

EUROPEAN COURT OF HUMAN RIGHTS AND THE EUROPEAN GREEN DEAL

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ABSTRACT

The European Green Deal aims to make Europe the first climate-neutral continent by 2050 and maps a new and inclusive growth strategy to boost the economy, improve people's health and quality of life, care for nature, etc. EU Farm to Fork Strategy for fair, healthy and environmentally-friendly food system, among others, asks for „moving to a more plant-based diet“.

Plant-based diet is a diet consisting mostly or entirely of plant-based foods. Plant-based diet does not exclude meat or dietary products totally, but the emphasis should be on plants. Vegetarianism is the practice of abstaining from the meat consumption. Vegetarians consume eggs dairy products and honey. Veganism is the practice of abstaining from the use of animal product in diet and an associated philosophy that rejects the commodity status of animals.

Article 9 of European Convention for the Protection of Human Rights and Fundamental Freedoms and article 10 of the Charter of Fundamental Rights of the European Union almost use the same text enshrining Freedom of thought, conscience and religion. To ensure the observance and engagements in the Convention and the Protocols, Council of Europe set up European Court of Human Rights. All European Union Member States are parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

European Court of Human Rights had many cases dealing with above-mentioned article 9. This paper will focus on Court's cases dealing with veganism, vegetarianism and plant-based diet. It will investigate obligations, which arise from European Convention for the Protection of Human Rights and Fundamental Freedoms to public administration institutions, namely hospitals, prisons, army, school and university canteens, etc. The paper will explore the practice of several European countries and Croatia. The results will show if veganism, vegetarianism and EU promoted plant-based diet are equally protected under European Convention or there are differences, and what differences if there are any.

Keywords: *Convention for the Protection of Human Rights and Fundamental Freedoms European, European Court of Human Rights, plant-based diet, The European Green Deal, veganism, vegetarianism*

1. INTRODUCTION

The European Green Deal is a set of policy initiatives by the European Commission, approved in 2020, aiming to make European Union climate neutral in 2050. European Commission's plan has 10 main points: 1. 'Climate neutral' Europe, 2. Circular economy, 3. Building renovation, 4. Zero-pollution, 5. Ecosystems & Biodiversity, 6. Farm to fork strategy, 7. Transport, 8. Money, 9. R&D and innovation, and 10. External relations.¹ For the purpose of this article, we will focus on point 6. Farm to fork strategy. The Farm to Fork strategy is at the heart of the Green Deal addressing the challenges of sustainable food system. The strategy recognizes links between healthy people, healthy societies and a healthy planet.² This strategy is initiated by the fact that over half of the adult population in the EU is now overweight and that European diets are not in line with national dietary recommendations. The healthy option should always be the easiest one. "If European diets were in line with dietary recommendations, the environmental footprint of food systems would be significantly reduced."³ European Commission in 2018 proposed new Common Agricultural Policy aiming to help farmers improving their environmental and climate performance. The measures should be voluntary and the focus will be increased "... on investments into green and digital technologies and practices."⁴ EU Code of conduct for responsible business and marketing practice will be developed by European Commission in order to increase "... the availability and affordability of healthy, sustainable food options to reduce overall environmental footprint of the food system."⁵ EU Farm to Fork Strategy for fair, healthy and environmentally-friendly food system asks for "moving to a more plant-based diet."⁶, because "Current food consumption patterns are unsustainable from both health and environmental points of view ... consumption of whole-grain cereals, fruit and vegetables, legumes and nuts is insufficient."⁷ This document in length explains problems with current food production, environmental impact, health problems conditioned by food production and consumption. Food producers and farmers are not forgotten, but there is a clear vision as how to help them transition towards fulfilling envisaged strategic goals. Poore

¹ Simon, F., *EU Commission unveils 'European Green Deal': The key points*, [<https://www.euractiv.com/section/energy-environment/news/eu-commission-unveils-european-green-deal-the-key-points/>], Accessed 28 March 2023.

² *Farm to Fork Strategy: For a fair, healthy and environmentally-friendly food system*, European Union, 2020, p. 4.

³ *Ibid.*, p. 5.

⁴ *Ibid.*, p. 11.

⁵ *Ibid.*, p. 13.

⁶ *Ibid.*

⁷ *Ibid.*, p. 14.

and Nemecek in their analysis have found out that “... diet that excludes animal products ... has transformative potential, reducing food’s land use by 3.1 (2.8 to 3.3) billion ha (a 76% reduction).”⁸ They further notice how impacts of animal products exceed those of vegetable substitutes “... meat, aquaculture, eggs, and dairy use ~83% of the world’s farmland and contribute 56 to 58% of food’s different emissions, despite providing only 37% of our protein and 18% of our calories.”⁹ European leaders, as well as global ones, need to look for solutions to environmental problems caused by decades of neglect. “... livestock production is the single largest contributor of emissions around the globe (more than planes, trains and cars combined) ... Raising animals for food is also the largest contributor to wild-life extinction around the world.”¹⁰ Plant-based diet will help with waste management, because “... farm with only 2,500 pigs produces the same amount of waste as a city of around 400,000 people.”¹¹ The European Green Deal aims to make Europe the first climate-neutral continent by 2050 and we must notice that arguments for veganism are “... more consistent on climatic grounds than arguments for vegetarianism: vegetarianism prohibits most notable non-vegan low-carbon food (fish) but permits non-vegan high-carbon foods (cheese).”¹² Possible solution to The European Green Deal aims is a technology that produces cultured meat. Bryant does not only mention animal slaughter causing ethical concerns, but emphasizes possible solution to environmental and public health concerns. Traditional meat production is connected to problems like greenhouse gas emissions, land and water use, antibiotic resistance and food-borne and zoonotic diseases.¹³ National Governments will have to play key roles in shifting to environmentally friendly plant-based food consumption.¹⁴

⁸ Poore, J.; Nemecek, T. *Reducing food’s environmental impacts through producers and consumers*, Science, 360, 2018, p. 992.

⁹ *Ibid.*, p. 991.

¹⁰ Rowland, M. P., *The Most Effective Way To Save The Planet*, [<https://www.forbes.com/sites/michaelpellmanrowland/2018/06/12/save-the-planet/>], Accessed 31 March 2023.

¹¹ Pariona, A. *Environmental Impact of Animal Agriculture* [https://www.worldatlas.com/articles/environmental-impact-of-animal-agriculture.html?fbclid=IwAR2ohiLhENFJQ0i09yPNaiOHYIaW_JDZ-fNmrdeiRbPiq_kXQnCOOnpI3o], Accessed 31 March 2023.

¹² Kortetmäki, T.; Oksanen, M. *Is there a convincing case for climate veganism*, Agriculture and Human Values, Vol. 38, 2021, p. 738.

