

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
Greece	2022	Greek Ombudsman, Summary of Intervention, The ban on the use of headscarves during nursing internships in clinics of public hospitals does not constitute discrimination based on religious beliefs, July 2022.		Religion	Greek Ombudsman - Ombudsperson	The case concerned the complaint of a trainee Muslim trainee nurse, who was banned from wearing a headscarf during her traineeship at a public hospital. The Ombudsman examined whether a head-scarf ban during nursing internships at public hospital clinics constituted discrimination based on religion and religious beliefs. After communicating with the Hospital authority and the competent department of the Ministry of Health, the Ombudsman found that there was no discrimination and that the ban was justified based on health-related reasons.	The Ombudsman published the findings of its interventions and the complaint did not lead to any intervention towards the State.	The Ombudsman stated the measure was not discriminatory, since it was not linked and not differentiated based on religious beliefs but introduced for the observance of the prescribed uniform dress-code for nurses, based on provisions of a regulatory nature, which are applied to the nursing staff indiscriminately.	The Ombudsman clarified that the measure was not discriminatory (direct and indirect) because it was justified based on health related reasons recognised by Law 4443/2016 and the EU Directive 2000/78. It added that the measure complied to the principle of proportionality and was applied to everyone irrespective of religious beliefs. Moreover, the ban only applied to certain areas of the hospitals where strict sanitary conditions had to be met. In other areas, wearing a headscarf was permitted.	"η απαγόρευση της χρήσης μαντίλας κατά την πρακτική άσκηση νοσηλευτικής στους χώρους των κλινικών δεν στοιχειοθετεί άμεση διάκριση, κατά το ν. 4443/2016, καθώς η απαγόρευση δεν συνδέεται και δεν διαφοροποιείται με βάση τις θρησκευτικές πεποιθήσεις αλλά αφορά την τήρηση της προβλεπόμενης ενιαίας εμφάνισης των νοσηλευτριών, βάσει διατάξεων κανονιστικού χαρακτήρα, οι οποίες εφαρμόζονται στο νοσηλευτικό προσωπικό αδιακρίτως... η απαγόρευση της χρήσης μαντίλας κατά την πρακτική άσκηση της φοιτήτριας νοσηλευτικής στις παραπάνω κλινικές δεν στοιχειοθετεί έμμεση διάκριση, καθώς δικαιολογείται αντικειμενικά βάσει θεμιτού σκοπού (που είναι εν προκειμένω, κατά ρητή πρόβλεψη του ν. 4443/2016 και της Οδηγίας 2000/78/ΕΚ, η προστασία της υγείας), τα δε μέσα επίτευξης αυτού του σκοπού είναι πρόσφορα (χρήση των εξαρτημάτων της νοσηλευτικής στολής, τηρουμένων των προδιαγραφών απολύμανσης), αλλά και αναγκαία - αναλογικά (ο περιορισμός της μαντίλας αφορά στο νοσηλευτικό προσωπικό, ενώ σε άλλες ειδικότητες του νοσοκομείου που δεν ασκούν υγειονομικά καθήκοντα η χρήση της μαντίλας έχει επιτραπεί)." ... the ban on the use of headscarves during nursing traineeships in the clinics does not constitute direct discrimination, according to Law 4443/2016, as the ban is not linked and not differentiated based on religious beliefs but concerns the observance of the prescribed uniform dressing of nurses, based on provisions of a regulatory nature, which apply to nursing staff indiscriminately... the prohibition of the use of a headscarf during nursing traineeships in the above clinics does not constitute indirect discrimination, as it is objectively justified on the basis of a legitimate purpose (which in this case, according to the express provisions of Law 4443/2016 and Directive 2000/78/EC, is the protection of health), and the means of achieving for this purpose, it is appropriate (use of the parts of the nursing uniform, observing the disinfection specifications), but also necessary - proportional (the restriction of the headscarf applies to the nursing staff, while in other specialties of the hospital that do not perform sanitary duties the use of the headscarf is allowed).

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