

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
France	2019	France / Public Defender of Rights/n°2019-148	https://juridique.defenseurdesdroits.fr/index.php?lvl=notice_display&id=29833&opac_view=-1	Religion	Public Defender of Rights	Public hospitals provide inpatients in their care facilities with meals for the duration of their stay. 'Y' hospitals allow patients who wish to do so to receive substitute pork-free, alcohol-free, vegetarian, or kosher meals, the distribution for which a public contract has been concluded. However, it was brought to the attention of the Public Defender of Rights that Y does not offer its patients the opportunity to request halal meals. Mr. X, considering that the lack of distribution of halal meals by Y hospitals constitutes discrimination against persons of the Muslim faith, requested the intervention of the Public Defender of Rights.	The Public Defender of Rights recommends that Y take the most appropriate measures to restore equal treatment between patients of different faiths, whether by distributing meals according to the religious requirements of each patient, regardless of their faith, or by offering everyone the possibility to receive only a substitute meal.	There is a difference in treatment of Muslim and Jewish patients in hospitals, a Jewish patients have access to all foods that meet their religious requirements, but Muslim patients do not have access to certain foods corresponding to their religious requirements. The existence of an additional cost is not in itself such as to justify a difference in treatment between religions, as this additional cost exists for any distribution of meals based on religious requirements, whatever they may be. Thus, the discrimination on the grounds of religion takes place.	Does the difference in treatment of Muslim and Jewish patients in hospitals constitute discrimination on the grounds of religion?	"Alors que les patients de confession juédique ont accès à tous les aliments répondant à leurs prescriptions religieuses, les patients de confession musulmane n'ont pas accès à certains aliments répondant à leurs prescriptions religieuses. L'existence d'un surcoût n'est pas en soi de nature à justifier la différence de traitement entre les religions, alors même que ce surcoût existe pour toute distribution de repas confessionnels, quels qu'ils soient. Ainsi, en l'espèce, la différence de traitement entre les patients de confession musulmane et les patients de confession juédique est susceptible de constituer une discrimination fondée sur la religion." "While Jewish patients have access to all foods that meet their religious requirements, Muslim patients do not have access to certain foods corresponding to their religious requirements. The existence of an additional cost is not in itself such as to justify a difference in treatment between religions, as this additional cost exists for any distribution of meals based on religious requirements, whatever they may be. Therefore, in this case, the difference in treatment of Muslim and Jewish patients in hospitals constitutes discrimination on the grounds of religion."

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<http://fra.europa.eu/en/databases/anti-muslim-hatred/>

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