

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Czechia	2014	Czech Republic / National Ombudsman / Report from investigation of the National Ombudsman office / 173/2013/DIS/EN	https://www.ochrance.cz/fileadmin/user_upload/DISKRIMINACE/Kauzy/vzdelavani/173-13-DIS-EN.pdf	Religion	National Ombudsman	The Ombudsman declared that rules prohibiting the wearing of any type of headwear at a medical nursing school constitutes indirect discrimination based on religion, since wearing a headscarf is an expression of the Islamic religion. Two asylum seekers studying there decided to leave the school after the director - who originally agreed on a compromise - asked them to take off their headscarves.	Even before the investigation of the Ombudsman had ended, the school introduced a change in school rules that still bans wearing any type of headscarf, but also entitles students to apply for an exception, which can be granted by a school director. According to the Ombudsman, the actual version of school rules still contradicts the law: the performance of freedom of religion must not depend on an arbitrary decision of a school director. At the moment one of the asylum seeker demands compensation from the school, but she was not successful before the court of first instance.	The Ombudsman emphasised the freedom of religion and a general ban of discrimination, which is important especially at school, since education is compulsory for every child. Wearing a headscarf for a Muslim woman is an expression of her religion. This right could only be limited on the basis of public safety, health, ethics or protection of someone else's rights. The Ombudsman also carried out a proportionality test and came to a conclusion that the ban of a headscarf is not proportionate and constitutes indirect discrimination.	Schools are not entitled to restrict the freedom of religion by their internal instructions.	"Ustanovení školního řádu, které zakazuje nosit všechny pokrývky hlavy včetně muslimského šátku hidžabu v rámci teoretického vyučování na střední zdravotnické 16 škole, zakládá nepřímou diskriminaci z důvodu náboženského vyznání ve smyslu ustanovení § 3 odst. 1 antidiskriminačního zákona. Takové opatření nelze odůvodnit požadavkem na dodržování společenského chování, neboť dodržování společenských norem není legitimním cílem ve smyslu čl. 9 odst. 1. " "A provision in the school rules that bans the wearing of any headwear (including hijab) in theory classes at a secondary-level medical (nursing) school represents indirect discrimination in terms of § 3, article 1 of the Antidiscrimination Act. This rule cannot be justified by etiquette, since etiquette is not a legitimate aim in terms of Article 9/2 of the ECHR and Article 16/4 of the Charter of Fundamental Rights and Freedoms.2 Úmluva a čl. 16 odst. 4 Listiny."

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