¹³ Bryant, C. J., *Culture, meat, and cultured meat*, Journal of Animal Sciences, Vol. 98, No. 8, 2020, p. 5.

¹⁴ More on options for Governments to consider in: Wills J. *Animal Agriculture, the Right to Food and Vegan Dietary*, in: Rowley, J; Prisco C. (eds.), Law and Veganism, Lexington Books, Lanham, 2022, pp. 133 – 134.

2. EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND ITS ARTICLE 9

Article 9 of the Convention reads, “1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in a community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance. 2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of rights and freedom of others.” Most of ECtHR jurisprudence *vis-à-vis* Article 9 deals with protection of religious freedoms. Cases brought to ECtHR concerning freedom of thought and conscience and freedom to manifest one’s beliefs represent significantly smaller percentage dealing with possible violation of Article 9. Most of literature also covers infractions of freedom of religion.

The freedom to hold beliefs and convictions is unconditional; the only limitation – specified in Article 9 itself – concerns the way in which this freedom is exercised.¹⁵ Renucci observes, without further explanation, that, apart from Articles 8, 10 and 11 that in their second paragraphs cover all rights mentioned in their paragraph 1, Article 9 in its second paragraph specifies only freedom to manifest one’s religion or belief.

Convictions are not synonymous with opinions and ideas. They are views that attain certain level of cogency, seriousness, cohesion and importance.¹⁶ A belief is different from a personal motivation, because it must be possible to construe it as the expression of a coherent view of basic issues.¹⁷ Freedom of conscience is “... more sophisticated and structured product than an individual’s thought.”¹⁸ Freedom of thought, conscience and religion is vital to believers, but it is also precious for atheists, agnostics, sceptics and the unconcerned.¹⁹ The fact that veganism is the moral standing towards suffering of nonhuman animals is not important fact

¹⁵ Renucci, J. F. *Article 9 of the European Convention on Human Rights – Freedom of thought, conscience and religion*, Human Rights Files no. 20, Council of Europe, Strasbourg, 2005, p. 11.

¹⁶ European Court of Human Rights, *Campbell and Cosans v United Kingdom* (1982) Application nos. 7511/76, 7743/76, par. 36.

¹⁷ *X. v FRG* (1981) in: Renucci, *op. cit.* note 15, p. 13.

¹⁸ Birsan, C., *Le juge européen, la liberté de pensée et de conscience in: Massis et Pettiti (eds.), La liberté religieuse et la Novention européenne des droits de l’homme*, Droit et Justice, No. 58, 2004, p. 45 *et seq.* in: Renucci, J. F., *op. cit.* note 15, p. 14.

¹⁹ European Court of Human Rights, *Kokkinakis v. Greece* (1993) Application no. 14307/88, par. 31.

for ECtHR, which deals with human rights as matters of personal and private conscience.²⁰

It is possible for state to restrict the exercise of rights and freedoms guaranteed by the European Convention if three conditions are met. Two of Article 9 paragraph 2 restrictions do not raise serious problems - restrictions are to be prescribed by law and these restrictions have legitimate aim. Nevertheless, mentioning necessity in a democratic society might create problems concerning the freedom of manifesting one's freedom of thought, conscience and religion. National authorities are in touch with the reality of the situation and they are in the best position to decide on any restriction, but European judges exercise supervision over state interference. The European Court will assess if reasons used by national authorities are relevant and sufficient, while determining if the interference is proportionate to the aim pursued.²¹

The biggest threat to someone trying to follow his/her religion or belief occurs when that person is not able to provide for him/herself. Patients in hospitals can rely on their relatives or friends, while situation is completely different for incarcerated persons. Many rights and liberties are not enjoyable while a person is in a detention, but some of the rights and liberties have to be protected and provided for. Council of Europe Committee of Ministers adopted on 11 January 2006 Recommendation Rec (2006) 2 on the European Prison Rules based on United Nations basic standards for the treatment of prisoners. Point 29. 1. asks for prisoner's freedom of thought, conscience and religion to be respected for. Nutritious diet, among others, will take into account prisoners religion and culture. Prison Rules are to be applied without any discrimination as to religion, political or other opinion, etc. Although Prison Rules are non-binding document, they are important recommendation for Council of Europe member states.

3. VEGETARIAN, PLANT-BASED OR VEGAN?

We will try to make clear distinguish between terms vegan, vegetarian and plant-based for the purpose of this article. There are differences and this differences are very significant. While terms vegetarian and plant-based are solely oriented toward a diet, term vegan has a much broader concept.

Plant-based diet focuses mainly on health benefits in eating mostly plants, such as fruits, vegetables, nuts, seeds, herbs, etc. Plant-based, although mainly consist-

²⁰ Rowley, J., *Towards a Vegan Jurisprudence*, Lexington Books, Lanham, 2020, p. 78.

²¹ Renucci, *op. cit.* note 15, pp. 49 – 50.

ing on plants, does not exclude meat, eggs and dairy products. There is no ethical moment in a plant-based diet. It focuses only on human benefits in eating certain food. People on plant-based diet focus on healthy advantages for themselves. Nevertheless, plant-based food is food that exclude food from animals or food product made by animals. Essentially, vegans eat plant-based food, but plant-based diet comprises plant-based food, and can include meat, eggs, honey, and dairy products.

Vegetarian diet excludes all kinds of meat, but not the product made by animals, for example: milk, eggs and honey. Although most of the vegetarians do not use leather or fur, it is a general conclusion that vegetarianism does not include consistent ethical stance. In their life-style, most of the animals are protected and safe, but some, as cows, sheep, goats, chicken, bees, etc., are exploited even more. People on vegetarian diet tend to eat more cheese, milk and eggs than before, and it results in more animals needed to produce it.

