth Amendment  Environmental Issues  Television ratings / Viewer share  Personal Data  Obligations around freedom of expression  Due Process  Decision Pending  Threatening Statements  Democracy  Whistleblowing  Freedom to establish media  Right to Information  Right to be Forgotten  Right to Reply  Copyright  Right of Others  Human Rights  Development  Civil Defamation  Libel  Slander  Criminal Defamation  Discrimination  Viewpoint discrimination  Coerced or Compelled Speech  Corporate speech  Government or State Speech  Specially rotected speech  Mobile Electronic devices  Arbitrary allocation of broadcast frequencies and other public assets  Media Diversity  Publisher  Elections / Campaign advertising / Election polls  State of emergency  Mental State  Vague Standards  Stigmatization  Emotional Distress  Students  Evidence  Exceptions to the Right of Access to Information  Exceptio veritatis  Judicial Records  Facebook  Filtering and Blocking  Public officials  Public service / Public goods  Guarantees  Gender  Internet Governance  Google  *Habeas data*  Honor and Reputation  Sexual identity  Equality  Inaction  Incitement  Inclusion of government content in media outlets  Children  Insult  Wiretapping  Public Interest  Intimacy  Heightened Scrutiny  Jurisdiction  Open Justice  Employer loyalty  Tongue / Language  Lese Majeste  Access to Information Law  Freedom of Information Act (“FOIA”)  LGBTI  Academic Freedom  Freedom of Speech  Freedom of the press  Freedom of Religion  License  Malice  Media Outlets  Public Media  Members of the Excutive Branch  Members of the Judicial Branch  Members of the Legislative Branch  Minorities  Monarchy  Public Moral  Search engines  Women  Fines  Denial of Genocide  Non-discrimination  Municipal Law  Regulatory Law  False News  Obligation to Prevent  Obligation to protect  Positive Obligations  Political / philosophical opinion  Exclusion Order  Court order  Electronic search warrant  Civil Society Organizations  Regulatory Body  Death Penalty  Journalism  Individuals of public importance  Media Pluralism  Pleadings  First Amendment  Open Court Principle  Neutrality principle  Tshwane Priciples  Privacy  Lawyers Privilege  Sanction procedure  Ban  Media Ownership  Intellectual Property  Protection of sources  Internet Service Providers  Advertising  Public Advertising  Racism  Community Radio  Social Media  Media Regulation  Religion  Reparations  Accurate Report  Judicial reservation  Privacy Tort  Intermediaries Liability  Subsequent liabilities  Content-Based Restrictions  Prior Restraints  Health  Official Secrets  Sedition  Sexism  Sexuality  National Symbols  Websites  Terrorism  Truth  Videos  Violence  Suggested Tags: |

|  |  |
| --- | --- |
| **ANALYSIS** | |
| 1. Summary and Outcome   *A case synopsis that summarizes legally relevant facts and the presiding court’s decision along with its main reasoning.* | The Federal Constitutional Court of Germany rejected the constitutional complaint of a female legal trainee against a lower Administrative Court’s order and against an administrative prohibition based on the federal state’s Civil Service Act, that legal trainees must not wear headscarves during certain parts of their traineeship to ensure religious neutrality of the judiciary.  In 2017, the complainant Ms. E, a believing Muslim, started a legal traineeship under the federal state of Hesse. The complainant was instructed under the Hesse Civil Service Act and a ministerial order about the duty of neutral conduct for performing duties where legal trainees are or could be perceived as representatives of the state and that she is barred from wearing her religious headscarf during certain parts of the traineeship.  The Court considered the duty of neutral conduct imposed on legal trainees to be constitutional in correspondence with the second instance Higher Administrative Court’s ruling. The Court held that the duty was a violation of the legal trainee’s freedom of religion under Art. 4 (1) and (2) German Basic Law. However, this violation was justified on constitutional grounds by the principle of the state’s ideological and religious neutrality, the principle of the proper functioning of the justice system and the negative freedom of religion of others. These conflicting legal interests did not outweigh the complainant’s freedom of religion to an extent, that it is compelling under constitutional considerations to either allow or prohibit wearing religious symbols in the context of public duties in the judiciary. Therefore, the complainant has to respect the legislator’s decision in the Civil Service Act to prescribe a duty of neutral conduct for legal trainees in regard of religious and ideological affiliations. |
