



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Legal summary

July 2026

G.K. and A.S. v. Switzerland - 55299/20 and 31515/22

Judgment 16.7.2026 [Section V]

Article 9

Article 9-1

Freedom of conscience

Freedom of thought

Domestic authorities' failure to provide a substantive examination of the applicants' requests for a vegan diet in accordance with their ethical beliefs while deprived of their liberty: *violation*

Article 13

Effective remedy

Practical impossibility for the applicants, in pre-trial detention and involuntary care respectively, to obtain the administrative "decisions" required for their claims to access vegan diet in accordance with their ethical beliefs to be examined on the merits:
violation

Facts – Between November 2018 and October 2019, the first applicant was held in pre-trial detention. Between February and April 2021, the second applicant was subjected to involuntary hospitalisation in the psychiatric unit of a hospital.

Both applicants complained about the lack of access to nutritionally balanced and entirely vegan diets. In both cases the respective administrations replied to the applicants' complaints not with formal decisions, but with letters. Specifically, the prison administration replied to the first applicant that several measures had been put in place to ensure that he could benefit from a diet which accommodated his beliefs as well as possible. The Head of the Department of Psychiatry of the hospital replied to the second applicant that his complaint had been forwarded to the head of the care unit, who would contact him in order to find a solution. The first and second applicants' attempts to challenge those letters before the Administrative Chamber and the Cantonal Court, respectively, failed. Both applicants' appeals were declared inadmissible owing to the lack of a appealable "decision", within the meaning of the relevant provisions of the Acts on administrative procedure in each canton. Their attempts to challenge those decisions before the Federal Supreme Court were also unsuccessful.

Law – Article 13 in conjunction with Article 9:

(1) *Whether there has been an arguable claim under Article 9 of the Convention* – The terms "freedom of thought, conscience and religion" were not defined in Article 9 or in

the Court's case-law. While the Court had previously found that observance of dietary rules dictated by a religion fell within the scope of religious practice protected by Article 9, it had not yet been called upon to examine whether compliance with dietary rules linked to a belief such as veganism was also protected by this Article.

If a personal or collective conviction or belief is to benefit from the right to "freedom of thought, conscience and religion" under Article 9, it must attain a certain level of cogency, seriousness, cohesion and importance. In order to count as a "manifestation" within the meaning of Article 9, the act in question must be intimately linked to the religion or belief. The existence of a sufficiently close and direct nexus between the act and the underlying belief must be determined on the facts of each case.

The Court and the former European Commission of Human Rights had previously acknowledged that the safeguards of Article 9 § 1 had applied to various coherent and sincerely-held philosophical convictions such as vegan convictions in the context of an applicant's opposition to the manipulation of products of animal origin or tested on animals. Additionally, the Court had previously held that, in practice, observing dietary rules could be considered a direct manifestation of religion or belief in the sense of Article 9. It also followed from the comparative-law research that Council of Europe member States consider veganism as a non-religious belief.

In the light of the foregoing, and in the absence of any submissions from the Government challenging the sincerity and consistency of the applicants' vegan beliefs or the existence of a sufficiently close direct connection between those beliefs and the applicants' abstaining from the consumption of food derived from animal sources, the Court considered that those beliefs had met the required level of cogency, seriousness, cohesion and importance to fall within the scope of Article 9. There had accordingly been an arguable claim under Article 9 and, consequently, Article 13 was applicable.

(2) Whether there existed an effective domestic remedy for the applicants' complaints under Article 9 – The domestic administrative-procedure law had provided for the same procedure to challenge the alleged failure of the respective administrative authorities to accommodate the applicants' special dietary needs. Decisions of administrative authorities could be appealed against to the ordinary higher authorities for appeal in administrative matters.

The Government contended that the first applicant could have benefited from an effective remedy before a national authority if he had explicitly requested the prison administration to issue a "decision" within the meaning of the Administrative Procedure Act of the Canton. However, when the first applicant had explicitly requested that the prison administration issue a "decision" to change his diet, the reply had again been given to him in the form of a letter. The Court was mindful of the fact that the first applicant had not challenged that second letter before the domestic authorities. It considered, however, that such an appeal would have been obviously futile. In the proceedings before the Cantonal Court of Justice the prison administration had indicated that it had considered that the first applicant had not had a sufficient legal interest to obtain a formal decision within the meaning of the law in question. The second applicant had explicitly requested a "declaratory decision" acknowledging his right to receive nutritionally balanced vegan meals. Nevertheless, like the first applicant he had never received such a decision, on the basis that he had lacked a sufficient legal interest for him to challenge the letter he had received.

The Government had not adduced any evidence of the practical effectiveness of the other remedies they had referred to, nor had they provided relevant national case-law or administrative decisions in a similar case.

In such circumstances the Court considered that the way in which the domestic authorities had applied the domestic law in the present case – starting with the practical impossibility for the applicants to obtain administrative “decisions” – had rendered the remedy pursued ineffective in practice, with the result that their claims concerning the accommodation of their vegan dietary needs when in the care and control of the State authorities had never been examined on the merits at the national level. The approach of the administrative and judicial authorities had therefore been excessively formalistic and showed that the applicants’ complaints had not been taken seriously.

Conclusion: violation (six votes to one).

Article 9:

The applicants, both dependent on the domestic authorities for the provision of food over lengthy periods of time, had repeatedly asked the domestic authorities to provide them with meals consistent with a vegan diet, in accordance with their vegan beliefs. While the parties disputed the extent to which the applicants’ dietary requirements had been accommodated it was clear that they had not been systematically provided with meals corresponding entirely to the requirements of a vegan diet.

The comparative law research had showed the existence of divergent approaches among the Member States of the Council of Europe regarding whether prisoners and involuntary psychiatric patients were entitled to diets based on non-religious beliefs (such as veganism). The majority of the Member States had agreed, however, on the necessity to take requests for such diets into account. The research had showed that many courts had applied a proportionality or reasonableness test, assessing whether accommodating the requested diet had been feasible in light of organisational, financial and nutritional constraints. Moreover, some legal systems had emphasised the State’s positive obligations to respect freedom of religion or belief and human dignity in detention, while others had limited the State’s role to facilitating self-provision.

In the circumstances of the present case, and having regard to the above comparative research, the Court considered that, faced with the applicants’ consistent and genuine vegan beliefs and their requests for a vegan diet while deprived of liberty, the authorities had been under a positive obligation stemming from Article 9 to address those requests in substance and within a clear domestic legal framework. Failing this, it was difficult to consider that the authorities had done what had been necessary to strike a fair balance between the competing interests at stake, having regard to the aims mentioned in the second paragraph of Article 9.

Due to the practical impossibility for the applicants to obtain the administrative “decisions” necessary for their claims under Article 9 to be examined on the merits, the domestic courts’ findings had concerned technical matters only, and there had thus been no domestic findings on the substance of the applicants’ claims.

In the light of the foregoing, the Court considered that the failure of the domestic authorities to provide a substantive examination of the applicants’ serious and arguable grievances regarding their access to a vegan diet in accordance with their ethical beliefs while in the care and control of the State authorities, had amounted to a violation of Article 9.

Conclusion: violation (six votes to one).

Article 41: EUR 12,000 to the first applicant and EUR 4,000 to the second applicant in respect of non-pecuniary damage.

(See *W. v. the United Kingdom*, [18187/91](#), Commission decision of 10 February 1993; *Cha'are Shalom Ve Tsedek v. France* [GC], 27417/95, 27 June 2000, [Legal Summary](#))

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