In contrast to plant-based and vegetarian, it is not that easy to define what veganism entails. Vegan diet is the easiest part, because vegans do not eat any kind of food made from animals (meat, milk, eggs and honey). Vegan diet does not need to be healthy; it only has to be void of any animal products or products made by animal work. It is possible to be vegan and only eat chips, because focus is on animals and their sufferings. To clarify other aspect of being vegan is not that easy. “Philosophically, the concept of veganism is rooted in the ancient concept of ‘ahimsa’, which is one of the main premises of the Indian religion of Jainism.”²² Vegans do not use leather or fur, but some vegans argue that it is ethically all right to use second-hand leather or fur, because it is environmentally friendly. Some vegans might argue that people should eat only locally produced vegan food, because any kind of transport pollutes and has negative impact on environment, for instance importing mangos or papayas. On the other hand, some vegans also argue not just for the environmental reasons, but also for other ethical reasons, i. e. importing goods manufactured by labourers in poor working conditions, made by children, underpaid workers, etc. There are vegans claiming that owning any kind of companion animal is contrary to animals’ freedoms, while majority claim that taking care for companion animals or any other animal means protecting them, because they are not able to survive on their own. We will later see the term ethical vegan being used. Some people might define themselves as being vegan for health or medical reasons, environmental concerns, or some religious or spiritual

²² Casamitjana, J., *The Confirmation of Ethical Veganism as a Protected Philosophical Belief in Great Britain: A Personal Account of Triumph*, in: Rowley, J.; Prisco, C. (eds.), *Law and Veganism*, Lexington Books, Lanham, 2022, p. 249.

reasons. However, ethical vegan is someone concerned with ethical reasons vis-à-vis animals. Vegans usually identify only ethical vegans as people really adhering to veganism, while others would be people eating plant-based diet. As for the purpose of this article and legal protection of veganism, it might be important to make strict differences between these two categories of vegans. Especially, because some of authors even conclude how veganism is enjoying increasing mainstream acceptance and that it is one of the fastest-growing diets in the world.²³ First vegan society in the world was established in 1944 in London out of The Vegetarian Society previously established in 1847. Although most of The Vegetarian Society members followed vegan diet it was not seen as a priority, vegetarian diet sufficed. Vegan diet was a common term being used for some time, but there was no definition of veganism. In time when term veganism was not coined at all, vegetarianism received judicial protection in two case in Ireland, still under Great Britain's rule. In the cases *In re Crantson, Web & Oldfield* in 1898 and *O'Hanlon v Logue* in 1906 judges recognised vegetarianism as a belief worthy of protection.²⁴

Leslie J. Cross from The Vegan Society suggested that veganism is: "...the principle of the emancipation of animals from exploitation by man."²⁵ and later clarified as "to seek and end to the use of animals by man for food, commodities, work, hunting, vivisection, and by all other uses involving exploitation of animal by man."²⁶ The Memorandum and Articles of Association, when they were registered as a charity in 1979, defined veganism as: "... a philosophy and a way of living which seeks to exclude – as far as is possible and practicable – all forms of exploitation of, and cruelty to, animals for food, clothing or any other purpose; and by extension, promotes the development and use of animal-free alternatives for the benefit of humans, animals and the environment."²⁷

Some might argue that different practises of veganism present big obstacles in legal protection of veganism as a belief, contrary to religion, which is usually clear in its belief system structure and its member's obligations. To accept this position, it is necessary to ask what does constitute a true member of certain religion. There is no definition of religion neither in the text of Article 9 of European Convention or in

²³ Offer, K.; Barker, R., *Should Ethical Vegans Have a Beef with the Definition of Religion?*, Victoria University Law and Justice Journal, Vol. 9, No. 1, College of Law and Justice, Melbourne, 2017, p. 19.

²⁴ O'Sullivan Garcia, M., *Vegetarian and vegan rights in Europe: chickening out or egging them on?*, Derecho Animal, Barcelona, Vol. 11, No. 4, 2020, pp. 72 – 73.

²⁵ The Vegan, Autumn, 1949 in: *Ripened by human determination – 70 years of The Vegan Society*, The Vegan Society, 2014, p. 6.

²⁶ The Vegan, Autumn, 1950 in: *Ripened by human determination – 70 years of The Vegan Society*, *op. cit.* note 23, p. 6.

²⁷ *Ibid.*

European Court's case law. "This omission is quite logical, because such a definition would have to be both flexible enough to embrace the whole range of religions worldwide ... and specific enough to be applicable to individual cases..."²⁸

As we have previously noted there are different concepts, what veganism is? If one has to find out what is veganism by talking to some vegan, one might end up with a false understanding of veganism. Each vegan can hold different views as to what constitutes veganism. Some authors conclude that veganism should only refer to an abstention from consuming and using animal-derived products.²⁹ Deckers considers that vegan diet should be the default diet for the majority of human population, but simultaneously his vegan agricultural system encompasses insects and animals used to provide labour.³⁰ Most vegans would argue with this definition because insects are animals and it is unacceptable for animals to provide labour for human benefit.

4. EUROPEAN COURT OF HUMAN RIGHTS CASE LAW

Many cases dealing with possible violation of Article 9 were brought before European Court, but there are only few dealing with food. We will describe all those cases. European Commission on Human Rights found no violation of article 9 in case *X. v. United Kingdom* (1976) Application no. 5947/72 when Jewish inmate in prison was given kosher diet, but the vegetarian one. The Court affirmed that meal is kosher and that even Jewish Visitation Committee advised him to accept it. Therefore, prison administration fulfilled kosher meal request. The fact that it was a vegetarian one had no bearing on the merits of the case.

According to Article 109 of the Code of Execution of Criminal Sentences (1997) of the Republic of Poland, prisoners should receive meals taking into consideration, where possible, their religious and cultural beliefs. Buddhist inmate asked for vegetarian diet, but prison offered him instead *no pork diet*, which was also given to six Muslims detained in the same penitentiary. Muslim detainees received diet according to their religion, but the applicant did not. Every prison inspections and judiciary organs rejected his appeals stating that vegetarian diet is too expensive. Above all, the Polish Government argued that according to the Great Polish Encyclopaedia and searches on Wikipedia, Buddhism in general, and even followers of stricter form of Buddhism - Mahayana Buddhist - were not obliged

²⁸ *Guide on Article 9 of the European Convention on Human Rights: Freedom of thought, conscience and religion*, Council of Europe/European Court of Human Rights, Strasbourg, 2022, p. 8.

²⁹ Dutkiewicz, J.; Dickstein, J., *The Ism in Veganism: The Case for a Minimal Practice-based Definition*, Food Ethics, Vol. 6, No. 2, 2021, pp. 1 – 2.

³⁰ Deckers, J., *In Defence of the Vegan Project*, Bioethical Inquiry, Vol. 10, 2013, pp. 187 – 189.

to follow vegetarian diet. The applicant brought his case to ECtHR which found that the applicant was denied of „... the right to manifest his religion through observance of the rules of the Buddhist religion.“³¹ Although vegetarian diet is not a precondition for Buddhist religion, the Court found violation of Article 9.

In case *W. v. United Kingdom* (1993) Application no. 18187/91, par. 1 „The Commission finds that the Vegan convictions with regard to animal products fall within the scope of Article 9 para 1. (Art. 9-1) of the Convention.“ British Government did not contest Veganism as being capable of concerning conscience or belief within the meaning of Article 9. We will not discuss main aspects of the case, because they are not relevant for dietary aspect of veganism. Veganism is not linked to any religion, or a prerequisite for a member of certain religion. Veganism is a secular belief not connected with any religion, but also enjoying the same level of protection. Vegans in English and Welsh prisons currently are being served with vegan meals.³²

ECHR found no appearance of violation of Article 9 in case *C. D. and Others v. Greece* (2013) Application no. 33441/10, par. 79 where four Muslim detainees argued that they were forced to eat pork. Two of the caterers supplying detention centre were Muslims and provided pork-free meals.