| 1. Facts   *Present the parties, facts, charges and the law implicated in the case, in 1-6 paragraphs.* | The complainant Ms. E was a legal trainee in the federal state Hesse since January 2, 2017 and wore a Muslim headscarf publicly. Before her traineeship commenced, she was instructed by the Higher Regional Court of Hesse according to a Ministerial Order of the federal state Hesse. This Order was based on the duty to neutrality of legal trainees in the Hesse Civil Service Act as to political, ideologic and religious conduct. The Ministerial Order prescribed that if a legal trainee intends to wear a headscarf during the traineeship, he or she is barred from performing any activity in which he or she is perceived or could be perceived as a representative of the state or judiciary by citizens (e.g. observe court hearings from the Judge Bench; preside over certain types of hearing, including evidentiary hearings and those at administrative authorities; represent the public prosecution office in trial hearings). The complainant took notice of the conveyed Ministerial Order before she accepted the offered traineeship in December 2016.  On January 9th, 2017, the complainant objected unsuccessfully to the administrative instructions based on the Ministerial Order.  On February 10th, the complainant lodged an application for preliminary legal protection before the Administrative Court Frankfurt/Main. This application was successful. The court ruled that the complainant could participate in the traineeship without restrictions and wear a headscarf. The court held that the prohibition to wear a headscarf during essential parts of the traineeship would infringe on her freedom of religion under Art. 4 and the occupational freedom under Art. 12 (1) German Basic Law. A justification of the headscarf ban would lack a sufficient statutory basis.  On May 23rd, the Hesse Higher Administrative Court granted the federal state Hesse’s appeal. In its reasoning, it stated that complainant’s freedom of religion would be guaranteed only within the limits imposed by conflicting basic rights of third persons and other constitutional values. In this case, the freedom of religion of Ms. E would be limited by the negative freedom of religion of others protected by basic rights and the state’s duty of neutrality as a fundamental constitutional value. The court concluded that these conflicting constitutional values outweigh the complainant’s freedom of religion and the Civil Service Act must therefore be interpreted in conformity with the constitution. Consequently, the prohibition to wear a headscarf during certain stages of the traineeship would be constitutional. Besides, it ruled that the Ministerial Order has a sufficiently precise legal basis.  On June 14th, Ms. E filed her constitutional complaint before the Federal Constitutional Court on the ground that her freedom of religion under Art. 4 (1) and (2), her freedom of training under Art. 12 (1), her general right of personality under Art. 2 (1) and Art. 1 (1), and the guarantee of the right to equality under Art. 3 (1) and (3) of the German Basic Law had been infringed. She complained directly against the order of the Higher Administrative Court and indirectly against the Hesse Civil Service Act’s regulation on the duty to neutrality and the Ministerial Order. |
| 1. Decision Overview   *Explanation of the decision and judicial reasoning in two-to-four paragraphs.* | The central issue for the Second Senate of the Federal Constitutional Court was to determine whether the principle of the state’s ideological and religious neutrality, the principle of the proper functioning of the justice system and the negative freedom of religion of others are sufficient constitutional values to justify a duty of neutral conduct for legal trainees with regard to religious dress code, that infringes on the complainant’s freedom of religion in Art. 4 (1) and (2) German Basis Law.  Art. 4 (1) and (2) German Basis Law reads:  *(1) Freedom of faith and of conscience and freedom to profess a religious or philosophical creed shall be inviolable.*  *(2) The undisturbed practice of religion shall be guaranteed.*  In assessing the scope of the freedom of religion, the Court first established in accordance with consistent case-law that the freedom of religion is a comprehensive basic right, protecting the inner freedom to believe or not to believe as well as the outer freedom to express, act according to and promote one’s faith. Ms. E wore a headscarf sufficiently plausible for religious grounds and therefore fell in the scope of the freedom of religion. Her role as a legal trainee under a public training relationship did not impede the entitlement to this basic right.  The Court found that the obligation of legal trainees not to observe a religious dress code infringes on the complainant’s freedom of religion as it compelled “the complainant to choose between either performing the required tasks or adhering to a religious clothing requirement that she considers imperative.” [para. 77]  As Art. 4 German Basic Law is not subject to an explicit limitation clause, the Court had to assess whether there were conflicting basic rights of third persons and other constitutional values in order to find a constitutional justification for the infringement of the freedom of religion.  