

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

Guide on Article 14 of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention

Prohibition of discrimination

Updated on 31 August 2026

Prepared by the Registry. It does not bind the Court.

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Publishers or organisations wishing to translate and/or reproduce all or part of this report in the form of a printed or electronic publication are invited to complete the contact form: request to reproduce or republish a translation for information on the authorisation procedure.

If you wish to know which translations of the Case-Law Guides are currently under way, please see the list of pending translations.

This Guide has been prepared under the authority of the Jurisconsult and does not bind the Court. The Jurisconsult is grateful to Maéva Despaux of the Research Institute in European, International and Comparative Law (IRDEIC), Toulouse 1 Capitole University, France, for her valuable contribution to the drafting of this Guide.

This Guide was originally drafted in English. It is updated regularly and, most recently, on 31 August 2026. It may be subject to editorial revision.

The Case-Law Guides are available for downloading at https://ks.echr.coe.int. For publication updates please follow the Court's X account at https://x.com/ECHR_CEDH.

© Council of Europe/European Court of Human Rights, 2026

Table of contents

Note to readers 5

Introduction 6

I. Scope of application 6

A. Nature and scope of application of Article 14 of the Convention 6
1. The ancillary nature of Article 14 6
2. The application of Article 14 *in the absence of a* violation of the substantive provision 7
3. The material scope of the prohibition of discrimination set forth in Article 14 8

B. Article 1 of Protocol No. 12 10

II. Forms of discrimination 12

A. Direct and indirect discrimination 12

B. Discrimination by association 13

C. Positive action 14

D. Reverse discrimination in the context of European Union law 15

E. Other forms of discrimination 15

III. Discrimination test 17

A. Difference in treatment 17

B. Lack of objective and reasonable justification 19
1. Legitimate aim 20
2. Proportionality 21

IV. Burden of proof 22

A. The principle: *affirmanti incumbit probatio* 22

B. The exception: reversal of the burden of proof 23

V. Discrimination by ground 26

A. Sex 26

B. Race and colour 31

C. Language 34

D. Religion 34

E. Political or other opinion 37

F. National or social origin 38

G. Association with a (national) minority 39

H. Property 40

I. Birth 40

J. "Other status" 41
1. Age 41
2. Gender identity 42
3. Sexual orientation 43
4. Health and disability 46

5. Parental and marital status 49
6. Immigration status 49
7. Status related to employment 50
8. Further examples of “other status” 51
9. Examples of situations not falling within “other status” 52

VI. Discrimination by topic 53

A. Private and family life 53
B. Political rights 54
C. Employment 57
D. Social rights 57
E. Immigration 60
F. Right to education 61
G. Military service 62
H. Discrimination through violence 62
1. Substantive aspect 62
2. Procedural aspect 63
I. Access to justice 65
J. Right to respect for home 66
K. Property issues 66
L. Deprivation of liberty 67

List of cited cases 70

Note to readers

This Guide is part of the series of Case-Law Guides published by the European Court of Human Rights (hereafter "the Court", "the European Court" or "the Strasbourg Court") to inform legal practitioners about the fundamental judgments and decisions delivered by the Strasbourg Court. This particular Guide analyses and sums up the case-law on Article 14 of the Convention and on Article 1 of Protocol No. 12 to the European Convention on Human Rights (hereafter "the Convention" or "the European Convention"). Readers will find herein the key principles in this area and the relevant precedents.

The case-law cited has been selected among the leading, major, and/or recent judgments and decisions.*

The Court's judgments and decisions serve not only to decide those cases brought before the Court but, more generally, to elucidate, safeguard and develop the rules instituted by the Convention, thereby contributing to the observance by the States of the engagements undertaken by them as Contracting Parties (*Ireland v. the United Kingdom*, 18 January 1978, § 154, Series A no. 25, and, more recently, *Jeronovičs v. Latvia* [GC], no. 44898/10, § 109, 5 July 2016).

Protocol No. 15 to the Convention recently inserted the principle of subsidiarity into the Preamble to the Convention. This principle "imposes a shared responsibility between the States Parties and the Court" as regards human rights protection, and the national authorities and courts must interpret and apply domestic law in a manner that gives full effect to the rights and freedoms defined in the Convention and the Protocols thereto (*Grzęda v. Poland* [GC], § 324).

The mission of the system set up by the Convention is thus to determine, in the general interest, issues of public policy, thereby raising the standards of protection of human rights and extending human rights jurisprudence throughout the community of the Convention States (*Konstantin Markin v. Russia* [GC], 30078/06, § 89, ECHR 2012). Indeed, the Court has emphasised the Convention's role as a "constitutional instrument of European public order" in the field of human rights (*Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi v. Ireland* [GC], no. 45036/98, § 156, ECHR 2005-VI, and more recently, *N.D. and N.T. v. Spain* [GC], nos. 8675/15 and 8697/15, § 110, 13 February 2020).

This Guide contains references to keywords for each cited Article of the Convention and its Additional Protocols. The legal issues dealt with in each case are summarised in a List of keywords, chosen from a thesaurus of terms taken (in most cases) directly from the text of the Convention and its Protocols.

The HUDOC database of the Court's case-law enables searches to be made by keyword. Searching with these keywords enables a group of documents with similar legal content to be found (the Court's reasoning and conclusions in each case are summarised through the keywords). Keywords for individual cases can be found by clicking on the Case Details tag in HUDOC. For further information about the HUDOC database and the keywords, please see the HUDOC user manual.

* The case-law cited may be in either or both of the official languages (English or French) of the Court and the European Commission of Human Rights. Unless otherwise indicated, all references are to a judgment on the merits delivered by a Chamber of the Court. The abbreviation "(dec.)" indicates that the citation is of a decision of the Court and "[GC]" that the case was heard by the Grand Chamber. Chamber judgments that were not final when this update was finalised are marked with an asterisk (*).

Introduction

1. Article 14 of the Convention enshrines the protection against discrimination in the enjoyment of the rights set forth in the Convention. According to the Court's case-law, the principle of non-discrimination is of a "fundamental" nature and underlies the Convention together with the rule of law, and the values of tolerance and social peace (*S.A.S. v. France* [GC], 2014, § 149; *Străin and Others v. Romania*, 2005, § 59). Furthermore, this protection is completed by Article 1 of Protocol No. 12 to the Convention which prohibits discrimination more generally, in the enjoyment of any right set forth by law.

I. Scope of application

A. Nature and scope of application of Article 14 of the Convention

Article 14 of the Convention – Prohibition of discrimination

"The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

HUDOC keywords

Discrimination (14): Sex (14); Race (14); Colour (14); Language (14); Religion (14); Political or other opinion (14); National origin (14); Social origin (14); National minority (14); Property (14); Birth (14); Other status (14)

Comparable situation (14) – Objective and reasonable justification (14)

1. The ancillary nature of Article 14

2. Article 14 of the Convention enshrines the right not to be discriminated against in "the enjoyment of the rights and freedoms set out in the Convention".

3. The Court has frequently underlined that Article 14 merely complements the other substantive provisions of the Convention and the Protocols (*Molla Sali v. Greece* [GC], 2018, § 123; *Carson and Others v. the United Kingdom* [GC], 2010, § 63; *E.B. v. France* [GC], 2008, § 47; *Marckx v. Belgium*, 1979, § 32). This means that Article 14 does not prohibit discrimination as such, but only discrimination in the enjoyment of the "rights and freedoms set forth in the Convention". In other words, the guarantee provided by Article 14 has no independent existence (*Case "relating to certain aspects of the laws on the use of languages in education in Belgium" v. Belgium* (merits) ("the *Belgian linguistic case*"), 1968, § 9 of "the Law" part; *Carson and Others v. the United Kingdom* [GC], 2010, § 63; *E.B. v. France* [GC], 2008, § 47) and this Article forms an integral part of each of the Articles laying down rights and freedoms (the *Belgian linguistic case*, 1968, § 9 of "the Law" part; *Marckx v. Belgium*, 1979, § 32; *Inze v. Austria*, 1987, § 36). In practice the Court always examines Article 14 in conjunction with another substantive provision of the Convention.

