

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
Austria	2023	Austria / Vienna Regional Court for Civil Matters (Landesgericht für Zivilrechtssachen Wien, 48 B 19/23)	https://www.gleichbehandlungsanwaltschaft.gv.at/dam/cr-fc161aa6-86e8-42b1-932a-82b8d96efa37/Berufungsurteil%2034%20R%2019-23f_06.03.2023_anonymisiert.pdf	Religion	Vienna Regional Court for Civil Matters, Landesgericht für Zivilrechtssachen Wien	Mrs F applied to a private provider for a training place on a course for group childcare workers. The woman was told that she would increase her chances of being accepted if she tied her headscarf back. Ms F does not want to jeopardise her admission to the training course and therefore ties her hijab at the back of her head. At the interview she is asked to take off her headscarf completely. The interview is very unpleasant for the candidate and centres almost exclusively on her headscarf and she is asked intrusive questions. The interview is then abruptly ended. Just one hour after the interview, Ms F receives a rejection. It is not explained why she did not get the training place.	The Vienna Regional Court for Civil Matters, as the court of appeal, confirmed the judgement of the district court, according to which the plaintiff is entitled to EUR 2,000 in non-material damages.	In the opinion of the court of first instance, the plaintiff has credibly demonstrated that she was not admitted to training because of her headscarf. [...] Rather, the protection against discrimination under the Equal Treatment Act also includes discrimination in access to training contracts.	The prohibition of discrimination also applies to access to training programmes. This judgement therefore also indirectly guarantees more legal certainty for career advancement. The judgement also makes it clear that insistent and repetitive questions about the Muslim headscarf are an indication of discrimination and are not permissible. The repeated questions in particular show that the applicant's motivation and qualifications were not decisive for the assessment of her application. The external appearance of the candidate and the discriminatory attributions associated with it were much more superficial. This discrimination obviously led to Mrs F not being offered a training place.	"Die Klägerin hat nach Ansicht des Erstgericht glaubhaft gemacht, dass sie wegen ihres Kopftuchs nicht zur Ausbildung zugelassen worden sei. [...] Der Diskriminierungsschutz des Gleichbehandlungsgesetzes umfasst vielmehr auch eine Diskriminierung beim Zugang zu Ausbildungsverhältnissen." "In the opinion of the court of first instance, the plaintiff has credibly demonstrated that she was not admitted to training because of her headscarf. [...] Rather, the protection against discrimination under the Equal Treatment Act also includes discrimination in access to training contracts."

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