

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	2024	Slovenia / Advocate of the Principle of Equality / Case 0700-2/2023/16	https://zagovornik.si/dzelki/zagovornik-ni-ugotovil-diskriminacije-pri-solski-prehrani/	Religion	Slovenia / Advocate of the Principle of Equality (Zagovornik načela enakosti) - national equality body	The complainant, acting as the legal representative of their minor son, lodged a complaint with the Advocate of the Principle of Equality against a primary school, alleging discrimination based on religion in the provision of school meals. She claimed that their son, who adheres to the Muslim faith, does not consume pork, yet the school failed to offer an alternative meal when pork or pork-based products were on the menu. As a result, their son was frequently left without an adequate meal, forcing him to go home before lunch or remain hungry. The complainant asserted that the school's refusal to provide a suitable meal amounted to exclusion and discrimination, making her son feel isolated and unequal compared to other pupils. Despite attempts to negotiate a solution with the school principal, she was informed that offering an alternative meal was logistically and technologically unfeasible. Prior to lodging the complaint, the complainant had engaged in written correspondence with the school and the Advocate in a separate advisory matter, where she had provided extensive documentation detailing the issue. In response to her concerns, the school modified its menu presentation to specify the type of meat in each meal. However, the principal ultimately declined to implement a broader accommodation for pupils who do not consume pork, arguing that the school lacked the necessary resources. According to the complainant, at least 15 % of children at the school are of Muslim faith.	The Advocate of the Principle of Equality held that no discrimination occurred in the case under review.	The Advocate of the Principle of Equality determined that the school had not engaged in indirect discrimination in its provision of school meals, basing this conclusion on several arguments. The Advocate examined whether the school's menu placed children who, for religious reasons, do not consume pork at a disadvantage compared to their peers. The body acknowledged that a menu lacking reasonable accommodation could constitute an apparently neutral practice that disproportionately affects certain groups, thereby amounting to indirect discrimination under the Protection Against Discrimination Act (ZVarD). However, the Advocate stressed that such a measure must be assessed in light of the school's overall approach to meal provision and any accommodations implemented. The Advocate considered the adjustments introduced by the school, including limiting the number of meals containing pork, clearly indicating the type of meat in advance on the menu, separating pork from other components of the meal, and offering larger portions of non-meat components to children who do not consume pork. These measures, in the body's assessment, mitigated potential disadvantages and ensured that affected pupils were not deprived of a nutritionally adequate meal. The Advocate also considered the school's logistical and organisational constraints and recognised that while institutions are expected to make reasonable accommodations, they are not required to implement changes that would impose a disproportionate burden.	The Advocate assessed whether the school's meal provision disadvantaged Muslim children (indirect discrimination) due to their religious dietary restrictions. It was acknowledged that while institutions must provide reasonable accommodations, they are not required to implement measures that would impose a disproportionate burden, considering logistical and organisational constraints. The absence of alternative meals for children who do not consume pork for religious reasons does not constitute indirect discrimination if the school implements mitigating measures. These include menu adjustments that ensure nutritional adequacy and clear communication of meal options to affected families in advance.	"Upošteva je določbo drugega odstavka 6. Člena ZVarD, ki opredeljuje posredno diskriminacijo, šolski jedilnik, ki ne omogoča razumne prilagoditve, lahko predstavlja na videz nevtralnno prakso, ki pa otroke, ki iz verski razlogov ne uživajo določene vrste mesa, postavlja v slabši položaj v primerjavi z drugimi otroki, ki jih njihova vera ali prepričanje (oz. vera ali prepričanje njihovih staršev, družin) ali katera druga osebna okoliščina (npr. zdravstveno stanje) pri prehrani ne omejuje. Vendar pa, kot predhodno pojasnjeno, kadar je jedilnik za otroke določene vere primerno oz. razumno prilagojen, šola na tak način ustrezno poskrbi za zmanjšanje oz. preprečevanje možne neenakosti teh otrok." "Considering the second paragraph of Article 6 of the Protection Against Discrimination Act (ZVarD), which defines indirect discrimination, a school menu that does not provide for reasonable accommodation may constitute an apparently neutral practice that, in effect, places children who, for religious reasons, do not consume certain types of meat at a disadvantage compared to other children whose diet is not restricted by their religion or beliefs (or those of their parents or families) or by any other personal circumstance (e.g., a medical condition). However, as previously explained, when the menu is appropriately, namely reasonably adjusted for children of a particular faith, the school, in such a manner, adequately ensures the reduction or prevention of potential inequality among these children."

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