KEY THEME[1]
Article 14
Gender equality

(Last updated: 31/08/2026)

Introduction

The advancement of gender equality is today a major goal in the member States of the Council of Europe (*Konstantin Markin v. Russia* [GC], 2012, § 127 and *Jurčić v. Croatia*, 2021, § 65). The principle of gender equality finds its primary foundation in Article 14 of the Convention, through the prohibition of discrimination on grounds of sex.

State obligations (to protect) in brief

Difference in treatment constituting discrimination:

- Generally speaking, very weighty reasons have to be put forward before a difference in treatment on grounds of sex can be regarded as compatible with the Convention (*Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 1985, § 78; *Burghartz v. Switzerland*, 1994, § 27; *Schuler-Zgraggen v. Switzerland*, 1993, § 67; *Konstantin Markin v. Russia* [GC], 2012, § 127; *J.D. and A. v. the United Kingdom*, 2019, § 89; *Napotnik v. Romania*, 2020, § 75; *Jurčić v. Croatia*, 2021, § 65).
- Difference in treatment on grounds of pregnancy will amount to direct discrimination on grounds of sex, if not justified (*Napotnik v. Romania*, 2020, § 77; *Jurčić v. Croatia*, 2021, § 69).
- The Court has applied the "manifestly without reasonable foundation" test only in the context of Article 14 in conjunction with Article 1 of Protocol No. 1 to circumstances where an alleged difference in treatment resulted from a transitional measure designed to correct a historic inequality (*Stec and Others v. the United Kingdom* [GC], 2006, §§ 61-66; *Runkee and White v. the United Kingdom*, 2007, §§ 40-41; and *British Gurkha Welfare Society and Others v. the United Kingdom*, 2016, § 81).
- References to traditions, general assumptions, prevailing social attitudes or financial interests in a particular country are insufficient justification for a difference in treatment on grounds of sex (*Konstantin Markin v. Russia* [GC], 2012, § 127; *Ünal Tekeli v. Turkey*, 2004, § 63; *Jurčić v. Croatia*, 2021, §§ 73 and 84; *León Madrid v. Spain*, 2021, § 66; *Beeler v. Switzerland* [GC], 2022, § 110; *Nurcan Bayraktar v. Türkiye*, 2023, § 74; *I.C. v. the Republic of Moldova*, 2025).
- The stereotypical understanding of families as necessarily having two legal parents cannot be considered to amount to sufficient justification for a difference in treatment (*Yocheva and Ganeva v. Bulgaria*, 2021, § 116).

[1] Prepared by the Registry, with the input of the Gender Equality Division (DG II) of the Council of Europe. It does not bind the Court.

Positive action:

- In certain circumstances a failure to attempt to correct inequality through different treatment may in itself give rise to a breach of Article 14 (*Stec and Others v. the United Kingdom* [GC], 2006, § 51).
- As a result, a difference in treatment between men and women is acceptable if it is a form of positive measure aimed at correcting factual inequalities between the two genders (*Stec and Others v. the United Kingdom* [GC], 2006, § 61; *Andrle v. the Czech Republic*, 2011, § 60).
- Measures aiming at correcting the disadvantaged position of women in society can continue to be reasonably and objectively justified on this ground until such time as social and economic changes remove the need for special treatment for women (*Stec and Others v. the United Kingdom* [GC], 2006, § 66; *Andrle v. the Czech Republic*, 2011, § 60).

Positive obligations in cases of domestic violence:

- Domestic violence is a form of gender-based violence, which is in turn a form of discrimination against women (*Opuz v. Turkey*, 2009, §§ 184-191; *Halime Kılıç v. Turkey*, 2016, § 113; *M.G. v. Turkey*, 2016, § 115).
- The State's failure to protect women against domestic violence may breach their right to equal protection by law even if this failure is unintentional (*Talpis v. Italy*, 2017, § 141; *Opuz v. Turkey*, 2009, § 191; *Eremia v. the Republic of Moldova*, 2013, § 85; *T.M. and C.M. v. the Republic of Moldova*, 2014, § 57).
- The failure to adopt legislation to combat domestic violence has led the Court to find a breach of Article 14 of the Convention (*Volodina v. Russia*, 2019, and the key theme on domestic violence).

