



Swiss authorities' overly formalistic approach to complaints about lack of access to vegan diet while in detention breached European Convention

In the **Chamber** judgment¹ of 16 July 2026 in the case of [G.K. and A.S. v. Switzerland](#) (application nos. 55299/20 and 31515/22) the European Court of Human Rights held, by 6 votes to 1, that there had been:

violations of Article 9 (freedom of thought and conscience) and Article 13 (right to an effective remedy) of the European Convention on Human Rights.

The case concerned the failure to provide the applicants with a vegan diet while they had been in the care of the State. The first applicant had been in pre-trial detention, while the second had been confined in a psychiatric hospital. Despite making requests, the applicants did not receive entirely vegan diets. However, no formal administrative "decisions" had been taken which could have been appealed against under national law and which would have enabled the Swiss courts to examine the merits of their complaints.

The Court found that the Swiss authorities' reaction to the applicants' case had been overly formalistic. As a result, the legal avenues the applicants had used were ineffective in practice. It also meant that the applicants' complaints regarding access to a vegan diet, in keeping with their ethical beliefs, while in the care of the authorities, had never been examined at national level.

A legal summary of this case is available in the Court's database HUDOC ([link](#)).

Principal facts

The applicants, G.K. and A.S., are Swiss nationals who were born in 1991 and 1988 and live in Vernier and Lausanne (both in Switzerland) respectively.

Between November 2018 and October 2019 G.K. was held in pre-trial detention. He was mainly accused of acts of damage to property committed in the context of his support for an anti-speciesism movement (an ethical concept that it is immoral to exploit or harm animals just because they belong to a different species).

Between February and April 2021 A.S. was detained in a psychiatric hospital. On admission he informed the nursing staff that his beliefs required him to follow a vegan diet.

While they were in the care of the authorities, both applicants complained about the lack of access to entirely vegan diets (diets excluding not only meat but any food of animal origin) in accordance with their ethical beliefs. In a series of letters, the respective administrations stated that measures had been, or would be, taken to find a solution and to ensure that the applicants could benefit from a diet which was as close in keeping with their beliefs as possible.

Despite the applicants' requests, no formal "decisions" were taken on their complaints. The applicants appealed to cantonal courts, but their applications were declared inadmissible given the lack of any

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

appealable “decision” (within the meaning of the relevant provisions of the Act on administrative procedure in each canton). Those rulings were upheld by the Federal Supreme Court.

Complaints, procedure and composition of the Court

Relying in particular on Articles 9 (freedom of thought and conscience) and 13 (right to an effective remedy), the applicants complained that, while in the care of the Swiss State, the authorities had failed to provide them with entirely vegan diets in accordance with their ethical beliefs and that they had not had an effective legal avenue for their complaints.

The applications were lodged with the European Court of Human Rights on 11 December 2020 and 21 June 2022.

The Vegan Society, Vegan Australia and the Criminal Law Research Center of the Free University of Brussels were granted leave to intervene in the written procedure as third parties.

Judgment was given by a Chamber of seven judges, composed as follows:

Kateřina Šimáčková (the Czech Republic), *President*,
 Gilberto Felici (San Marino),
 Andreas Zünd (Switzerland),
 Diana Sârcu (the Republic of Moldova),
 Mykola Gnatovskyy (Ukraine),
 Vahe Grigoryan (Armenia),
 Sébastien Biancheri (Monaco),

and also Victor Soloveytchik, *Section Registrar*.

Decision of the Court

This was the first time the Court had been called upon to examine whether compliance with dietary rules linked to an ethical belief such as veganism was protected by Article 9.

It examined the applicants’ complaints from the point of view of their freedom of thought and conscience rather than religious freedom and referred to comparative-law research showing that Convention States considered veganism as a non-religious belief.

It went on to find that the applicants’ vegan beliefs met the required level of “cogency, seriousness, cohesion and importance” for them to be protected by Article 9 of the Convention. Consequently, the applicants had an arguable claim under the Convention, and Article 13 was applicable.

Article 13 (right to an effective remedy)

The applicants’ claims had never been examined on the merits at the national level. The Court considered that the Swiss authorities’ approach had been excessively formalistic and showed that they had never taken the applicants’ complaints seriously. That approach had made the legal avenues the applicants had used ineffective in practice, in violation of Article 13 of the Convention.

Article 9 (freedom of thought and conscience)

Firstly, the Court pointed out that the applicants had not been systematically provided with vegan meals.

Although comparative-law research among the 46 Convention States disclosed a range of approaches, there was a common understanding that requests for vegan diets had to be taken into account.

Therefore, the State, faced with the applicants' consistent and genuine vegan beliefs as well as their requests for a vegan diet while deprived of liberty, had been under an obligation to address the applicants' complaints in substance and within a clear legal framework.

However, the Swiss courts' findings had only concerned technical matters, without making any decision on the substance of the applicants' claims.

The failure to examine the merits of the applicants' serious and arguable claims regarding their access to a vegan diet, in keeping with their ethical beliefs, and the failure to strike a fair balance between the interests at stake while in the care of the Swiss authorities had amounted to a violation of Article 9.

Just satisfaction (Article 41)

The Court held that Switzerland was to pay G.K. 12,000 euros (EUR) and A.S. EUR 4,000 in respect of non-pecuniary damage. It also awarded A.S. EUR 10,000 in respect of costs and expenses.

Separate opinion

Judge Grigoryan expressed a declaration of dissent which is annexed to the judgment.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.