4. However, the ancillary nature of Article 14 in no way means that the applicability of Article 14 is dependent on the existence of a violation of the substantive provision (see Section I.A.2 below). Furthermore, the material scope of application of Article 14 is not strictly limited to that of the

substantive provision (see Section I.A.3 below). Consequently, the Court has found Article 14 applicable to many areas, such as

- employment (*Sidabras and Džiautas v. Lithuania*, 2004; *Bigaeva v. Greece*, 2009);
- membership of a trade union (*Danilenkov and Others v. Russia*, 2009; *Zakharova and Others v. Russia*, 2022; *Hoppen and trade union of AB Amber Grid employees v. Lithuania*, 2023);
- social security (*Andrejeva v. Latvia* [GC], 2009; *Gaygusuz v. Austria*, 1996; *Koua Poirrez v. France*, 2003; *Stummer v. Austria* [GC], 2011);
- education (*D.H. and Others v. the Czech Republic* [GC], 2007; *Oršuš and Others v. Croatia* [GC], 2010; *Ponomaryovi v. Bulgaria*, 2011, *Elmazova and Others v. North Macedonia*, 2022; *Salay v. Slovakia*, 2025);
- right to respect for home (*Buckley v. the United Kingdom*, 1996; *Karner v. Austria*, 2003);
- access to justice (*Paraskeva Todorova v. Bulgaria*, 2010; *Moldovan and Others v. Romania (no. 2)*, 2005; *Anakomba Yula v. Belgium*, 2009);
- inheritance rights (*Fabris v. France* [GC], 2013);
- access to children (*Sommerfeld v. Germany* [GC], 2003);
- paternity (*Rasmussen v. Denmark*, 1984);
- freedom of expression, assembly and association (*Bączkowski and Others v. Poland*, 2007);
- right to an effective investigation (*Nachova and Others v. Bulgaria* [GC], 2005; *Opuz v. Turkey*, 2009; *B.S. v. Spain*, 2012);
- eligibility for release on parole (*Khamtokhu and Aksenchik v. Russia* [GC], 2017);
- eligibility for tax relief (*Guberina v. Croatia*, 2016).

2. The application of Article 14 *in the absence of a* violation of the substantive provision

5. The application of Article 14 – read in conjunction with a substantive provision – does not necessarily presuppose the violation of one of the substantive rights guaranteed by the Convention (*Carson and Others v. the United Kingdom* [GC], 2010, § 63; *E.B. v. France* [GC], 2008, § 47) and to this extent it is autonomous (*Sidabras and Džiautas v. Lithuania*, 2004, § 38; *Beeler v. Switzerland* [GC], 2022, § 48).

6. As a consequence, the Court recognised the applicability of Article 14 in cases where there had been no violation of the substantive right itself (*Sommerfeld v. Germany* [GC], 2003; *Marckx v. Belgium*, 1979; the *Belgian linguistic case*, 1968, § 4 of "the Law" part).

7. This relative autonomy of Article 14 as regards its applicability has led to some procedural consequences. In some cases the Court has dealt first with the alleged violation of the substantive Article and then separately with the alleged violation of Article 14 read in conjunction with the substantive Article (*Marckx v. Belgium*, 1979; *Bączkowski and Others v. Poland*, 2007; *Aziz v. Cyprus*, 2004; *Nachova and Others v. Bulgaria* [GC], 2005). In other cases the Court found a violation of a substantive Article read in conjunction with Article 14, and did not deem it necessary to examine the violation of the substantive Article taken alone (*Molla Sali v. Greece* [GC], 2018; *Rangelov v. Germany*, 2012; *Andrejeva v. Latvia* [GC], 2009; *Barrow v. the United Kingdom*, 2006; *Sidabras and Džiautas v. Lithuania*, 2004; *Rasmussen v. Poland*, 2009).

8. In *Emel Boyraz v. Turkey*, 2014, the Court, as the master of the characterisation to be given in law to the facts of any case before it and having regard to the circumstances of the case, went even further and considered that the applicant's complaint fell to be examined under Article 14 of the Convention, taken in conjunction with Article 8, although the applicant had not expressly relied on Article 8 (§ 33).

9. Conversely, the Court may decide not to examine a case under Article 14 when it has already found a separate breach of the substantive Article of the Convention. For example, in *Dudgeon v. the United Kingdom*, 1981, the Court stated that it was not generally necessary for the Court to also examine the case under Article 14, though the position was otherwise if a clear inequality of treatment in the enjoyment of the right in question was a fundamental aspect of the case (§ 67; see also *Norris v. Ireland*, 1988; *Evans v. the United Kingdom* [GC], 2007; *V.C. v. Slovakia*, 2011).

3. The material scope of the prohibition of discrimination set forth in Article 14

10. For Article 14 to be applicable it is necessary, but also sufficient, for the facts of the case to fall within the wider ambit of one or more of the Convention Articles (*Carson and Others v. the United Kingdom* [GC], 2010, § 63; *E.B. v. France* [GC], 2008, § 47; *Konstantin Markin v. Russia* [GC], 2012, § 124; *Sidabras and Džiautas v. Lithuania*, 2004, § 38; *Beeler v. Switzerland* [GC], 2022, § 48). As such, the material scope of application of Article 14 – read in conjunction with a substantive provision – cannot be reduced solely to the material scope of application of the substantive provision.

11. As a consequence, the Court has established that the prohibition of discrimination applies to those additional rights, falling within the general scope of any Article of the Convention, for which the State has voluntarily decided to provide protection (*Fábián v. Hungary* [GC], 2017, § 112; *Biao v. Denmark* [GC], 2016, § 88; *İzzettin Doğan and Others v. Turkey* [GC], 2016, § 158; *Carson and Others v. the United Kingdom* [GC], 2010, § 63; *E.B. v. France* [GC], 2008, § 48; *X and Others v. Austria* [GC], 2013, § 135; *Genovese v. Malta*, 2011, § 32; *Beeckman and Others v. Belgium* (dec.), 2018, § 19).

12. The Court itself has provided a number of examples of this concept of "additional rights", explaining that, for instance, Article 6 of the Convention does not compel States to institute a system of appeal courts. A State which does set up such courts consequently goes beyond its obligations under Article 6. However, it would violate that Article, read in conjunction with Article 14, were it to debar certain persons from these remedies without a legitimate reason, while making them available to others in respect of the same type of actions (the *Belgian linguistic case*, 1968, § 9 of "the Law" part).

13. To this end, it is necessary that the legal interest to which the non-discrimination requirement applies falls within the ambit of the substantive Article (*Zarb Adami v. Malta*, 2006, § 49), is linked to the exercise of a right guaranteed by the substantive Article (*Konstantin Markin v. Russia* [GC], 2012, § 129), or does not fall completely outside the ambit of the substantive Article (*Van der Mussele v. Belgium*, 1983, § 43).