Noteworthy examples

Difference in treatment constituting discrimination:

- *Stec and Others v. the United Kingdom* [GC], 2006; *Moraru and Marin v. Romania*, 2022, and *Andrle v. the Czech Republic*, 2011: difference in treatment between men and women as regards pensions;
- *Konstantin Markin v. Russia* [GC], 2012: difference in treatment between male and female military personnel regarding parental leave;
- *Khamtokhu and Aksenchik v. Russia* [GC], 2017: exemption of female offenders from life imprisonment;
- *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 1985: difference in treatment as regards family reunification between men and women permanently settled in the host country;
- *Willis v. the United Kingdom*, 2002; *Beeler v. Switzerland* [GC], 2022: unavailability of widows' allowances to widowers;
- *Ünal Tekeli v. Turkey*, 2004: impossibility for a married woman to use only her maiden name in official documents;
- *Zarb Adami v. Malta*, 2006: negligible percentage of women requested to undertake jury service compared to men;
- *García Mateos v. Spain*, 2013: failure to enforce a judgment acknowledging gender discrimination against a working mother (in respect of her right to reduced working hours so that she could look after her son);

- *Emel Boyraz v. Turkey*, 2014: dismissal of a woman from a post of security officer;
- *Di Trizio v. Switzerland*, 2016: use of method of calculation of invalidity benefits discriminatory to women;
- *Carvalho Pinto de Sousa Morais v. Portugal*, 2017: reduction in a damages award by the domestic court on grounds of both sex and age of the claimant;
- *Alexandru Enache v. Romania*, 2017: deferral of a prison sentence for mothers, but not fathers, of young children;
- *Jurčić v. Croatia*, 2021: refusal of employment-related benefit to a pregnant woman who had undergone *in vitro* fertilisation just before taking up a new job;
- *Yocheva and Ganeva v. Bulgaria*, 2021: denial of surviving parent allowance to single mother of minor children of unknown father;
- *Gruba and Others v. Russia*, 2021: difference in treatment between policemen and policewomen as regards entitlement to parental leave;
- *X v. Poland*, 2021: refusal to grant custody to mother on the basis of her relationship with another woman and the absence of a "male role model" in the child's upbringing;
- *León Madrid v. Spain*, 2021: automatic imposition of surname order, paternal followed by maternal, in case of disagreement between parents;
- *Tapayeva and Others v. Russia*, 2021: failure to reunite widow with her children, kidnapped by father-in law, as a result of regional gender stereotypes and prevalence of customary patrilineal practices;
- *Dimici v. Türkiye*, 2022: refusal to allow a woman to receive income from a private charitable foundation on the basis of an Ottoman-era legal document from the 16th century reserving income to the founder's male descendants;
- *Nurcan Bayraktar v. Türkiye*, 2023: refusal to exempt a woman, without her undergoing a medical examination to prove that she was not pregnant, from the 300-day waiting period imposed on divorced women wishing to remarry;
- *L. and Others v. France*, 2025: secondary victimisation of an alleged minor victim of non-consensual sexual acts through the use by the authorities of moralising and guilt-inducing statements which propagated gender stereotypes and infringed the applicant's dignity;
- *Ortega Ortega v. Spain*, 2025: domestic courts' failure to ensure the applicant's protection against reprisals in the form of dismissal from her job, allegedly in retaliation for a successful claim of sex-based discrimination concerning her remuneration.

Gender equality under other Articles of the Convention

Whether the Court finds it necessary to examine the case under Article 14 or not, gender equality issues may arise under many substantive provisions of the Convention.

Article 2:

- *Halime Kılıç v. Turkey*, 2016; *Tërshana v. Albania*, 2020; *Kurt v. Austria* [GC], 2021; *Tkhelidze v. Georgia*, 2021: domestic violence cases.