In case *Vartic v. Romania* no. 2. (2014) Application no. 14150/08 the applicant was serving a prison sentence and according to his Buddhist beliefs, he asked for vegetarian meals to be provided by prison authorities. The general practitioner in prison agreed that vegetarian diet is most appropriate for inmate's hepatitis type C. Prison authorities offered only Christian Orthodox fasting diet, which excluded food of animal origin, arguing that relevant legislation did not provide for a vegetarian diet. Since 2007 inmates were not allowed to receive food parcels by post, only family could bring them food during their visits. The Government argued, contrary to GP's opinion, that vegetarian diet is not suitable for persons with hepatitis type C. Domestic courts dismissed all applicant's claims, stating that meals served, all of them including some type of meat, provided him with adequate diet in religious terms. The European Court, citing case *Jakóbski v. Poland* (2010) Application no. 18429/06, ruled that there has been a violation of Article 9 in this case.³³

³¹ European Court of Human Rights, *Jakóbski v Poland* (2010) Application no. 18429/06, par. 54.

³² *Vegetarian Society Investigates: Prison Food in England and Wales*, [<https://vegsoc.org/lifestyle/vsi-prison-food-in-england-and-wales/>], Accessed 13 March 2023.

³³ European Court of Human Rights, *Vartic v Romania* no. 2. (2014) Application no. 14150/08, par. 55.

Cases *Neagu v. Romania* (2020) Application no. 21969/15 and *Saran v. Romania* (2020) Application no. 65993/16 are very similar. In both cases prisoners asked for their meals to be served according to their religious beliefs. When placed in custody each inmate had a chance to declare his religion, and Romanian courts do not allow the possibility that one can change later his/her religion freely. When being transferred some prisons served pork free meals, but in general, the State claimed that it puts a too heavy burden on prisons. The Court noted that since applicants received meals compatible with his religion in three prisons, Romanian prison system is capable of accommodating such requests, and especially since Romanian Law 254/2013 in its article 50 affirms that inmates will receive food, among others, compatible with their religious beliefs. European Court confirmed that „ ... the national authorities had not complied to a reasonable degree with their positive obligations under Article 9.”³⁴ and awarded applicants for the damage incurred.

ECtHR mentioned as an example of good practice that Romania in 2016 only had eight persons of Jewish faith in their prisons. Their requests for kosher meals were granted and in reality, it did place a burden on national authorities, but even so, they managed to fulfil it. In cases *Erlich and Castro v. Romania* (2020) Application nos. 23735/16 and 23740/16, although being given kosher meals, prisoner obtained additional alimentary products, in compliance with their religious belief with their own money. They wanted their money reimbursed, as being instructed by Romanian court, but they failed to ask for reimbursement in Romanian legal system. Not asking for reimbursement within Romanian legal system was the only reason why ECtHR concluded of no violation of article 9 and subsequently rejected their claims.³⁵

The State can examine competing interests of and individual and the interests of the community as a whole³⁶ and it is legitimate to ask are all prisons obliged to serve vegan food, no matter if there is only one vegan inmate being incarcerated in a specific prison. Yes, if it does not put an undue financial or logistical burden on the state. Apart from Article 9, it is now necessary to consider the inmate's veganism with Article 14 of European Convention, which prohibits discrimination in connection with rights and freedom enjoyment. The authorities have to treat all

³⁴ Information Note on the Court's case-law 245, November 2020: European Court of Human Rights, *Neagu v Romania* (2020) Application no. 21969/15 and European Court of Human Rights, *Saran v Romania* (2020) Application no. 65993/16, p. 3.

³⁵ European Court of Human Rights, *Erlich and Castro v Romania* (2020) Application nos. 23735/16 and 23740/16, par. 40.

³⁶ Kubitová, A., *Detention of vegetarians, Vegans, and Persons Eating Halal or Kosher Food: Should We Recognise the Right to Follow Special Diets?*, Common Law review, Vol. 15, 2018, p. 63.

inmates equally and it is either that no inmate can receive any special diet or that all inmates can receive diets according to their religious or secular beliefs.

5. COMPARATIVE ANALYSIS OF VEGANISM AS A PROTECTED BELIEF

Although European institutions set harmonised and universal standards, while national courts and tribunals do not always follow suit in their interpretation.³⁷

There are differences in exercising one's right on vegan diet in different public institutions in Germany. Since Germany is a federal state it has sixteen special laws and German constitution to consider when we talk of vegan diet in schools. Each federal state has its own regulation and usually children have to self-supply. Article 3 para 3 of German Basic Law (Grundgesetz)³⁸ affirms the principle of equality, and courts mostly have decided that if children in schools received kosher food or halal food, than vegan food has to be provided for also. Nevertheless, if kosher and halal food are not provided for, then vegan children also have to self-supply their food.³⁹ Legal situation is very similar at public universities, although vegan food offer is much better than the one in schools. Prisons are also organized at federal level and situation differs in different states. Some federal states supply vegan food, while others enable their prisoners to self-supply, or even take two portions of something that is vegan (side dishes, salad etc.) instead of meat. Some prisons do not supply vegan food and prohibit prisoners to self-supply. Patients at hospitals can claim insurance company to reimburse their costs in self-supplying vegan food. Professional soldiers are exempted for the provision of non-vegan food and can self-supply, while volunteer draftees will receive financial support for vegan food.

Italian government approved in 2010 guidelines to set common principles for public institutions. Although veganism and vegetarianism are not specifically mentioned, guidelines do mention *ethical-religious needs*. Therefore, veganism and vegetarianism should be protected under guidelines. Guidelines also assure the provision of adequate food replacements required for ethical, religious or cultural reasons. When parents ask special diet for their schoolchildren, they do not need

³⁷ O'Sullivan Garcia, *op. cit.* note 22, p. 72.

³⁸ "No person shall be favoured or disfavoured because of ... faith, religious or political opinions." Official translation of German Basic Law (Grundgesetz) by German Federal Ministry of Justice, [https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0026], Accessed 5 April 2023.