14. The Court has thus found Article 14, read in conjunction with a substantive right, applicable to a number of circumstances. For example, it recognised that rights such as the right for a single homosexual parent to adopt a child (*E.B. v. France* [GC], 2008, § 43), parental leave and parental allowances (*Konstantin Markin v. Russia* [GC], 2012, § 130) and denial of citizenship (*Genovese v. Malta,* 2011; *Zeggai v. France*, 2022; *Abo v. Estonia* (dec.), 2024) come within the scope of Article 8 in conjunction with Article 14. By the same token, the Court has found Article 14 in conjunction with Article 1 of Protocol No. 1 applicable to a variety of welfare benefits (*Stummer v. Austria* [GC], 2011, § 82; *Stec and Others v. the United Kingdom* [GC], 2006, § 53; *Carson and Others v. the United Kingdom* [GC], 2010, §§ 64-65; *Andrejeva v. Latvia* [GC], 2009, § 77; *Fábián v. Hungary* [GC], 2017, § 117; *P.C. v. Ireland*, 2022, § 54; see also, *a contrario*, *Dobrowolski and Others v. Poland* (dec.), 2018, where the Court held that a prisoner did not have a legitimate expectation to receive more than a half of the statutory minimum wage for work performed in prison).

15. The Court has clarified the criteria by which to assess whether an identity check, allegedly based on physical or ethnic motives, falls within the ambit of Article 8, under its "private life" aspect, thus triggering the applicability of Article 14, and clarified the scope of the procedural obligations in this

context. The Court considered that an arguable claim may notably exist where the person concerned submitted that he or she (or persons having the same characteristics) had been the only person(s) subjected to a check and where no other grounds for the check were apparent or where any explanations of the officers carrying out the check disclosed specific physical or ethnic motives. The Court further observed that the public nature of the check may have an effect on a person's reputation (*Muhammad v. Spain*, 2022, § 50; *Basu v. Germany*, 2022, § 25; *Wa Baile v. Switzerland*, 2024, §§ 71 and 102; *Seydi and Others v. France*, 2025, § 64).

16. The Court pointed out the "horizontal effect" of Article 14, meaning that the principle of non-discrimination may also apply in purely private situations. Indeed, the Court has held that it could not remain passive where a national court's interpretation of a legal act – be it a testamentary disposition, a private contract, a public document, a statutory provision or an administrative practice – appeared unreasonable, arbitrary or blatantly inconsistent with the prohibition of discrimination enshrined in Article 14 and more broadly with the principles underlying the Convention. In *Pla and Puncernau v. Andorra*, 2004, for example, the national jurisdiction had interpreted a person's will and considered that the testator had not wished to include adopted children as beneficiaries of the estate. The Court considered that, in conjunction with Article 8, Article 14 did not merely compel State to abstain from any arbitrary interference with an individual's private and family life. It held in this context that, in addition to this negative undertaking, there may be positive obligations inherent in an effective "respect" for private or family life (§ 59).

17. In other cases, the Court found that the Contracting States had not taken the necessary measures in order to prevent or punish discrimination between private parties. In *Danilenkov and Others v. Russia*, 2009, for example, the State failed to afford effective judicial protection against discrimination on the ground of trade-union membership to employees on strike who were fired by their employer.

18. In cases concerning discrimination through violence emanating either from State agents or private individuals, State authorities have been required to conduct an effective and adequate investigation by ascertaining whether there were discriminatory motives and whether feelings of hatred or prejudice based on an individual's personal characteristic played a role in the events (*Abdu v. Bulgaria*, 2014, § 44; *Milanović v. Serbia*, 2010, § 90). The case of *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, 2007, concerned a violent assault on the congregation of Jehovah's Witnesses by a group purporting to support the Orthodox Church and the lack of an effective investigation. In *Identoba and Others v. Georgia*, 2015, the Court considered that the State had violated its obligations under the principle of non-discrimination due to the failure to protect demonstrators from homophobic violence and to launch an effective investigation.

19. Finally, the failure to enforce a judgment acknowledging gender discrimination against a working mother (*García Mateos v. Spain*, 2013), the refusal to award compensation to a serviceman for discrimination with respect to his right to parental leave (*Hulea v. Romania*, 2012) and the failure to enforce a judgment of the Court finding a violation of Article 14 (*Sidabras and Others v. Lithuania*, 2004) have also resulted in breaches of Article 14.

B. Article 1 of Protocol No. 12

Article 1 of Protocol No. 12 – General prohibition of discrimination

"1. The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

2. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1."

HUDOC keywords

Prohibition of discrimination (P12-1)

20. As stated above, Article 1 of Protocol No. 12 extends the scope of protection against discrimination to "any right set forth by law". It thus introduces a general prohibition of discrimination (*Savez crkava "Riječ života" and Others v. Croatia*, 2010, § 103; *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 53) and a "free-standing right" not to be discriminated against.

21. The Court confirmed that the notions of discrimination prohibited by both Article 14 of the Convention and Article 1 of Protocol No. 12 were to be interpreted in the same manner[1] (*Pilav v. Bosnia and Herzegovina*, 2016, § 40; *Zornić v. Bosnia and Herzegovina*, 2014, § 27; *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, §§ 55-56).

22. In the Court's interpretation of this provision, Article 1 of Protocol No. 12 extends the scope of protection not only to "any right set forth by law", but even beyond that (*Savez crkava "Riječ života" and Others v. Croatia*, 2010, § 104). This would follow from paragraph 2 of the said provision, which further provides that no one may be discriminated against by a public authority. According to the Explanatory Report to Protocol No. 12, the scope of protection of that Article concerns four categories of cases, in particular "where a person is discriminated against

1. in the enjoyment of any right specifically granted to an individual under national law;
2. in the enjoyment of a right which may be inferred from a clear obligation of a public authority under national law, that is, where a public authority is under an obligation under national law to behave in a particular manner;
3. by a public authority in the exercise of discretionary power (for example, granting certain subsidies);
4. by any other act or omission by a public authority (for example, the behaviour of law enforcement officers when controlling a riot)." (§ 22 of the Explanatory Report)

23. The Explanatory Report further clarifies that "it was considered unnecessary to specify which of these four elements are covered by the first paragraph of Article 1 and which by the second. The two paragraphs are complementary, and their combined effect is that all four elements are covered by Article 1. It should also be borne in mind that the distinctions between the respective categories ... are not clear-cut and that domestic legal systems may have different approaches as to which case comes under which category." (§ 23).

24. Therefore, in order to determine whether Article 1 of Protocol No. 12 to the Convention is applicable, the Court needs to establish whether the complaints fall within one of the four categories mentioned in the Explanatory Report (*Savez crkava "Riječ života" and Others v. Croatia*, 2010, §§ 104-105).

1. For the definition of the notion of discrimination, see "Forms of discrimination" hereafter.

25. The Explanatory Report further states that, while that Protocol principally protects individuals against discrimination by the State, "Article 1 obliges the Parties to take measures to prevent discrimination, even where discrimination occurs in relations between private persons (so-called 'indirect horizontal effects')" (§ 24). These may include, for example, "arbitrary denial of access to work, access to restaurants, or to services which private persons may make available to the public such as medical care or utilities such as water and electricity" (§ 28). However, the Court has not yet had the opportunity to apply Article 1 of Protocol No. 12 in such a context.

26. In its first case concerning Protocol No. 12, *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, the Court examined the ineligibility of the applicants, who identified themselves as being of Roma and Jewish origin respectively, to stand for election to the House of Peoples and the State Presidency because they had not declared affiliation to any of the "constituent peoples" (Bosnians, Croats and Serbs) as required by a provision of the Constitution. The Court held that the constitutional provisions which rendered the applicants ineligible for election to the State Presidency had been discriminatory under Article 1 of Protocol No. 12 to the Convention.

