

What Strasbourg Decided and Declined to Decide About Vegan Diets in State Custody

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Recognition Without a Meal

On 16 July 2026, the European Court of Human Rights held, for the first time, that veganism falls within the ambit of Article 9 of the Convention, which protects freedom of thought, conscience and religion. In [G.K. and A.S. v. Switzerland](#), two applicants – one held in pre-trial detention, the other confined to a psychiatric unit – had requested a vegan diet consistent with their ethical convictions and had received no reasoned response. The Court found Switzerland in breach of Article 9 and of Article 13, which guarantees an effective remedy. The judgment invites the reading, already in circulation, that the Convention now guarantees a right to vegan food in prisons and hospitals.

That reading is mistaken. The Court recognised the belief while withholding the entitlement. It held that the respondent State must genuinely examine a detainee's or a patient's request for a vegan diet and dispose of it within a clear legal framework (para. 126). It did not hold that the Convention obliges the State to provide the vegan meal itself. The achievement of G.K. and A.S. lies in the domains of conscience and procedure. The substantive right to a vegan diet remains undecided.

What the Court Was Asked

The first applicant, G.K., spent more than 300 days in pre-trial detention at Champ-Dollon Prison in Geneva. The second, A.S., was involuntarily hospitalised in the Cery psychiatric unit of the Vaud University Hospital. Both are vegan on ethical grounds, and both requested nutritionally balanced, entirely vegan meals. Neither was met with an outright refusal: the prison provided a near-vegan vegetarian diet, supplemented after complaint with vitamin B12 (para. 121), and the hospital adapted its menus, though it occasionally served non-vegan or nutritionally deficient meals in error (para. 122).

The difficulty lay elsewhere. Neither applicant could obtain a decision on his request. The prison and the hospital replied by informal letter rather than by formal “decision” (para. 91), and under the applicable cantonal law only a “decision” is amenable to appeal. The applicants’ challenges were accordingly declared inadmissible for want of an appealable decision and, they were told, for want of a sufficient legal interest (paras. 91-92). When G.K. expressly requested a formal decision, he again received a letter (para. 92). A review on the merits was, in practical terms, foreclosed.

A Belief Without a Religion

The Court has long protected religious dietary observance under Article 9 – the meat-free diet of a Buddhist prisoner in *Jakóbski v. Poland*, that of a Muslim in *Saran v. Romania* – but it had not previously determined whether a secular conviction such as veganism attracts the same protection (para. 85). It now holds that it does. That extension marks the decision’s genuinely novel step.

The reasoning follows established lines. A conviction engages Article 9 where it attains “a level of cogency, seriousness, cohesion and importance” (para. 86), a threshold that veganism satisfies. The former Commission had so held in 1993 in *W. v. the United Kingdom*, and the Court’s own comparative survey confirmed that Council of Europe States today regard veganism as a non-religious belief (paras. 88, 57-58). As Switzerland did not contest the sincerity of the applicants’ convictions, the Court held those convictions protected and their abstention from animal products a “manifestation” of them (para. 89). Adherence to a vegan diet thus constitutes, in the Court’s words, “a practice protected by Article 9 § 1” (para. 120).

For persons within the care and control of the State, this recognition is of particular consequence. A prisoner cannot prepare his own food, and a detained patient cannot procure it elsewhere. Each depends entirely on the institution that feeds him, and it is this dependence that lends the recognition its practical significance. Once the belief is

protected, the State upon which the individual depends for his meals must take it into account.

A Violation About Process, Not Food

Here the judgment proves narrower than its reception suggests. Having recognised the belief, the Court did not inquire whether the meals actually served to the applicants satisfied Article 9. It asked, rather, whether Switzerland had afforded any means of adjudicating their requests at all, and it concluded that it had not.