³⁹ Müller-Amenitsch, R., *Vegan Legal Issues in Germany*, in: Rowley, J.; Prisco, C. (eds.), *Law and Veganism*, Lexington Books, Lanham, 2022, p. 77.

any kind of medical certification.⁴⁰ In 2006, Anti-Vivisection League promoted special act for mandatory vegetarian and vegan options, and in 2007, the proposed Act was presented in Italian Senate, but it is still pending in Senate without knowing further prospects.⁴¹ It would have been the very first act in Western society to deal with fulfilment of vegetarian and vegan dietary rights. In 2015 Administrative Court in Bolzano ruled, that public nursery has to re-enrol the child, expelled for asking for a vegan diet. The child was re-enrolled and remained vegan.

Study carried out in 2017 in Portugal shows that 1.2% of Portuguese population are vegetarians, while 0.6 are vegans.⁴² Article 41 of Portuguese Constitution protects freedom of conscience, religion and of form of worship.⁴³ It is interesting to notice that conscience even precedes religion, and that veganism as the expression of belief is therefore protected. Nevertheless, vegans in reality do not enjoy protection by State bodies that protect equality principle. At a worldwide level, Portugal became the very first country in 2017 that proscribed mandatory provision of a strict vegetarian option on the menus of all public canteens and refectories.⁴⁴ The Law 11/2017⁴⁵ in Article 3 defines strict vegetarian option as a meal containing no animal products at all. The regulation applies to health care units, nursing homes, primary and secondary schools, universities, prison facilities and social services. Public canteens and cafeterias may not provide strict vegetarian option if there is no demand (in order to minimize food waste) and if demand is reduced; it is therefore possible for institutions to ask for prior registration. All these limitations are reasonable and consistent with the European Convention which asks for veganism to be protected, but does not protect food offer per-se. Meaning, it is not necessary to offer vegan diet if there is no consumer. According to report in 2018 by Portuguese Vegetarian Association, there are obstacles in fulfilment of this obligation. Contrary to legal regulations, some institutions offer either ovo-lacto-vegetarian option instead of strict vegetarian, or no option at all stating that demand is law, and some even ask for medical report, which justifies vegetarian

⁴⁰ Prisco, C., *Veganism and Law in Italy*, in: Rowley, J.; Prisco, C. (eds.), *Law and Veganism*, Lexington Books, Lanham, 2022, p. 94.

⁴¹ *Ibid.*, p. 97.

⁴² *120 000 vegetarianos – Número quadruplica em 10 anos*, [<https://www.centrovegetariano.org/Article-620-Numero-vegetarianos-quadruplica-10-anos-Portugal.html>], Accessed 17 March 2023.

⁴³ *Constitution of the Portuguese Republic, Seventh Revision (2005), article 41*, [<https://www.parlamento.pt/sites/EN/Parliament/Documents/Constitution7th.pdf>], Accessed 5 April 2023.

⁴⁴ Alvim, N., *The Protection of Vegans in Portugal: Law and Progress*, in: Rowley, J.; Prisco, C. (eds.), *Law and Veganism*, Lexington Books, Lanham, 2022, pp. 112 – 113.

⁴⁵ *Lei n.º 11/2017 de 17 de abril – Estabelece a obrigatoriedade de existência de opção vegetariana nas ementas das cantinas e refeitórios públicos*, Diário da República n.º 75/2017, Série I de 2017-04-17.

diet.⁴⁶ In 2018 in universities 10% of meals consumed were vegetarian, 14% in public hospitals and healthcare units, 10% in social services facilities, but only 1% in schools.⁴⁷

Although French legislation and international conventions that France adheres to clearly protect veganism as a belief, there are still obstacles to their protection. Website of French Ministry for Education and Youth compared vegetarianism to an eating disorder in 2020, but removed it after a letter from French Vegetarian Association.⁴⁸ In 2019, French National Assembly report suggested that vegan groups should be included among radical movement groups.⁴⁹ French Interior Ministry, the National Federation Farmers Unit and Young Agricultors signed Convention in 2019, which established Cellule Demeter. Its task is to create awareness of and prevent threats from those referred to as animal rights militants. Employees and volunteers from ecologist and animal protection associations reported being questioned and intimidated by police.⁵⁰

French Rural and Maritime Fishery Code prescribes that school has to serve animal products with each meal. But, in 2021 new French Climate and Resilience Act obliges schools to serve vegetarian menu once per week, while in other public administration institutions, canteens will offer vegetarian meal each day.⁵¹

United Kingdom is a dualist state, which must pass enabling domestic legislation for an international document to become a law. The European Convention was domesticated in United Kingdom in 1998 with Human Rights Act. As for United Kingdom, it is important to know that Equality Act of 2010 is only applicable in Great Britain (England and Wales), while UK Human Rights of 1998 is appli-

⁴⁶ *Opção vegetariana nas cantinas portuguesas: realidade ou intenção: Um estudo (2019) da aviação da lei Nº 11/2017*,

[<https://www.avp.org.pt/opcao-vegetariana-estudo-avaliacao>], Accessed 17 March 2023.

⁴⁷ Cardoso, M. D., *Quase 10% das refeições servidas nas universidades são vegetarianas*, [<https://www.publico.pt/2018/02/13/sociedade/noticia/quase-10-das-refeicoes-servidas-nas-universidades-sao-vegetarianas-1802926>], Accessed 17 March 2023.

⁴⁸ Laffineur-Pauchet, M., *The Growth of Veganism in France: Law and Current Challenges*, in: Rowley, J.; Prisco, C. (eds.), *Law and Veganism*, Lexington Books, Lanham, 2022, p. 150.

⁴⁹ The report initially was to fight extreme right-wing groups in France and it is funny that veganism is included, because in reality, it is a common belief that veganism correlates with left wing values.

⁵⁰ [<https://www.1214.com/letres-infos/2020/07/31-recours-justice-cellule-demeter-ligue-droits-homme/>] in: Laffineur-Pauchet, *op. cit.* note 48, 2022; pp. 150 – 151.