27. In *Napotnik v. Romania*, 2020, the Court found that early termination of a pregnant woman's diplomatic posting abroad fell within the scope of Protocol No. 12, insofar as it concerned the exercise of discretionary power by a public authority (§ 57). In *Moraru and Marin v. Romania*, 2022, the Court examined, from the standpoint of Protocol No. 12, the inability of female civil servants who had attained the retirement age set for women, to continue to work until they reached the retirement age set for men, as it considered that it concerned a right either specifically granted under the national law or inferred from a clear obligation of a public authority (§ 87).

28. In *Ádám and Others v. Romania*, 2020, the Court examined, under Protocol No. 12, discrimination complaints by members of the Hungarian minority as regards their sitting the final high school exams. The applicants complained that they had to take more exams than ethnic Romanians (two Hungarian tests) over the same number of days, and that the Romanian exams had been difficult for them as non-native speakers. The Court could not find that the schedule of the baccalaureate, viewed as a whole, imposed an excessive burden on the applicants, or that they had had on average significantly less time to rest than their Romanian peers. Given the particular circumstances of the case, the Court was not convinced that the inconvenience suffered by the applicants had been so significant as to reach the threshold of Article 1 of Protocol No. 12 to the Convention. It therefore concluded that there had been no violation of that provision.

29. In *Pinkas and Others v. Bosnia and Herzegovina*, 2022, the Court found that a difference in treatment between judicial clerks and judges for the purpose of work-related allowances fell within the scope of Protocol No. 12 as it may be considered as a differential treatment by a public authority (§ 52).

30. In *Paun Jovanović v. Serbia*, 2023, the Court found that the applicant had a right guaranteed by law to use the Ijekavian variant of the Serbian language in court proceedings and thus concluded that Protocol No. 12 was applicable to the allegations of discrimination brought by the applicant who had been denied the opportunity to use that language while acting on behalf of his client, a defendant, in the course of criminal proceedings (§ 61)[2].

31. To date, Protocol No. 12 (opened for signature on 4 November 2000 and entered into force on 1 April 2005) has been ratified by twenty out of the forty-seven member States of the Council of Europe.[3] Consequently, the Court has only examined a handful of cases in relation to this provision.

2. See also Point "Language" below.
3. See the Chart of signatures and ratifications of Treaty 177.

II. Forms of discrimination

A. Direct and indirect discrimination

32. Article 14 does not provide a definition of what constitutes direct discrimination. The expression "direct discrimination" describes a "difference in treatment of persons in analogous, or relevantly similar situations" and "based on an identifiable characteristic, or 'status'" (*Biao v. Denmark* [GC], 2016, § 89; *Carson and Others v. the United Kingdom* [GC], 2010, § 61; *D.H. and Others v. the Czech Republic* [GC], 2007, § 175; *Burden v. the United Kingdom* [GC], 2008, § 60) protected by Article 14 of the Convention (*Varnas v. Lithuania*, 2013, § 106; *Hoogendijk v. the Netherlands* (dec.), 2005). That provision thus requires that persons in a similar situation be treated in an equal manner (*ibid.*).

33. For example, in *Alexandru Enache v. Romania*, 2017, sentenced female offenders who had a small child were able to obtain deferral of the starting date for the service of their prison sentence until the child's first birthday. The applicant complained that, as a man, he was excluded from such a possibility and thus directly discriminated against on the basis of his sex. In *Ēcis v. Latvia*, 2019, a blanket ban on prison leave for male prisoners in closed prisons was found to be in breach of Article 14 in conjunction with Article 8 on grounds of sex.

34. Harassment and instruction to discriminate can be seen as particular manifestations of direct discrimination. The Court has found violations of Article 14 in cases of harassment and instruction to discriminate, for instance, in conjunction with Article 11 concerning the right of peaceful assembly (*Bączkowski and Others v. Poland*, 2007). In that case the mayor of Warsaw had made public announcements of a homophobic nature, stating that he would refuse permission to hold a march to raise awareness about sexual orientation discrimination. When the decision came before the relevant administrative body, permission was refused based on other reasons, such as the need to prevent clashes between demonstrators. The Court found that the mayor's statements could have influenced the decision of the relevant authorities and that the decision had been based on the ground of sexual orientation and thus constituted a violation of Article 14 of the Convention in conjunction with Article 11. The case of *Ilareva and Others v. Bulgaria*, 2025, concerned hate speech and death threats directed against individuals involved with NGOs working for the protection of the rights of migrants. The Court found that the authorities' failure to properly involve the applicants, explore investigative avenues or address the discriminatory motive undermined the effectiveness of the investigation.

35. Indirect discrimination may take the form of disproportionately prejudicial effects of a general policy or measure which, though couched in neutral terms, has a particular discriminatory effect on a particular group (*Biao v. Denmark* [GC], 2016, § 103; *D.H. and Others v. the Czech Republic* [GC], 2007, § 184; *Sampanis and Others v. Greece*, 2008, § 67). Although the policy or measure at stake may not be specifically aimed or directed at a particular group, it might nevertheless discriminate against that group in an indirect way (*Hugh Jordan v. the United Kingdom*, 2001, § 154; *Hoogendijk v. the Netherlands* (dec.), 2005). Indirect discrimination does not necessarily require a discriminatory intent (*Biao v. Denmark* [GC], 2016, § 103; *D.H. and Others v. the Czech Republic* [GC], 2007, § 184). Moreover, indirect discrimination may arise from a neutral rule (*Hoogendijk v. the Netherlands* (dec.), 2005), from a *de facto* situation (*Zarb Adami v. Malta*, 2006, § 76) or from a policy (*Tapayeva and Others v. Russia*, 2021, § 112).

36. In *D.H. and Others v. the Czech Republic* [GC], 2007, the issue was whether the manner in which the legislation was applied in practice resulted in a disproportionate number of Roma children being placed in special schools without justification, and whether such children were thereby placed at a significant disadvantage. The "general policy or measure" that the Court found to be discriminatory was the tests used to evaluate the children's intellectual capacities in order to decide whether to place them in normal or in "special" schools for children with learning disabilities. The test has been designed having in mind the mainstream Czech population and the results were not analysed in the

light of the particularities and special characteristics of the Roma children who sat them. This led to indirect discrimination of Roma children who were more likely to perform poorly and were subsequently placed in "special schools" in a disproportionately high number in comparison to children of Czech ethnic origin (§§ 200-201).

37. In *Biao v. Denmark* [GC], 2016, the applicants, a naturalised Danish citizen of Togolese origin living in Denmark and his Ghanaian wife, complained that their request for family reunification in Denmark had been rejected for non-compliance with statutory requirements. According to Danish law, the permit would be granted if they could demonstrate that their aggregate ties to Denmark were stronger than their attachment to any other country or if they had held Danish citizenship for at least twenty-eight years. The Court held that the relevant rule constituted a difference in treatment between Danish citizens of Danish origin and those of non-Danish origin. Referring to the European Convention on Nationality and a certain trend towards a European standard, the Court noted that there were no other countries which distinguished between nationals from birth and other nationals, including naturalised persons when it came to the determination of the conditions for granting family reunification. Such a rule thus had a disproportionately prejudicial effect on persons who acquired Danish nationality later in life and who were of ethnic origins other than Danish.