First, the Court determined whether the principle of state’s ideological and religious neutrality as a constitutional value conflicted with complainant’s basic rights. For this purpose, it found that the “state’s duty of neutrality necessarily also entails a duty of neutrality for public officials […] since the state can only act through individuals.” [para. 89] This does not mean that every exercise of private basic rights by public officials has to be attributed to the state, when they fulfill public duties. However, in court, the state exerts considerable influence on the visible appearance of official acts by establishing procedural rules for oral proceedings (e.g. judge’s robes) and creates a formalized situation of judicial independence and restraint. Thus, differing conduct of individual public officials such as wearing a religious headscarf is attributable to the state as an impairment of the state’s ideological and religious neutrality.  By the way of comparison, the Court referred to a prior Federal Constitutional Court’s decision [link: <https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2015/01/rs20150127_1bvr047110en.html>] in 2015, where it concluded that the freedom of religion under Art. 4 (1) and (2) German Basic Law affords educational staff at interdenominational state schools the freedom to wear a religious headscarf. In this case a federal state’s Educational Act prohibited the expression of religious affiliation by outer appearance for educational staff. The Court held that the freedom to wear a religious headscarf could only be limited, when there are specific and concrete dangers to conflicting constitutional values, such as the pupils’, parents’ and educational staff’s negative freedom of religion. It considered “the mere abstract potential to endanger the peace at school or the neutrality of the state” [Headnote 2] as disproportionate to justify the Educational Act’s prohibition. In contrast to this finding, the Court in the case at hand held that the circumstances and legal evaluation has to be different: Firstly, the religious expression by a single teacher wearing a headscarf is not a genuine state or state attributed expression unlike public officials performing public duties in the judiciary. Secondly, the Court considered that the formalized situation in front of a court attributes a role of independence and restraint to the individual public official in contrary to the educational field in a state school, which aims at openness and plurality. It concluded, that the state’s ideological and religious neutrality conflicted with Ms. E’s freedom to religion.  Furthermore, the Court determined the principle of the proper functioning of the justice system as another constitutional value, conflicting with the complainant’s freedom of religion. It held that this principle is a basic requirement of a state under the rule of law and requires trust of the society in the individual judge and the judiciary as such. For this purpose, the state has a discretion to take measures aiming to improve the trust and which are appropriate to emphasize the neutrality of the judiciary from viewpoint of objective third parties. While a singular expression of an individual public official’s religion does not imply an incorrect exercise of duties, it is capable of affecting the image of the judiciary as a whole. In order to preserve the image of a neutral judiciary, the state may enact a duty of neutral conduct for public officials in the judiciary.  Moreover, the Court argued with the negative freedom of religion of others protected by basic rights, in particular the parties to a dispute. Art. 4 (1) and (2) German Basic Law does not only provide for the right to attend or practice worship, but it also provides for the right and freedom to refrain from attending to acts of worship. This freedom also applies to symbols, which reflect faith or religion. While the negative freedom of religion does not include the right of an individual to be spared from any confessions of faith, acts of worship or religious symbols of others, the Federal Constitutional Court distinguished the situation in court, where the individual is exposed to the faith and religious actions of public officials in state context. Against the backdrop of the situation in interdenominational state schools with which the Court was faced in its 2015 decision, it stated that the judicial environment does not aim at reflecting a religiously-pluralistic society in contrary to the educational environment. It reasoned, that “public authority exercised in the justice system gives rise to more serious impairments, as the state exercises public authority vis-à-vis the individual in the classic hierarchical sense” [para. 95]. There the exposure to religious symbols and conduct is unavoidable for an individual and thus can amount to an interference with constitutional rights, regardless of whether the religious exposure rests upon a private decision of the acting public official. The Court concluded that only the state has the opportunity to prevent a confrontation of third persons with the public official’s religious expression. For this purpose, the protection of third persons’ negative freedom of religion would speak in favor of the ban on wearing a headscarf.  