⁵¹ Huet, N., *France's new climate law has just been approved. So why are activists so unimpressed?* [<https://www.euronews.com/green/2021/07/20/france-s-new-climate-law-has-just-been-approved-so-why-are-activists-so-unimpressed>], Accessed 18 March 2023.

cable in the United Kingdom as a whole.⁵² Equality Act protects individuals from different types of discrimination, either direct or indirect. Vegan individual might not be employed because of his/her vegan beliefs, which would constitute direct discrimination. More likely, the person might not be discriminated due to being vegan, but because of manifestation of vegan beliefs, i. e. eating vegan meals that are not provided by his employer.⁵³ Religion or belief, among others, are protected characteristics, protecting individuals against discrimination under Equality Act: “A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B’s.”⁵⁴ The Equality and Human Rights Commission included veganism as an example of a belief attaining protection under Equality Act, while the Government did not share the same position, but left the decision ultimately for the courts to determine.⁵⁵

Although in case *Regina v Secretary of State for Education and Employment and others (Respondents) ex parte Williamson (Appellant) and others*⁵⁶ and referenced in *Grainger plc & others v Nicholson*⁵⁷ vegetarianism was regarded as an example of belief that controversially meets the test for what qualifies as a belief in legal meaning, it changed in more recent English employment tribunal case.⁵⁸ In *Connisbee v Crossley Farms Ltd*. In a preliminary hearing the judge refused to accept that vegetarianism qualifies as a protected belief. “... there are many vegetarians across the world, ... Vegetarians adopt the practice for many different reasons; lifestyle, health, diet, concern about the way animals are reared for food and personal taste. Vegans simply do not accept the practice under any circumstances of eating meat, fish or dairy products, and have distinct concerns about the way ani-

⁵² Overton, M., *Veganism as a Protected Belief under United Kingdom Human Rights and Equality Law*, in: Rowley, J.; Prisco, C. (eds.), *Law and Veganism*, Lexington Books, Lanham, 2022, p. 169.

⁵³ McKeown, P.; Dunn, R. A., *A ‘Life-Style Choice’ or a Philosophical Belief?: The Argument for Veganism and Vegetarianism to be a Protected Philosophical Belief and the Position in England and Wales*, *Liverpool Law Review*, Vol. 42, 2021, p. 215.

⁵⁴ *Equality Act 2010*, section 19 (1), [<https://www.legislation.gov.uk/ukpga/2010/15/section/19>], Accessed 21 March 2023.

⁵⁵ McKeown; Dunn, *op. cit.* note 53, p. 230.

⁵⁶ *Judgement Regina v Secretary of State for Education and Employment and others (Respondents) ex parte Williamson (Appellant) and others*, par. 55, [<https://publications.parliament.uk/pa/ld200405/ldjudgmt/jd050224/will-1.htm>], Accessed 6 April 2023.

⁵⁷ EAT/0219/09 in: *Grainger plc & ors v Nicholson – the Employment Appeal Tribunal clarifies what constitutes a ‘philosophical belief’*, [<https://redmans.co.uk/insights/granger-plc-ors-v-nicholson-the-employment-appeal-tribunal-clarifies-what-constitutes-a-philosophical-belief/>], Accessed 6 April 2023.

⁵⁸ Overton, *op. cit.* note 52, p. 175.

mals are reared ... There you can see a clear cogency and cohesion in vegan belief, which appears contrary to vegetarianism...⁵⁹ Although the judge accepted that vegetarianism hold beliefs that satisfied some of the criteria, nevertheless he points out that vegetarian system of belief is not a coherent one. He further points, “The Tribunal therefore concluded on balance they were not persuaded vegetarianism amounted to a philosophical belief capable of protection under the Equality Act 2010.”⁶⁰ Although animals are not initially killed for a vegetarian diet, because vegetarians do not consume animal flesh, in the end animals are killed in dairy business and honey production. “... it might be thought intellectually inconsistent to be against the slaughter of animals for food but to drink milk and eat butter ... regular calving is necessary for continued annual lactation and most of the bull calves from a dairy herd go to the abattoir.”⁶¹ The same judge, just a year later, in *Casamitjana v League against Cruel Sports* qualified ethical veganism as a genuinely held protected belief and not only a viewpoint. Belief that is a weighty and substantial aspect of human life and behaviour. It is a belief, which obtains high level of cogency, cohesion and importance. “... ethical veganism is capable of being a philosophical belief and thus protected characteristic under the Equality Act 2010.”⁶² Nevertheless, even if ethical veganism is capable of being a philosophical belief “... the Tribunal then needs to consider whether the Claimant actually adheres to that belief and that that adherence form something more than merely assertion of opinion or viewpoint.”⁶³ It is probably, due to many misconceptions, as to what constitutes veganism, why judge in *Casamitjana v League against Cruel Sport* qualified ethical veganism as a protected belief, but permitted some flexibility in someone’s practice of veganism. “... animal rights advocates, ... , argue that ethical veganism is the only way to project animals to higher moral and legal standing and produce consistent behaviour, ...”⁶⁴ “While previously deemed within the scope of Article 9, and reaffirmed in a recent English employment tribunal case, upon assessment veganism clearly meets the *Grainger* test.”⁶⁵

Although UK Government School Food Standards observes plant-based milk as highly nutritious, schools receive state subsidies for serving cows’ milk only. Catering in majority of UK schools is a met-based diet, and parents were sometimes not

⁵⁹ Employment Tribunals case number: 3335357/2018, point 41.

⁶⁰ Employment Tribunals case number: 3335357/2018, point 44.

⁶¹ Cranmer, F.; Sandberg R., *A Critique of the Decision in Conisbee that Vegetarianism Is Not A Belief*, Ecclesiastical Law Society, Vol. 22, 2020, p. 43.

⁶² Employment Tribunals case number: 3331129/2018, point 39.

⁶³ Employment Tribunals case number: 3331129/2018, point 4.

⁶⁴ McKeown; Dunn, *op. cit.* note 53, p. 218.

⁶⁵ Overton, *op. cit.* note 52, p. 182.

allowed to self-supply for their children.⁶⁶ Elliot-Archer believes that provision of forcible non-vegan feeding to patient who lacks capacity or a minor is contrary to European Convention, but that courts may conclude it justifiable in order to protect right to life. “If there is a dispute between a treatment centre and a patient/family in respect of the relevance of vegan beliefs, then most effective remedy may well be an application to the court to decide the issue and protect all parties involved.”⁶⁷

Some of the courts do check if vegans actually adhere totally to veganism or is it just occasionally. The same tests courts do not carry out if somebody asks for his/her religious beliefs to be protected. We will inquiry into Catholic, Orthodox, Jewish and Muslim positions on status of their believers (how to stop being one and obeying the duties). The Roman Catholic Canon Law “... bind those that have been baptized in the Catholic Church or received into it...”⁶⁸ Current Code of Canon Law in seven canons (1364, 1367, 1370, 1378, 1382, 1388, 1398) regulates acts that cause excommunications. Excommunication is a tool and a remedy and not a final cause and destiny. “While excommunication excludes a Catholic from many of the Church’s spiritual goods, its purpose in fact is to encourage conversion, the excommunicate’s return to the light of truth and communion of grace.”⁶⁹ It is not possible for a person to stop being Catholic, if that person has been previously baptized in Catholic Church. It does not matter if a person goes to Church (at least on Sundays), receives a Communion, or anything else prescribed as a duty by Catholic Church Catechism or not. This person can always invoke his/her being Catholic and demand that State recognizes some of his religious rights. Neither administrative bodies nor courts scrutinize someone’s life to verify if that person follows everything stated in Catechism. In Orthodox Church priest may prescribe private excommunication for scandalous personal sins. Excommunicated person is allowed to participate in a worship, but not in part taking of a Eucharist. Sins that ask for excommunication are identified, but without specifying a duration of excommunication. Excommunication is con-

⁶⁶ Rowley, J.; Bowles, E. *Veganism, Law and Education in the United Kingdom*, in: Rowley, J.; Prisco, C. (eds.), *Law and Veganism*, Lexington Books, Lanham, 2022, pp. 200 – 201.