38. Another example of indirect discrimination is the case of *Zarb Adami v. Malta*, 2006. Maltese law in force at the relevant time made no distinction between sexes, both men and women being equally eligible for jury service. The discrimination at issue was based on a well-established practice, characterised by a number of factors, such as the manner in which the lists of jurors were compiled and the criteria for exemption from jury service. As a result, only a negligible percentage of women were called to serve as jurors (§ 75).

39. In *Opuz v. Turkey*, 2009, a case involving violence against women, Turkish law in force at the time of the facts did not make explicit distinction between men and women in the enjoyment of rights and freedoms or in access to justice. Thus, the discrimination in that case was not based on the legislation *per se* but rather resulted from the general attitude of the local authorities, such as the manner in which women were treated at police stations when they reported incidents of domestic violence and judicial passivity in providing effective protection to victims (§ 192).

40. In *S.A.S. v. France* [GC], 2014, the Court acknowledged that, by prohibiting everyone from wearing clothing designed to conceal the face in public places, French law had specific negative effects on the situation of Muslim women who, for religious reasons, wished to wear the full-face veil in public (§ 161).

B. Discrimination by association

41. The Court has confirmed that Article 14 also covers discrimination by association, that is, situations where the protected ground in question relates to another person somehow connected to the applicant (*Molla Sali v. Greece* [GC], 2018; *Guberina v. Croatia*, 2016, § 78; *Škorjanec v. Croatia*, 2017, § 55; *Weller v. Hungary*, 2009, § 37).

42. In *Guberina v. Croatia*, 2016, the domestic authorities failed to take account of the needs of a child with disabilities when determining his father's eligibility for tax relief on the purchase of suitably adapted property. The Court found that the discriminatory treatment of the father on account of the disability of his child was a form of disability-based discrimination. In *Škorjanec v. Croatia*, 2017, the applicant and her partner of Roma origin were assaulted by two individuals who uttered anti-Roma insults. The Court stressed that the obligation on the authorities to seek a possible link between racist attitudes and a given act of violence, which was part of the responsibility incumbent on States under Article 3 taken in conjunction with Article 14, also concerned acts of violence based on a victim's actual or presumed association or affiliation with another person who actually or presumably possessed a particular status or protected characteristic.

43. In *Molla Sali v. Greece* [GC], 2018, the first application by the Grand Chamber of the principle of discrimination by association, the Court confirmed that Article 14 of the Convention also covers instances in which an individual is treated less favourably on the basis of another person's status or protected characteristics (§ 134). In that case, in which Sharia law had been applied to an inheritance dispute contrary to the will of the testator, the Court focused on the difference of treatment given the Muslim faith of the testator, and not of the applicant, who was his wife.

C. Positive action

44. According to the Court's established case-law, Article 14 does not prohibit a member State from treating groups differently in order to correct "factual inequalities" between them; indeed in certain circumstances a failure to attempt to correct such inequality through different treatment may in itself give rise to a breach of Article 14 (*Taddeucci and McCall v. Italy*, 2016, § 81; *Kurić and Others v. Slovenia* [GC], 2012, § 388; *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 44; *Muñoz Díaz v. Spain*, 2009, § 48; *D.H. and Others v. the Czech Republic* [GC], 2007, § 175; *Stec and Others v. the United Kingdom* [GC], 2006, § 51; *Thlimmenos v. Greece* [GC], 2000, § 44; the *Belgian linguistic case*, 1968, § 10 of "the Law" part).

45. For example, the Convention organs have found that measures resulting in a difference in treatment between men and women were justified in order to compensate women for existing inequalities. In *Andrle v. the Czech Republic*, 2011, the applicant complained that, unlike for women, there was no lowering of pensionable age for men who had raised children. The Court found that this measure was objectively and reasonably justified so as to compensate women for the inequalities (such as generally lower salaries and pensions) and the hardship generated by the expectation that they would work on a full-time basis and take care of children and the household. It further held that the timing and the extent of the measures taken to rectify the inequality in question had not been manifestly unreasonable and that, consequently, there had been no violation of Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1. In the Commission decision in *Lindsay v. the United Kingdom*, 1986, tax provisions resulting in extra taxation advantages accruing when a wife was the breadwinner of a family were held to fall within the margin of appreciation accorded to the national authorities as such difference in treatment had an objective and reasonable justification in the aim of providing positive discrimination in favour of married women who work.

46. Article 14 may be triggered where States, without an objective and reasonable justification, fail to treat differently persons whose situations are significantly different (*Abdu v. Bulgaria*, 2014; *Eweida and Others v. the United Kingdom*, 2013, § 87; *Pretty v. the United Kingdom*, 2002, § 88; *Thlimmenos v. Greece* [GC], 2000, § 44). Thus, alongside the negative obligation incumbent on member States not to discriminate, the Court has also found that, in certain circumstances, Article 14 may imply "positive obligations" on States to prevent, stop or punish discrimination (*Pla and Puncernau v. Andorra*, 2004, § 62). Such positive obligations incumbent on the member States can include so-called "positive measures" (*Horváth and Kiss v. Hungary*, 2013, § 104), or "positive action" or "affirmative action" that a State could or should adopt to correct "factual inequalities".

47. For example, in *Thlimmenos v. Greece* [GC], 2000, national law barred those with a criminal conviction from joining the profession of chartered accountants. The applicant had thus been denied appointment as a chartered accountant because he had been criminally convicted for refusing to wear military uniform during his national service, as a result of his religious beliefs. The Court found that the State had violated the applicant's right under Article 14 read in conjunction with Article 9, as it should have distinguished between persons convicted of offences committed exclusively because of their religious beliefs and persons convicted of other offences. In *Abdu v. Bulgaria*, 2014, the Court reiterated that, when investigating violent incidents triggered by suspected racist attitudes, treating racially motivated violence and brutality on an equal footing with cases lacking any racist overtones would be tantamount to turning a blind eye to the specific nature of acts which are particularly

destructive of fundamental human rights. A failure to make a distinction in the way in which situations which are essentially different are handled may constitute unjustified treatment irreconcilable with Article 14 of the Convention (§ 44). In *Horváth and Kiss v. Hungary*, 2013, a case concerning the systemic placement of Roma children in special schools in Hungary, the Court concluded that, in the context of the right to education of members of groups which suffered past discrimination in education with continuing effects, structural deficiencies called for the implementation of positive measures in order, *inter alia*, to assist the applicants with any difficulties they encountered in following the school curriculum. Therefore, some additional steps were needed in order to address these problems, such as active and structured involvement on the part of the relevant social services (§ 104). In *Elmazova and Others v. North Macedonia*, 2022, the Court, even in the absence of any discriminatory intent on the part of the State, did not accept as justification for the segregation of Roma pupils in schools, the fact that the measures envisaged by the authorities to tackle the issue had failed to materialised because of the opposition shown by the parents of non-Roma children (§§ 77-78). In *Çam v. Turkey*, 2016, a music academy refused to enrol a student on the grounds of her visual impairment. The Court found a violation of Article 14 taken in conjunction with Article 2 of Protocol No. 1, noting that discrimination based on disability also covered the refusal to provide reasonable accommodation (for example, adaptation of teaching methods in order to make them accessible to blind students). In *Selygenenko and Others v. Ukraine*, 2021, the domestic authorities were found not to have undertaken sufficient measures to ensure the right to vote in local elections to internally displaced persons from Crimea and Donetsk, resulting in their discrimination.

D. Reverse discrimination in the context of European Union law

48. Reverse discrimination occurs when the rules of a domestic legal system are less favourable than those applicable to a comparable situation falling within the scope of European Union (EU) law.