Article 3:

- *P. and S. v. Poland*, 2012: abortion;
- *N. v. Sweden*, 2010: risk of ill-treatment in case of deportation;
- *V.C. v. Slovakia*, 2011: forced sterilisation;

- *B.V. v. Belgium*, 2017; *E.B. v. Romania*, 2019; *L. and Others v. France*, 2025: rape and sexual abuse;
- *Buturugă v. Romania*, 2020: cyberbullying in the context of domestic violence.

Article 4:

- *C.N. and v. v. France*, 2012; *Rantsev v. Cyprus and Russia*, 2010: forced domestic labour and sex trafficking;
- *S.M. v. Croatia* [GC], 2020: forced prostitution.

Article 8:

- *A, B and C v. Ireland* [GC], 2010; *P. and S. v. Poland*, 2012: abortion;
- *V.C. v. Slovakia*, 2011: forced sterilisation;
- *Dubská and Krejzová v. the Czech Republic* [GC], 2016: home births;
- *J.L. v. Italy*, 2021; *L. and Others v. France*, 2025: sexual assault;
- *C. v. Romania*, 2022: sexual harassment in the workplace.

Article 9:

- *S.A.S. v. France* [GC], 2014: religious clothing.

Article 10:

- *Bouton v. France*, 2022: criminal conviction of a feminist activist for sexual exposure in a church during a "performance" by way of protest against the Catholic Church's position on abortion.

Further references

Other key themes:

- Domestic violence (Article 2)

Other:

- Council of Europe Gender Equality Division
- European Committee of Social Rights (equal pay for women)
- Handbook on European non-discrimination law, 2018 edition, published by the Court and the European Union Agency for Fundamental Rights (FRA)

KEY CASE-LAW REFERENCES

Leading cases:

- *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 28 May 1985, Series A no. 94 (violation of Article 14 in conjunction with Article 8);
- *Willis v. the United Kingdom*, no. 36042/97, ECHR 2002-IV (violation of Article 14 in conjunction with Article 1 Protocol No. 1 as regards widow's payment and widowed mother's allowance);
- *Ünal Tekeli v. Turkey*, no. 29865/96, ECHR 2004-X (extracts) (violation of Article 14 in conjunction with Article 8);
- *Stec and Others v. the United Kingdom* [GC], nos. 65731/01 and 65900/01, ECHR 2006-VI (no violation of Article 14 in conjunction with Article 1 of Protocol No. 1);
- *Zarb Adami v. Malta*, no. 17209/02, ECHR 2006-VIII (violation of Article 14 in conjunction with Article 4 § 3 (d));
- *Stoica v. Romania*, no. 42722/02, 4 March 2008 (violation of Article 14 in conjunction with Article 3);
- *Opuz v. Turkey*, no. 33401/02, ECHR 2009 (violation of 14 in conjunction with Articles 2 and3);
- *Konstantin Markin v. Russia* [GC], no. 30078/06, ECHR 2012 (extracts) (violation of Article 14 in conjunction with Article 8);
- *Khamtokhu and Aksenchik v. Russia* [GC], nos. 60367/08 and 961/11, 24 January 2017 (no violation of Article 14 in conjunction with Article 5);
- *Carvalho Pinto de Sousa Morais v. Portugal*, no. 17484/15, 25 July 2017 (violation of Article 14 in conjunction with Article 8);
- *Jurčić v. Croatia*, no. 54711/15, 4 February 2021 (violation of Article 14 in conjunction with Article 1 of Protocol No. 1);
- *L. and Others v. France*, nos. 46949/21 and 2 others, 24 April 2025 (violation of Articles 3 and 8 in respect of all three applicants; violation of Article 14 in conjunction with Articles 3 and 8 in respect of the first applicant).