The Court found, that no justification emanates from the requirement of judicial impartiality. The religious expression of wearing a headscarf while performing judicial duties as such does not give rise to reasonable doubts as to this judge’s objectivity, because the procedural laws enable the parties to ensure the judge’s impartiality and independence in the individual case and the judges passed through a selection process and traineeship that proved the judge’s capability of trying a case impartially. By the same token, it refused to accept the aim of ensuring an ideologically and religiously peaceful environment under the principle of state’s ideological and religious neutrality as a sufficient justification, as “a general entitlement, which is independent of state actions, to the protection of religious peace in society in the sense of a duty to guarantee this peace in all aspects of life cannot be derived from the duty of neutrality.” [para. 100]  In order to justify the infringement of complainant’s freedom of religion, the Court assessed and balanced it with the constitutional limits arising out of the principle of ideological and religious neutrality, the principle of the proper functioning of the justice system and the conflict with the negative freedom of religion of others protected by fundamental rights. In support of complainant’s position, it held that Ms. E wore her headscarf to comply with religious rules she considered imperative and to complete her traineeship, she had no equivalent alternative as to follow the prohibition. On the other hand, the Court established that the ban of headscarves only applied to a limited number of tasks in the traineeship, where the trainee can be perceived as a public official, and that it had no effect on the trainee’s grading.  Based on these considerations, none of the conflicting constitutional rights and values “outweigh the others to such an extent that it would be absolutely necessary under constitutional law to either prohibit or allow the wearing of religious symbols by the complainant in the courtroom.” [Headnote 8] Therefore, the Federal Constitutional Court found that the legislator’s decision to implement a duty to neutral conduct in the Hesse Civil Service Act had to be respected and the infringement of complainant’s freedom of religion under Art. 4 (1) and (2) of the German Basic Law was justified.  In regard to the complained infringements of further basic rights, the Court concluded that the infringements of complainant’s freedom of training, her general right of personality and the guarantee of the right of equality rights are justified by the above mentioned conflicting constitutional rights and values. Therefore, the Federal Constitutional Court of Germany rejected the constitutional complaint of Ms. E with a 7:1 vote.  **Separate Opinion of Justice Maidowski:**  Justice Maidowski dissented in his Senate’s reasoning and conclusion of the case and held that the order of the Hesse Higher Administrative Court violates the complainant’s basic rights under Art. 4 (1) and (2) and Art. 12 (1) German Basic Law without justification. Main strands of argument were that the ban’s statutory basis was not necessarily limited to public expressions of religion in courtroom only, the complainant’s freedom of religion had to be weighed significantly stronger – especially in light of the ban’s impact on the complainant’s traineeship – and that legal trainees are not accorded judicial independence or the powers of a prosecutor as they apparently exert authority for training purposes only. |

|  |
| --- |
| **DIRECTION** |

|  |  |
| --- | --- |
| 1. Decision Direction **(select one)**   *Provide a brief one to two paragraph analysis explaining how the cases expands expression, contracts expression, or has a mixed outcome.* | Expands Expression  Contracts Expression  Mixed Outcome |

|  |  |
| --- | --- |
| 1. Information | According to the German Federal Constitutional Court’s ruling, it is constitutional to limit the exercise of visible religious dress code, especially wearing a headscarf, when the expression of individual religious belief takes place in the context of the public exercise of official functions in the judiciary, including official functions within a legal traineeship. |

|  |
| --- |
| **PERSPECTIVE** |

|  |  |
| --- | --- |