49. The Court examined this form of discrimination for the first time in *De Galbert Defforey and Others v. France*, 2025. The case concerned allegations of reverse discrimination regarding the taxation of capital gains resulting from the application to purely internal securities exchange transactions of domestic rules less favourable than those applicable to situations falling under EU law. The Court found, firstly, that the situation of a taxpayer falling within the scope of EU law was comparable to that of a taxpayer who did not fall within that scope (§ 91). The Court further found that the margin of appreciation to be accorded to the authorities was a wide one, as the difference in treatment had not been based on the nationality of the taxpayers, but on characteristics of the transactions, as the transactions were carried out freely with full knowledge of the facts, and as the difference in treatment was related to taxation, a core prerogative of the authorities (§ 95). The Court considered that the difference in treatment at issue had thus been based on objective grounds and was not manifestly unreasonable, so the State did not exceed its margin of appreciation (§§ 97-103).

E. Other forms of discrimination

50. The Court has also examined situations of discrimination that took place on the basis of several grounds operating separately or interacting with each other at the same time.

51. Both Article 14 of the Convention and Article 1 of Protocol No. 12 prohibit discrimination on a large number of grounds, making a claim on more than one ground theoretically possible. Furthermore, the non-exhaustive list of grounds of discrimination contained in Article 14 allows the Court to extend and include grounds not expressly mentioned therein.

52. For instance, in *N.B. v. Slovakia*, 2012, a case concerning forced sterilisation of a Roma woman at a public hospital, the applicant expressly complained that she was discriminated against on more than one ground (race/ethnic origin and sex). The Court stated that the practice of sterilisation of women without their prior informed consent affected vulnerable individuals from various ethnic groups (§ 96).

The Court found violations of Articles 3 and 8 of the Convention but did not find it necessary to examine separately the complaint under Article 14.

53. In *B.S. v. Spain*, 2012, a female sex worker of Nigerian origin and legally resident in Spain alleged that the Spanish police abused her physically and verbally on the basis of her race, gender and profession. The Court considered that the decisions made by the domestic courts failed to take account of the applicant's particular vulnerability inherent in her position as an African woman working as a prostitute (§ 62) and found a violation of Article 14 in conjunction with Article 3.

54. Another example is the case of *S.A.S. v. France* [GC], 2014, concerning a ban on the full covering of the face in public places. Here, the Court acknowledged that the ban had specific negative effects on the situation of Muslim women who, for religious reasons, wished to wear the full-face veil in public, but considered this measure to have an objective and reasonable justification (§ 161). Consequently, it found no violation of Article 14 in conjunction with Article 9. In *Yocheva and Ganeva v. Bulgaria*, 2021, the Court held that an applicant (single mother) had been discriminated against on the basis of both sex and family status when the authorities denied her a family allowance (normally granted when the father has died) when her children had not been recognised by their father.

55. The case of *Carvalho Pinto de Sousa Morais v. Portugal*, 2017, concerned a decision to reduce the amount of non-pecuniary damage initially awarded to a female victim of medical negligence, which resulted in her inability to have sexual relations. In order to justify this reduction, the Supreme Administrative Court had relied on the fact that the applicant was already 50 years old and had two children at the time of the surgery. It considered that at this age sexuality was not as important as in younger years and that its significance diminished with age. It also stated that the applicant probably only needed to take care of her husband, considering the age of her children. The Strasbourg Court further found significant that, in two previous sets of medical malpractice proceedings brought by two male patients (respectively 55 and 59 years old), the domestic court considered that the fact that the men could no longer have normal sexual relations had affected their self-esteem and resulted in a "tremendous shock" and "strong mental shock" without considering the age of the applicants as being relevant. As the Court noted, the question in issue here was not considerations of age or sex as such, but rather the assumption that sexuality was not as important for a fifty-year-old woman and mother of two children as for someone of a younger age. That assumption reflected a traditional idea of female sexuality as being essentially linked to child-bearing purposes and thus ignored its physical and psychological relevance for the self-fulfilment of women as people. Apart from being, in a way, judgmental, it omitted to take into consideration other dimensions of women's sexuality in the specific case of the applicant. In other words, the Supreme Administrative Court made a general assumption without attempting to look at its validity in the specific case of the applicant herself (§ 52). Finding a breach of Article 14 in conjunction with Article 8, the Court concluded that the applicant's age and sex appear to have been decisive factors in the final decision, introducing a difference of treatment based on those grounds.

56. In *I.C. v. the Republic of Moldova*, 2025, the applicant, a woman with intellectual disabilities, was the victim of human trafficking and sexual abuse at the hands of the family with which she was placed following her deinstitutionalisation from a State asylum. The Court established that the domestic authorities had failed to assess and give weight to the applicant's vulnerability due to her gender, intellectual disability and lifelong institutionalization (§ 217). The domestic courts had expressed views which seemed to convey stereotypes, preconceived beliefs and myths about persons with disabilities lacking agency, about a woman's role being that of a housewife who attends to the needs of a man and the family, and about domestic work carried out by women lacking any economic value (§ 221). The Court found that there was a general institutional passivity and/or lack of awareness of the phenomenon of violence against women with disabilities in Moldova. Moreover, the Court considered that the domestic authorities had failed to provide a reasonable accommodation which might have enabled the applicant to obtain justice (§ 222). It concluded to a violation of Article 14 taken together with Articles 3, 4 and 8 (§ 223).

III. Discrimination test

57. Not all differences in treatment – or failure to treat differently persons in relevantly different situations – constitute discrimination, but only those devoid of "an objective and reasonable justification" (*Molla Sali v. Greece* [GC], 2018, § 135; *Fabris v. France* [GC], 2013, § 56; *D.H. and Others v. the Czech Republic* [GC], 2007, § 175; *Hoogendijk v. the Netherlands* (dec.), 2005).

58. When deciding cases of discrimination, the Court will apply the following test:

1. Has there been a difference in treatment of persons in analogous or relevantly similar situations – or a failure to treat differently persons in relevantly different situations?
2. If so, is such difference – or absence of difference – objectively justified? In particular,
   a. Does it pursue a legitimate aim?
   b. Are the means employed reasonably proportionate to the aim pursued?

A. Difference in treatment

59. First of all, when bringing a complaint under Article 14, the applicant has to show that he or she has been treated differently from another person or group of persons placed in a relevantly similar situation, or equally to a group of persons placed in a relevantly different situation. The other person or group of persons to which the applicant is compared to is called the "comparator".

60. In *Carson and Others v. the United Kingdom* [GC], 2010, the differential treatment consisted in the fact that, under British law governing the entitlement to index-linking of State pensions, pensions were only index-linked if the recipient was ordinarily resident in the United Kingdom or in a country having a reciprocal agreement with the United Kingdom on the uprating of pensions. Pensioners residing elsewhere continued to receive the basic State pension, which was, however, frozen at the rate payable on the date they left the United Kingdom. In *Varnas v. Lithuania*, 2013, a prisoner held in pre-trial detention had been denied conjugal visits from his wife, while convicted prisoners were allowed such visits. In *Cusan and Fazzo v. Italy*, 2014, the differential treatment consisted in the fact that Italian law allowed married couples to give their legitimate child only the husband's surname but not the wife's. In *Fabris v. France* [GC], 2013, for succession purposes, children born out of wedlock could claim a share in their deceased parent's estate equal to only half the share of a legitimate child.

