**GRAVESON MOOT CUP 2024: ROUND 1**

**IN THE COURT OF APPEAL (CIVIL DIVISION)**

**ON APPEAL FROM ADMIN COURT QUEEN’S BENCH DIVISION**

**BETWEEN**

**Shira Freedman and Lara Syed  
- and -  
St Monica’s Day and Boarding School for Girls**

**To be heard at the Royal Courts of Justice**

**STATEMENT OF AGREED FACTS**

1. Shira Freedman is a Year 10 student at St Monica’s School. The school is independent; however Shira is on a full scholarship.
2. The school was established in 1902 and was formerly a convent school but has been secular since 1998. Nonetheless, there is a church on the school grounds where students can worship, and there is a weekly service every Sunday. Despite being within the school grounds, the church operates independently of the school.
3. The school has a strict uniform policy requiring all girls to wear knee length skirts and white blouses embellished with a cross. The school uniform has remained unchanged since 1980. St Monica’s prohibits any religious symbols or dress other than the embellished cross for reasons of equality and a desire not to create divides within the student body.
4. Shira is Haredi Jewish and wishes to wear a discreet necklace with a star of David as a form of religious expression, and she believes that this should be allowed in her school. One of Shira’s close friends, Lara Syed, is Muslim, and she would also like to express her religion by wearing a hijab at school. She argues that this is an integral part of her devotion to her religion.
5. Shira and Lara speak to their headmistress about wanting to wear their respective religious articles. She refuses to permit them to wear either article, asserting that the girls could face suspension if seen wearing any ‘religious accessories’. She argues that to allow two girls to express their religion in this way would be to allow all kinds of expression. This could cause isolation and resentment between groups of students at the school who hold different religious views.
6. The girls then bring a claim against the school arguing that the school’s policy on religious clothing infringes their right to freedom of expression, as well as their freedom of religion, enshrined in Articles 9 and 10 of the European Convention of Human Rights.
7. The judge in the Admin Court, Queen’s Bench Division, Justice Steel, ruled against the girls on the grounds that:
8. The school is not a public authority within the meaning of the Human Rights Act 1998 and,
9. Even if the school were to be considered a public authority for the purposes of the Human Rights Act 1998, the policy was not an infringement of the girls’ right to freedom of expression or freedom of religion in Articles 9 and 10 of the European Convention on Human Rights.

He did, however, grant leave to appeal on both grounds.

1. Shira and Lara now appeal to the Court of Appeal on the following grounds:
2. The judge erred in finding that the school was not a public authority within the meaning of the Human Rights Act 1998.
3. Furthermore, if the school is a public authority, then the policy on religious dress is incompatible with the freedom of expression and freedom of religion provisions in Articles 9 and 10 of the European Convention on Human Rights.

*Written by Nuha Ahmed*