

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
Slovenia	2025	Slovenia / Human Rights Ombudsman / Case 3.2-2/2024	https://www.varuh-rs.si/obravnavane-pobude/primer(po-posredovanju-varuha-studentke-pri-zdravstveni-praksi-smejo-positi-hidraz/	Religion	Human Rights Ombudsman (Varuh človekovih pravic)	A student lodged a complaint with the Ombudsman due to an alleged discriminatory restriction preventing her from wearing a hijab during her clinical training at the Faculty of Health Sciences of the University of Novo Mesto. According to the Ombudsman, the faculty invoked its internal regulations when banning headscarves although these regulations did not even explicitly regulate this issue.	The case resulted in the educational institution amending its regulations following the Ombudsman recommendation to allow students to wear a hijab or long skirts during clinical training, under condition that it is made of washable material and properly secured.	The Ombudsman emphasised that discrimination is prohibited under the Protection against Discrimination Act and that the Higher Education Act mandates equal treatment, including on the grounds of religion. The body further noted that this issue had been addressed previously. At that time, Slovenian hospitals prohibited nurses from wearing headscarves based on two primary justifications: hygiene and broader social considerations (such as fostering patient trust, conveying professional identity and affiliation, and adhering to cultural-aesthetic norms). While these factors may be relevant, the Ombudsman clarified that any restriction affecting the right to freedom of conscience requires legal regulation. Specifically, limitations on human rights are permissible only if based on law and if proportionate. As no such regulation existed at the time, the Ombudsman concluded that, in the absence of a new legal framework, the prohibition on wearing headscarves was inconsistent with nurses' religious freedom. In the present case, an additional concern arose: the ban was based on internal rules governing clinical training, which did not explicitly regulate this matter. Based on this assessment, the Ombudsman recommended that the Ministry of Higher Education, Science and Innovation explore the possibility of intervening with the Faculty of Health Sciences to ensure that its regulations and its treatment of female students align with the legally guaranteed right to equal treatment under the Higher Education Act. Furthermore, the faculty should adhere to the guidelines set out by the Nurses and Midwives Association of Slovenia, which permit consideration of cultural specificities when regulating professional appearance.	In the case at hand, questions arose regarding the adequacy of the applicable regulations governing clinical training at the Faculty of health Sciences, which were purported to prohibit female students from wearing head coverings and long skirts during clinical training. The regulations in question did not include explicit provisions prohibiting the wearing of head coverings or long skirts. Secondly, the Rules were internal act of the faculty interfering with students' religious freedom, although such restrictions are generally permissible only if based on statutory provisions. Thirdly, according to the complainant, similar restrictions are not imposed at other faculties in Slovenia, indicating unequal treatment of students across different institutions.	"MVZI je po posredovanih Varuha doseglo, da je Univerza v Novem mestu naposled zagotovila spoštovanje 7. člena ZVŠ z dopolnitvijo Pravilnika, ki se v spornem delu sedaj glasi: 'Student na kliničnem usposabljanju nosi predpisano uniformo z logotipom fakultete. Uniformo sestavljajo: tunika z največ tricetrtr rokavi dolžine, ki ne smejo biti ohlapni, majica s kratkimi rokavi, krilo do kolen ali dolge hlače, flis jopica ter obutev. Uniforma mora biti primerne velikosti, čista, zlikana in v brezhibnem stanju. Nošenje drugih jopic ali oblačil z dolgimi rokavi pod uniformo ni dovoljeno. Dovoljena je nošnja naplavne rute, ki mora biti iz pralnega materiala (na 90 stopinj). Naglavna ruta ne sme biti ohlapna in mora biti zataknjena za ovratnik zgornjih oblačil.'" "Following the Ombudsman's interventions, the Ministry of Higher Education, Science and Innovation (MVZI) achieved that the University of Novo mesto finally amended its Rules to comply with Article 7 of the Higher Education Act (ZVŠ), which now reads in the part under dispute: 'A student undergoing clinical training shall wear the prescribed uniform with the faculty's logo. The uniform consists of: a tunic with sleeves no longer than three-quarters in length, which must not be loose, a short-sleeved shirt, a knee-length skirt or long trousers, a fleece jacket and footwear. The uniform must be of suitable size, clean, ironed and in impeccable condition. The wearing of additional jackets or garments with long sleeves underneath the uniform is not permitted. Wearing a headscarf is allowed, provided it is made of washable material (washable at 90°C). The headscarf must not be loose and must be tucked into the collar of the upper garments'."

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