61. The parties to a case may sometimes disagree as to whether there has been a difference in treatment. For example, in *E.B. v. France* [GC], 2008, the Government argued that the reason for not allowing a homosexual woman to adopt had not been her sexual orientation but the fact that her child would lack a father figure. However, the Court found that the domestic law in principle allowed single women to adopt a child and that the domestic authorities had based their refusal on the applicant's "lifestyle" (§ 88). In *Karlheinz Schmidt v. Germany*, 1994, the applicant complained that the region where he lived had treated men and women differently as only the former had to serve as firemen in the fire brigade and, in case of refusal, they had to pay a levy. However, the Court found that what was decisive in that case was that the obligation to perform such service had been only theoretical, as in practice nobody was actually obliged to serve in a fire brigade. Thus, it was the imposition of a financial burden only to men which constituted the real difference in treatment, and not the obligation to serve as firemen (§ 28). In *Hoffmann v. Austria*, 1993, the Court accepted that the decision of the Austrian courts to award custody of the child to her husband had been taken largely on the basis of the applicant's religious beliefs.

62. In order for an issue to arise under Article 14, there must be a difference in treatment of "persons in an analogous or relevantly similar situation" (*Molla Sali v. Greece* [GC], 2018, § 133; *Fábián v. Hungary* [GC], 2017, § 113; *Khamtokhu and Aksenchik v. Russia* [GC], 2017, § 64; *X and Others*

v. Austria [GC], 2013, § 98; *Konstantin Markin v. Russia* [GC], 2012, § 125; *Marckx v. Belgium*, 1979, § 32; *Burden v. the United Kingdom* [GC], 2008, § 60; *D.H. and Others v. the Czech Republic* [GC], 2007, § 175; *Zarb Adami v. Malta*, 2006, § 71; *Kafkaris v. Cyprus* [GC], 2008, § 160). In other words, the requirement to demonstrate an analogous position does not require that the comparator groups be identical. An applicant must demonstrate that, having regard to the particular nature of his or her complaint, he or she was in a relevantly similar situation to others treated differently (*Fábián v. Hungary* [GC], 2017, § 113; *Clift v. the United Kingdom*, 2010, § 66; *Demokrat Parti v. Turkey* (dec.), 2021).

63. The Court has now clarified that the elements which characterise different situations, and determine their comparability, must be assessed in light of the subject-matter, objective of the impugned provision and the context in which the alleged discrimination is occurring (*Fábián v. Hungary* [GC], 2017, § 121; *Advisory opinion on the difference in treatment between landowner associations "having a recognised existence on the date of the creation of an approved municipal hunters' association" and those set up after that date* [GC], 2022). The assessment of the question of whether or not two persons or groups are in a comparable situation for the purposes of an analysis of differential treatment and discrimination is both specific and contextual; it can only be based on objective and verifiable elements, and the comparable situations must be considered as a whole, avoiding isolated or marginal aspects which would make the entire analysis artificial (*Fábián v. Hungary* [GC], 2017).

64. The Court has, for instance, found that remand prisoners were in a comparable position to convicted prisoners as regards conjugal visits (*Varnas v. Lithuania*, 2013) and long-term visits (*Chaldayev v. Russia*, 2019; *Vool and Toomik v. Estonia*, 2022), but not as regards the continuance of social security benefits (*P.C. v. Ireland*, 2022). It has also held that men and women were in a comparable situation as regards parental leave (*Konstantin Markin v. Russia* [GC], 2012), prison sentencing policy (*Khamtokhu and Aksenchik v. Russia* [GC], 2017) and deferral of prison sentences (*Alexandru Enache v. Romania*, 2017).

65. In *Yocheva and Ganeva v. Bulgaria*, 2021, the Court held that the applicant, who had been refused a monthly allowance provided to families in which children had only one living parent, because her children had not been recognised by their father, was in a relevantly similar position both to fathers of children whose mothers had died and to widows whose children had been born in wedlock and single mothers whose children's fathers had recognised them before dying. The difference in treatment in the applicants' case, which emanated from the applicable law itself, was based on a very traditional, outdated and stereotypical understanding of a family, as necessarily having two legal parents.

66. At the same time, the Court has held that

- pensioners living within a country were not in a comparable situation to those living abroad as regards index-linking of pensions (*Carson and Others v. the United Kingdom* [GC], 2010);
- cohabiting sisters were not in a comparable situation to spouses or civil partners as regards inheritance tax (*Burden v. the United Kingdom* [GC], 2008);
- pensioners employed within the civil service were not in a comparable situation to those employed within the private sector as regards their pension entitlement (*Fábián v. Hungary* [GC], 2017) or to those belonging to a different categories of pensioners within the public sector (*Gellérthegyi and Others v. Hungary* (dec.), 2018);
- taxpayers who had not challenged a social contribution before it was declared unconstitutional were not in a comparable situation to those who had taken this bold initiative as regard the retroactive reimbursement of said social contribution (*Frantzeskakis and Others v. Greece* (dec.), 2019);

- public and privately-owned kindergartens were not in a comparable position as regards the payment of subsidies (*Špoljar and Dječji vrtić Pčelice v. Croatia* (dec.), 2020, §§ 40-44);
- pensioners in receipt of disability pension were not in a situation comparable to old-age pensioners as regards the possibility of recalculating their pension (*Milivojević v. Serbia* (dec.), 2022);
- a person who had hit a police officer who was trying to arrest her was not in a situation comparable to another person who had hit a civilian (*P.W. v. Austria*, 2022);
- Muslim believers are not in a comparable situation to fishermen and hunters in terms of the obligation to stun animals before slaughter *Executief van de Moslims van België and Others v. Belgium*, 2024, § 146;
- internally displaced persons were not in an analogous, or relevantly similar, situation in comparison with other recipients of social benefits (*Shylina v. Ukraine*, 2024, § 59);
- retired taxpayers were not in a sufficiently comparable position to taxpayers liable to pay tax on employment income (*Tulokas and Taipale v. Finland* (dec.), 2025, §§ 55-58).

67. The difference in treatment – or failure to treat differently – can result in any of the forms of discrimination described above such as direct or indirect discrimination, and discrimination by association, for example. It is important to note that, in cases of discrimination by association, the comparator is compared to a person other than the applicant (*Guberina v. Croatia*, 2016, § 78; *Škorjanec v. Croatia*, 2017, § 55; *Weller v. Hungary*, 2009, § 37).

68. For example, in *Molla Sali v. Greece* [GC], 2018, the Court dealt with the situation of a *married Muslim woman* who was the beneficiary of her Muslim husband's will. However, the Court did not compare the applicant's situation to that of a *married non-Muslim female* beneficiary of a non-Muslim husband's will. Instead, it examined the difference in treatment suffered by the applicant, as a beneficiary of a will drawn up in accordance with the Civil Code by a *testator of Muslim faith*, as compared to a beneficiary of a will drawn up in accordance with the Civil Code by a *non-Muslim testator* (§ 134).

69. Finally, the source of the difference in treatment can be the domestic legal regime (*Ēcis v. Latvia*, 2019), as well as the vocabulary used by a national court to motivate its decision (*Carvalho Pinto de Sousa Morais v. Portugal*, 2017) or even a purely private action (*Identoba and Others v. Georgia*, 2015).

B. Lack of objective and reasonable justification

70. The competent national authorities are frequently confronted with different situations which therefore call for different legal solutions. Moreover, certain legal inequalities are solely aimed at correcting factual inequalities (the *Belgian linguistic case*, 1968, § 10 of "the Law" part).

71. Thus, Article 14 does not prohibit differences in treatment which are founded on an objective assessment of essentially different factual circumstances and which, being based on the public interest, strike a fair balance between the protection of the interests of the community and respect for the rights and freedoms safeguarded by the Convention (*G.M.B. and K.M. v. Switzerland* (dec.), 2001; *Zarb Adami v. Malta*, 2006, § 73).