⁶⁷ Elliot-Archer, J., *Treatment for Disordered Eating in England: Balancing Vegan Rights and Treatment Requirements*, in: Rowley, J.; Prisco, C. (eds.), *Law and Veganism*, Lexington Books, Lanham, 2022, p. 238 – 239.

⁶⁸ *Code of Canon Law*, canon 11, [https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib1-cann7-22_en.html], Accessed 22 March 2023.

⁶⁹ Guilbeau, A. Excommunication: what is it and does the Church still do it? [<https://aleteia.org/2018/03/20/excommunication-what-is-it-and-does-the-church-still-do-it/>], Accessed 22 March 2023.

sidered as a remedy that will help person in realization that some life-changes are necessary in order to come back to Church.⁷⁰ While Christian religions have formalized procedures for a person to be excommunicated there is no procedure for a Muslim to be declared takfir. The declaration is called mukaffir, but there is no agreement as how to accomplish that declaration. Some scholars think that only Prophet Muhammed can make that declaration, but as the Prophet is deceased, there is no living person authorized to excommunicate another person. Others say that it is possible with fatwa pronounced by a cleric, scholar or Islamic Court declaring someone a kafir. The third opinion holds that any lay practitioner of Islam can declare someone excommunicated for apostasy, idolatry or for grossly inappropriate behaviour.⁷¹ Jewish rabbis employed excommunication in Judaism during Talmudic times and during the Middle Ages. Herem “is the highest ecclesiastical censure the exclusion of a person from the religious community, which among the Jews meant a practical prohibition of all intercourse with society.”⁷² “Herem mostly has not been instituted since the Enlightenment period, when Jews – freed from the ghettos – stopped having political autonomy over their communities.”⁷³, but with some exceptions in Orthodox communities.

6. REPUBLIC OF CROATIA AND ARTICLE 9

Ordinance on Conditions and Modalities in Fulfilling Rights of Covering Costs of Students’ Meals⁷⁴ prescribes in detail which meals could be offered to students. Each ingredient (with weight) as well as meal’s price is specified. Every student canteen in Croatia has to follow this Ordinance concerning meal ingredients and food weight specifications and cannot change anything. Otherwise, they could be liable for breaching a regulation. Article 18 mandates that three meals must be offered for lunch and dinner for students to choose, one of them being vegetarian. Ordinance does not mention vegan meals, or any special religious or health diet. It is possible for students either to choose already prepared menu or to choose a specific meal. To choose specific meal, not following standard menu, is of course more expensive. There are 31 already prepared menus for lunch (10 of them being

⁷⁰ McGuckin, J. A. *The Encyclopaedia of Eastern Orthodox Christianity – Excommunication*, [https://azbyka.ru/otechnik/world/the-encyclopedia-of-eastern-orthodox-christianity/112], Accessed 2 April 2023.

⁷¹ Gaskill, A. L., *Do Muslims Get Excommunicated?*, [https://www.patheos.com/answers/do-muslims-get-excommunicated], Accessed 2 April 2023.

⁷² Schechter, S., Greenstone, J. H. *Excommunication (Hebrew, “niddui,” “herem”)* [https://www.jewishencyclopedia.com/articles/5933-excommunication], Accessed 2 April 2023.

⁷³ Ratzabi, H., *What is Herem?*, [https://www.jewishencyclopedia.com/articles/5933-excommunication], Accessed 2 April 2023.

⁷⁴ Official Gazette Nos. 120/2013, 140/2014, 113/2022.

vegetarian) and 31 for dinner (12 of them being vegetarian). Out of 10 vegetarian lunches, only one might satisfy vegan diet. The problem is that Spring soup included in that menu is an instant one, and kitchen only follows manufacturer's suggestion. There are many different manufacturers of Spring soup in Croatia and it could be that some of them includes ingredients not compatible with vegan diet. Out of 12 vegetarian dinners, only one is suitable for vegans. If students can afford to pay more and get something more suitable for them, one might believe that there will be more vegan options. Although, there are 35 vegetarian meals, only one of them is being suitable for vegans, namely Tortellini with spinach and tomato sauce. Two more meals might be suitable, but they include Spring soup which might not be suitable as previously discussed. Only one of 13 stews is vegan and two soups out of 17 (while nine of them are instant soups made under manufacturer's suggestion and they might contain non-vegan products). Nothing changed in a past year, even though Croatian Ministry of Science and Education stated in April 2022 that they are working on new dietary regulations for student canteens in order to facilitate students with food intolerances, specifically lactose intolerance.⁷⁵

Decision on Patients' Diet Standard in Hospitals⁷⁶ defines 57 possible diets for hospitals that can also be used in other health institutions and social welfare institutions. Most of the diets are consistent with patients' diagnostic conditions while four of them (vegan, halal, kosher and a diet according to specific conditions) follow patients' beliefs. It is further specified that lacto ovo vegetarian diet is served to patients that use eggs, milk and dietary products as sources of animal protein in their diet. Vegan diet is for an adult patient that do not consume anything from animal origin either as a main meal or as an ingredient, emphasizing that vegan diet is served exclusively at individual request. Halal and kosher diets are for Muslim and Jewish patients, but only if institution previously has signed a contract with food supplier that has halal or kosher certificate. While Decision specifies that vegan diet is to be served at individual request, halal and kosher diets are served at personal request. According to previous Decision on Patients' Diet Standard in Hospitals⁷⁷, vegan diet was served only at patient's personal request (now individual). The problem with different wording might arise if a patient is not capable of stating his/her will. Patient's designated person in an emergency

⁷⁵ Kršul, D., *Ministarstvo konačno mijenja propise: studenti vegetarijanci u menzama više neće ostajati gladni*, [<https://www.telegram.hr/zivot/ministarstvo-konacno-mijenja-propise-studenti-vegetarijanci-u-menzama-vise-nece-ostajati-gladni/>], Accessed 31 March 2023.

⁷⁶ Decision on Patients' Diet Standard in Hospitals, Official Gazette No. 59/2015.

