DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

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
Sweden	2022	Sweden / Supreme Administrative Court / Målnummer 4266-21, 4120-21	https://www.domstol.se/hogsta-forvaltningsdomstolen/nyheter/2022/12/forbud-mot-huvudduk-pa-forskolor-och-grundskolor-saknar-lagstod/	Religion	Supreme Administrative Court (Högsta förvaltningsrätten)	In two cases, the Supreme Administrative Court examined whether municipal decisions not to accept headscarves and similar clothing items that have the purpose of concealing students and staff in municipal preschools and primary schools were contrary to legislation or other regulations. A number of municipal inhabitants in each municipality claimed, among other things, that the municipal decisions interfered with the freedom of religion.	The Supreme Administrative Court held that the municipalities' decisions to ban headscarves and similar clothing items should be annulled since there is no statutory basis for a municipality to ban such items in municipal preschools and primary schools.	The Supreme Administrative Court found that freedom of religion, as expressed in the Swedish Constitution, only protects the right to practice one's religion. Expressions of religious affiliation, such as the wearing of headscarves and similar clothing items, are instead covered by the protection of freedom of expression. A basic prerequisite for restricting freedom of expression is based on law. The Supreme Administrative Court ruled that there is no statutory basis for a municipality to ban headscarves and similar clothing items in municipal preschools and primary schools.	The key issue in the case was whether the municipalities' decisions to ban headscarves, burkas, niqabs or similar clothing items that have the purpose of concealing students and staff in preschools and primary schools, are contrary to the Swedish legislation or other regulations.	"32. Mot denna bakgrund får kommunens beslut anses ha sådana faktiska effekter för enskilda att det utgör en begränsning av yttrandefriheten. Begränsningen måste då för att vara tillåten ha stöd i lag." "33. Bestämmelsen i 1 kap. 6 § skollagen [...] utgör inte lagstöd för att införa begränsningar avseende klädesplagg som bärs av religiösa skäl." "34. Det finns inte heller något annat lagstöd för att begränsa yttrandefriheten på det sätt som gjorts. Överklagandet ska därför avslås." "32. Against this background, the municipality's decision is to be considered to have such concrete effects for individuals that it constitutes a limitation of the freedom of expression. Consequently, the restriction must, in order to be justified, be based in law." "33. The provision in Chapter 1 Section 6 of the School Act [...] does not constitute a legal basis for introducing restrictions regarding clothing worn for religious purposes." "34. Further, there is no other legal basis for limiting freedom of expression in the way that has been done. The appeal is therefore rejected."

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

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

Copyright © 2025 European Union Agency for Fundamental Rights