| 1. Global Perspective **(select one)**   *Check****National Law****if the decision only references national law within its jurisdiction OR****International and/or Regional Law****if the decision references law and standards outside its jurisdiction.* | * National Law or Case * International and/or Regional Law or Case |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Related International and/or regional laws   *Indicate all cited, referenced, or qualifying FoE related laws or cases in the instant case that are international and/or regional in nature.* | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | 1 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 2 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 3 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 4 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 5 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 6 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 7 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 8 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 9 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 10 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | |
| 1. National law or jurisprudence   *Indicate all cited, referenced, or qualifying FoE related laws or cases in the instant case that are national authorities - the same jurisdiction as the instant case; occurring within that jurisdiction.* | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | 1 | |  |  | | --- | --- | | Law Reference | Germany, Basic Law Art. 4 (1) | | Note |  | | | 2 | |  |  | | --- | --- | | Law Reference | Germany, Basic Law Art. 4 (2) | | Note |  | | | 3 | |  |  | | --- | --- | | Law Reference | Germany, Basic Law Art. 2 (1) | | Note |  | | | 4 | |  |  | | --- | --- | | Law Reference | Germany, Basic Law Art. 1 (1) | | Note |  | | | 5 | |  |  | | --- | --- | | Law Reference | Germany, Basic Law Art. 12 (1) | | Note |  | | | 6 | |  |  | | --- | --- | | Law Reference | Germany, Basic Law Art. 3 (1) | | Note |  | | | 7 | |  |  | | --- | --- | | Law Reference | Germany, Basic Law Art. 3 (3) | | Note |  | | | 8 | |  |  | | --- | --- | | Law Reference | BVerfG, Order of the First Senate of 27 January 2015 - 1 BvR 471/10 - | | Note | https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2015/01/rs20150127\_1bvr047110en.html | | | 9 | |  |  | | --- | --- | | Law Reference | Hesse Higher Administrative Court, Decision of 23 May 2017 - 1 B 1056/17 (2nd instance decision) (German) | | Note | https://www.rv.hessenrecht.hessen.de/bshe/document/LARE190029947 | | | 10 | |  |  | | --- | --- | | Law Reference | Administrative Court Frankfurt/Main, Decision of 12 April 2017 - 9 L 1298/17.F (1st instance decision) (German) | | Note | https://www.rv.hessenrecht.hessen.de/bshe/document/LARE190033009 | | |
| 1. Other national law or jurisprudence   *Indicate all cited, referenced, or qualifying FoE related laws or cases in the instant case that are other national authorities - a national authority from a different jurisdiction than the instant case; occurring outside that jurisdiction.* | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | 1 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 2 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 3 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 4 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 5 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 6 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 7 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 8 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 9 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | | 10 | |  |  | | --- | --- | | Law Reference |  | | Note |  | | |
| 1. General Law Notes |  |

|  |  |
| --- | --- |
| **DOCUMENTS** | |
| 1. Official Case Documents   *Links to decision, judgment, advisory opinions, resolutions, dissenting opinions* | |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | 1 | |  |  |  | | --- | --- | --- | | Title | German Federal Constitutional Court, Order of 14 January 2020 - 2 BvR 1333/17 (German, Original) |  | | Link | https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/DE/2020/01/rs20200114\_2bvr133317.html |  | | | 2 | |  |  |  | | --- | --- | --- | | Title | German Federal Constitutional Court, Order of 14 January 2020 - 2 BvR 1333/17 (English) |  | | Link | https://www.bundesverfassungsgericht.de/SharedDocs/Entscheidungen/EN/2020/01/rs20200114\_2bvr133317en.html |  | | |
| 1. Amicus briefs and other legal authorities | |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | 1 | |  |  | | --- | --- | | Title |  | | Link |  | | Note |  | | | 2 | |  |  | | --- | --- | | Title |  | | Link |  | | Note |  | | |
| 1. Reports, Analysis, and News Articles | |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | 1 | |  |  |  | | --- | --- | --- | | Title | BVerfG, Press Release No. 13/2020 of 27 February 2020 |  | | Link | https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2020/bvg20-013.html |  | | | 2 | |  |  |  | | --- | --- | --- | | Title |  |  | | Link |  |  | | |
| 1. Attachments | |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | 1 | |  |  |  | | --- | --- | --- | | Title | Administrative Court Frankfurt/Main, Decision of 12 April 2017 - 9 L 1298/17.F (1st instance decision) (German) |  | | Link | https://www.rv.hessenrecht.hessen.de/bshe/document/LARE190033009 |  | | | 2 | |  |  |  | | --- | --- | --- | | Title | Hesse Higher Administrative Court, Decision of 23 May 2017 - 1 B 1056/17 (2nd instance decision) (German) |  | | Link | https://www.rv.hessenrecht.hessen.de/bshe/document/LARE190029947 |  | | |