⁷⁷ Decision on Patients' Diet Standard in Hospitals, Official Gazette No. 121/2017.

might decide for vegan diet, while it would be impossible to decide for halal and kosher ones, which are only served at patient's personal request. Previous Decision mentioned lacto ovo vegetarian and semi vegetarian diet. Lacto ovo vegetarian diet was served for patients that use eggs, milk and dairy products as sources of animal products in their diet, while semi vegetarian was for patients that exclude specific animal products from their diet, mainly red meat. Current Decision only specifies lacto ovo vegetarian diet as the previous Decision, but adding that patients might consume fish occasionally. Vegetarians do not consume fish and there is even a term coined for people following mostly vegetarian diet, but consuming seafood as well – pescatarian diet. Previous Decision did not mention halal and kosher diets at all.

Municipal Civil Court in Zagreb decided in February 2023 in a case⁷⁸ partially related to Article 9 of European Convention. The applicant of Muslim religion, while being incarcerated has been denied diet according to his religious beliefs and obligations. While explaining the verdict, the Court mentioned European Court of Human Rights case law, but not Article 9 and cases concerning prison food. Apart from usual diets, prison in Zagreb only serves vegetarian diet and special diets concerning specific health issues. Prison does not serve any special diet concerning members of any specific religion or a vegan diet. Prison administration offered a vegetarian diet to applicant, which he did not accept. Nevertheless, it is doubtful if vegetarian diet is prepared on lard, because Court explicitly accepted that all prison food has similar taste, due to identical food preparation (???) and added spices. According to Act on Serving Prison Sentences⁷⁹, Article 78, inmates will receive diet consistent with their religious and cultural demand pursuant to penitentiary possibilities. Inmates are also allowed to purchase alimentary products within penitentiary canteen if it is not possible to fulfil inmates' demands to avoid certain food. Therefore, inmates with special demands are in a financially worse situation than other inmates. In addition, we need to bear in mind that it might be easier for a penitentiary to declare not being able to serve special diet than preparing it. The Court affirmed that inmate sometimes received food with pork meat or prepared on lard. That food was exchanged sometimes with appropriate food, but sometimes he received nothing to eat at all. The Court went through inmate's invoices from penitentiary canteen noticing that he was buying Coke, mineral water and chewing gums that are not necessary alimentary products. In addition the Court declared buying fresh fruit and vegetables as being above inmate's dietary standard, and noticed the fact that he was being offered vegetarian meal (even though he is not a vegetarian). Therefore, the Court concluded that

⁷⁸ Business number: 1 Pn-3205/2015-116.

⁷⁹ Act on Serving Prison Sentences, Official Gazette No. 14/2021.

there was no infringement of Article 78. We have to point out that the Court did not mention specific ECtHR case law (*Jakóbski v. Poland* (2010) Application no. 18429/06), which guarantees serving meals according to inmate's religious dietary obligations. Not eating pork meat is definitely a precondition for practising Islam and consequently inmate's right in Article 9 was definitely violated. Professor of Catholic Theology Raguž reminds that according to Bible God gave every seed-bearing plant and every tree that has fruit with seed in it for humans to eat (Gen. 1, 29) and eating meat for Christians is just a temporary and not a final solution. Intrinsically spiritual Christian life means to eat less meat.⁸⁰

7. CONCLUSION

The plant-based diet recommended by European Union is not a vegan diet. Plant-based diet does not necessarily exclude meat but calls for more dishes based on plants and focuses on health benefits. The Green Deal does not prohibit meat and dairy consumption, but recommends consumer's shifts in daily dietary habits.

Religious beliefs guaranteed by the Convention are usually protected, but let us not forget that it is not only very difficult not to be considered member of a religion any more, but it is also questionable are all religious dogmas or beliefs equally held by all its members? Is it a prerequisite for Christians to attend Church each Sunday (at least), pray daily and observe all other regulations to be suitable for calling themselves Christians? The same could be said for Muslims or Jews not fulfilling their religious duties. Moreover, do Courts need to accept them as being religious if they are not fulfilling their religious obligations or can Courts deny them protection deciding that they are not religious? Religious beliefs are protected and nobody scrutinizes applicants, submitting a complaint that their religious rights are violated, if they are fulfilling all their religious duties, or not. Nevertheless, other beliefs are checked for their cogency, seriousness, cohesion and importance. That is why vegetarianism in some case did not qualify as a protected belief. We could argue that there is no worldwide held conclusion what always constitute vegetarianism and/or veganism. Since nobody checks religious believers fulfilling their obligations, holders of other non-religious beliefs should not be scrutinized for each decision or behaviour that does not follow mainstream line of their belief. How different situation is a vegan eating piece of cheese when travelling, eating in a non-vegan fast food restaurants (unacceptable for many vegans), eating a cake not checking if all ingredients are vegan, etc. to a Christian, Muslim or Jew not praying, having an extramarital affair, eating forbidden food or not fasting? Are

⁸⁰ Raguž, I., *Jesti meso?*, [https://www.svetlorijeci.ba/kolumne/jesti-meso], Accessed 5 March 2023.

believers following all their official Church positions not only on moral questions, but on everyday practices as well? Other belief system such as, for instance, Marxism or pacifism are well known. Nevertheless, do all adherents of these systems think the same about each question?

Very often, there is a misconception that vegan diet is not a healthy one, especially for children and some other groups of people. British Dietetic Association (BDA)⁸¹ confirms that "... well-planned vegan diet can support healthy living in people of all ages ... balanced vegan diet can be enjoyed by children and adults, including during pregnancy and breastfeeding, if the nutritional intake is well-planned."⁸²

Whether we are aware of them or not, certain aspects of discrimination do exist. It is debatable if discrimination is only the situation where vegans have nothing to eat at all, or is it discrimination if vegan variety of food options are significantly less than food options offered to non-vegans?⁸³

"It is clear, however, that State authorities will interpret Article 9 right to freedom of conscience narrowly (even if the Court has ruled against them previously) and that applications from prisoners will continue to be made to the Court."⁸⁴

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⁸¹ BDA, founded in 1936, is the professional association and trade union for dietitians in Great Britain and Northern Ireland. It is the nation's largest organisation of food and nutrition professional with over 9,000 members.

⁸² *British Dietetic Association confirms well-planned vegan diets can support healthy living in people of all ages*, [https://www.bda.uk.com/resource/british-dietetic-association-confirms-well-planned-vegan-diets-can-support-healthy-living-in-people-of-all-ages.html?fbclid=IwAR2uAp1_S6e42lkk_pA_5Yt8PMg_H4A_rR9ipMBr55Ypezj8MFJklTNIpQk], Accessed 31 March 2023.

⁸³ Horta, O., *Discrimination Against Vegans*, *Res Publica*, Vol. 24, 2018, p. 367.

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