Other cases under Article 14:

- *Schuler-Zgraggen v. Switzerland*, 24 June 1993, Series A no. 263 (violation of Article 14 in conjunction with Article 6 § 1);
- *Burghartz v. Switzerland*, 22 February 1994, Series A no. 280-B (violation of Article 14 in conjunction with Article 8);
- *Runkee and White v. the United Kingdom*, nos. 42949/98 and 53134/99, 10 May 2007 (no violation of Article 14 in conjunction with Article 1 of Protocol No. 1 in connection with non-entitlement to a Widow's Pension; violation of Article 14 in conjunction with Article 1 of Protocol No. 1 concerning non-entitlement to a Widow's Payment);
- *Andrle v. the Czech Republic*, no. 6268/08, 17 February 2011 (no violation of Article 14 in conjunction with Article 1 of Protocol No. 1);
- *García Mateos v. Spain*, no. 38285/09, 19 February 2013 (violation of Article 6 § 1 in conjunction with Article 14);
- *Eremia v. the Republic of Moldova*, no. 3564/11, 28 May 2013 (violation of Article 14 in conjunction with Article 3);

- *T.M. and C.M. v. the Republic of Moldova*, no. 26608/11, 28 January 2014 (violation of Article 14 in conjunction with Article 3);
- *Emel Boyraz v. Turkey*, no. 61960/08, 2 December 2014 (violation of Article 14 in conjunction with Article 8);
- *Di Trizio v. Switzerland*, no. 7186/09, 2 February 2016 (violation of Article 14 in conjunction with Article 8);
- *M.G. v. Turkey*, no. 646/10, 22 March 2016 (violation of Article 14 in conjunction with Article 3);
- *Halime Kılıç v. Turkey*, no. 63034/11, 28 June 2016 (violation of Article 14 in conjunction with Article 2);
- *British Gurkha Welfare Society and Others v. the United Kingdom*, no. 44818/11, 15 September 2016 (no violation of Article 14 in conjunction with Article 1 of Protocol No. 1);
- *Talpis v. Italy*, no. 41237/14, 2 March 2017 (violation of Article 14 in conjunction with Articles 2 and 3);
- *Alexandru Enache v. Romania*, no. 16986/12, 3 October 2017 (no violation of Article 14 in conjunction with Article 8);
- *Volodina v. Russia*, no. 41261/17, 9 July 2019 (violation of Article 14 in conjunction with Article 3);
- *J.D. and A. v. the United Kingdom*, nos. 32949/17 and 34614/17, 24 October 2019 (no violation of Article 14 in conjunction with Article 1 of Protocol No. 1 in respect of the first applicant; violation of Article 14 in conjunction with Article 1 of Protocol No. 1 in respect of the second applicant);
- *Napotnik v. Romania*, no. 33139/13, 20 October 2020 (no violation of Article 1 of Protocol No. 12);
- *Yocheva and Ganeva v. Bulgaria*, nos. 18592/15 and 43863/15, 11 May 2021 (violation of Article 14 in conjunction with Article 8);
- *Gruba and Others v. Russia*, nos. 66180/09 and 3 others, 6 July 2021 (violation of Article 14 in conjunction with Article 8);
- *X v. Poland*, no. 20741/10, 16 September 2021 (violation of Article 14 in conjunction with Article 8);
- *León Madrid v. Spain*, no. 30306/13, 26 October 2021 (violation of Article 14 in conjunction with Article 8);
- *Tapayeva and Others v. Russia*, no. 24757/18, 23 November 2021 (violation of Article 14 in conjunction with Article 8);
- *Dimici v. Türkiye*, no. 70133/16, 5 July 2022 (violation of Article 14 in conjunction with Article 1 of Protocol No. 1);
- *Beeler v. Switzerland* [GC], no. 78630/12, 11 October 2022 (violation of Article 14 in conjunction with Article 8);
- *Moraru and Marin v. Romania*, nos. 53282/18 and 31428/20, 20 December 2022 (violation of Article 1 of Protocol No. 12);
- *Nurcan Bayraktar v. Türkiye*, no. 27094/20, 27 June 2023 (violation of Article 14 in conjunction with Article 12);
- *B.T. v. Russia*, no. 15284/19, 19 March 2024 (violation of Article 14 in conjunction with Article 8);
- *I.C. v. the Republic of Moldova*, no. 36436/22, 27 February 2025 (violation of Article 14 in conjunction with Articles 3, 4 and 8);

- *Ortega Ortega v. Spain*, no. 36325/22, 4 December 2025 (violation of Article 14 in conjunction with Article 8).