Article 9, the Court held, entails a positive obligation “to address those requests in substance and within a clear domestic legal framework” (para. 126). The obligation is one of genuine engagement: to weigh the request against the institution’s organisational, financial and practical constraints and to furnish a reasoned response. Switzerland did not reach that stage. Because the applicants could not obtain an appealable decision, no domestic court examined the substance of their claims (para. 129). The same formalism that produced the violation of Article 13 produced the violation of Article 9. The breach consisted, in the Court’s words, in the failure “to provide a substantive examination of the applicants’ ... grievances regarding their access to a vegan diet ... while in the care and control of the State authorities” (para. 131). That final qualification is decisive: because the applicants depended on the State for every meal, its refusal to engage was not a mere administrative lapse but a dereliction of a heightened duty.

It is worth marking what the Court did not hold. It did not hold that the applicants were entitled to vegan meals, nor did it assess the meals provided against the Convention. It left the merits precisely where the domestic law had abandoned them – unexamined. Subsidiarity accounts for the remainder: the national authorities being better placed to appraise local conditions, the Court returned the substantive question to the domestic sphere (para. 130).

The Question Left on the Table

Two silences define the judgment. The first concerns Article 8, the right to respect for private life. The applicants’ most substantial arguments – that diet is bound up with identity, autonomy and health – properly belong there. Yet the Court examined the case under Articles 9 and 13 alone (para. 63), setting aside the complaints under Articles 6 and 14 and never reaching Article 8. Whether a vegan diet engages private life thus remains an open question.

The second silence concerns consensus. The Court’s comparative research disclosed no European agreement on whether prisoners and patients are entitled to

belief-based diets. Domestic practice ranges from statutory entitlement, through duties of reasonable accommodation, to the absence of any regulation (para. 125). Where consensus is wanting, the Court affords States a wide margin of appreciation, and it is that wide margin which explains why the judgment halts at the procedural threshold. A future applicant who does obtain a domestic decision, yet still fails, will compel the question this Court declined to answer: not whether the State must respond, but what its response must contain.

What a Future Court Will Weigh

The Court likewise declined to delimit the nature and scope of the positive obligation it announced. The parties had joined issue on precisely this point: Switzerland denied any duty to secure vegan food “without exception”, while conceding that the applicants’ convictions were to be taken seriously and accommodated so far as possible (para. 124). The Court did not resolve the matter. How far a State must in fact go remains for another case. It did not, however, leave the future Court without guidance.

Three indications merit attention. The applicable test will be one of proportionality: the relevant factors, the Court observed, comprise “the applicants’ interest but also any possible organisational, financial or practical constraints for the authorities” (para. 126) – that is, feasibility assessed against the institution’s genuine limitations (see also para. 61). A conforming diet must, moreover, be nutritionally adequate rather than merely purged of animal products. The Court took care to note meals “devoid of any protein source”, “nutrient-poor”, and a vitamin B12 supplement furnished only upon complaint (paras. 121-122). Finally, information is crucial: both applicants were unable to ascertain the composition of their meals, one of them obliged to have nurses telephone the kitchen before he could eat (paras. 121-122). A right to a vegan diet may thus entail a corresponding duty to disclose ingredients.

Significance of a Narrow Ruling

None of this reduces G.K. and A.S. to a case of small moment. A procedural right, faithfully applied, is far from hollow. Switzerland, and States similarly placed, must henceforth furnish a procedure by which a detainee or a patient may request a vegan diet, have that request seriously considered, and receive a reasoned and appealable decision (para. 126). A reply by informal letter will no longer suffice. The Court underscored the point by awarding EUR 12,000 and EUR 4,000 in non-pecuniary damages (para. 135). The judgment was adopted by six votes to one. The recognition is a Chamber’s, not yet the Grand Chamber’s, and the judgment is not final.

The recognition, however, will not be undone. Veganism has entered the ambit of Article 9, and that premise will underlie every case that follows. Alice Bryk Silveira and I argued for precisely this recognition, and for the positive obligations attendant upon it, before these cases were decided ([European Journal of Health Law, 2025](#)). The Court has now taken the first step and named it. The more demanding step – from a right to a reasoned decision to a right to the diet itself – is one the Court has reserved for another day.

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