72. In the Court's words, a difference in treatment will be discriminatory if it "has no objective and reasonable justification", that is, if it does not pursue a "legitimate aim" or if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be realised (*Molla Sali v. Greece* [GC], 2018, § 135; *Fábián v. Hungary* [GC], 2017, § 113; *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 1985, § 72; the *Belgian linguistic case*, 1968, § 10 of "the Law" part). Therefore, the Court will proceed to a so-called "proportionality test" divided in two steps. Firstly, it

will examine the existence of a legitimate aim (Section 1 below) and, secondly, it will check the proportionality *stricto sensu* of the difference in treatment (Section 2 below).

1. Legitimate aim

73. In order to justify a difference in treatment, in the first place States have to base the measure at issue on a "legitimate aim" (*Molla Sali v. Greece* [GC], 2018, § 135; *Fabris v. France* [GC], 2013, § 56). Moreover, they have to show that there is a "link" between the legitimate aim pursued and the differential treatment alleged by the applicant. For example, the Court found that there was no link between the aim of preserving family unity and the bearing of a joint family name based on the husband's name, resulting in a lack of justification of the obligation on married women to bear their husband's surname (*Ünal Tekeli v. Turkey*, 2004, § 66).

74. The Court has identified a number of aims that can be considered acceptable for the application of Article 14, such as

- achieving the effective implementation of policy developing linguistic unity (the *Belgian linguistic case*, 1968);
- legal certainty of completed inheritance arrangements (*Fabris v. France* [GC], 2013);
- restoration of peace (*Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 45);
- protection of national security (*Konstantin Markin v. Russia* [GC], 2012, § 137);
- providing a public service wholly committed to the promotion of equal opportunities and requiring all its employees to act in a way which does not discriminate against others (*Eweida and Others v. the United Kingdom*, 2013, § 105);
- maintenance of economic stability and restructuration of the debt in the context of a serious political, economic and social crisis (*Mamatas and Others v. Greece*, 2016, § 103);
- facilitation of rehabilitation of juvenile delinquents (*Khamtokhu and Aksenchik v. Russia* [GC], 2017, § 80);
- protection of women against gender-based violence, abuse and sexual harassment in the prison environment (*Khamtokhu and Aksenchik v. Russia* [GC], 2017, § 82); or
- protection of the environment (*Advisory opinion on the difference in treatment between landowner associations "having a recognised existence on the date of the creation of an approved municipal hunters' association" and those set up after that date* [GC], 2022);
- maintenance of an effective national defence system (*Brun v. Switzerland*, 2026, § 57).

75. Some aims relied on by Governments have not been considered legitimate by the Court. For instance, no legitimate aim was found in respect of a measure reserving the right to exemption from church tax only to persons formally registered as residents in the respondent State on the ground that the case for reduction could not be argued with the same force in regard of persons who were not resident as it could in regard to those who were, and that the procedure would be more complicated if the reduction was to apply to non-residents (*Darby v. Sweden*, 1990, § 33). Equally, references to traditions, general assumptions or prevailing social attitudes in a particular country were considered to be insufficient justification for a difference in treatment on grounds of sex (*Ünal Tekeli v. Turkey*, 2004, § 63; *Konstantin Markin v. Russia* [GC], 2012, § 127).

76. A special situation arises with the aim of supporting and encouraging traditional family. Indeed, if the Court in its earlier case-law considered this aim in itself legitimate or even praiseworthy (*Marckx v. Belgium*, 1979, § 40) and, in principle, a weighty and legitimate reason which might justify a difference in treatment (*Karner v. Austria*, 2003, § 40), this approach somewhat changed in more recent cases interpreting the Convention in present-day conditions. As a result, the Court considered the aim of protecting the family in the traditional sense as "rather abstract" (*X and Others v. Austria* [GC], 2013, § 139) and legitimate only in some circumstances (*Taddeucci and McCall v. Italy*,

2016, § 93). In *Bayev and Others v. Russia*, 2017, for example, the Court considered that there was no reason to consider the maintenance of family values as the foundation of society to be incompatible with the acknowledgement of the social acceptance of homosexuality, especially in view of the growing general tendency to include relationships between same-sex couples within the concept of "family life" (§ 67).

77. Finally, the aims indicated by the Governments to justify differential treatment may be considered legitimate only if certain safeguards are put in place, and it is the Court's task to examine whether such safeguards exist at each stage of the implementation of the measures and whether they are effective. For example, the temporary placement of children in a separate class on the ground that they lacked adequate command of the language of instruction in school is not, as such, automatically contrary to Article 14 of the Convention. Indeed, in certain circumstances such placement may pursue the legitimate aim of adapting the education system to the specific needs of the children. However, when such a measure disproportionately or even exclusively affects members of a specific ethnic group, then appropriate safeguards have to be put in place (*Oršuš and Others v. Croatia* [GC], 2010, § 157).

2. Proportionality

78. After establishing a legitimate aim, the Court requires that the difference in treatment strike a fair balance between the protection of the interests of the community and respect for the rights and freedoms of the individual (the *Belgian linguistic case*, 1968, § 10 of "the Law" part). Thus, the Court requires a reasonable relationship of proportionality between the means employed and the aim sought to be realised (*Molla Sali v. Greece* [GC], 2018, § 135; *Fabris v. France* [GC], 2013, § 56; *Mazurek v. France*, 2000, §§ 46 and 48; *Larkos v. Cyprus* [GC], 1999, § 29).

79. As the Court's role is not to substitute the competent national authorities in assessing whether and to what extent differences in otherwise similar situations justified differential treatment, States enjoy a certain margin of appreciation. The scope of that margin will vary according to the circumstances, the subject-matter and the background of the case (*Molla Sali v. Greece* [GC], 2018, § 136; *Stummer v. Austria* [GC], 2011, § 88; *Burden v. the United Kingdom* [GC], 2008, § 60; *Carson and Others v. the United Kingdom* [GC], 2010, § 61).

80. On the one hand, the Court has indicated some areas where the State's margin of appreciation remains rather wide. For example, the Court has held that, because of their direct knowledge of their society and its needs, the national authorities are in principle better placed than the international judge to appreciate what is in the public interest on social or economic grounds, and the Court will generally respect the legislature's policy choice unless it is manifestly without reasonable foundation (*Belli and Arquier-Martinez v. Switzerland*, 2018, § 94; *Mamatas and Others v. Greece*, 2016, §§ 88-89; *Stummer v. Austria* [GC], 2011, § 89; *Andrejeva v. Latvia* [GC], 2009, § 83; *Burden v. the United Kingdom* [GC], 2008, § 60; *Stec and Others v. the United Kingdom* [GC], 2006, § 52; *Carson and Others v. the United Kingdom* [GC], 2010, § 61; *D.A. and R.A. v. the United Kingdom*, 2026, § 109). The same is true for matters related to general measures of social strategy (the *Belgian linguistic case*, 1968, § 10 of "the Law" part) and property (*Chabauty v. France* [GC], 2012, § 50).

81. On the other hand, the Court has also identified certain grounds of discrimination where such margin is reduced. Indeed the Court has held time and again that no difference in treatment based exclusively or to a decisive extent on a person's ethnic origin was capable of being objectively justified in a modern democratic society built on the principles of pluralism and respect for different cultures (*D.H. and Others v. the Czech Republic* [GC], 2007, § 176; *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, §§ 43-44). Similarly, differences in treatment on the basis of gender or sexual orientation may only be justified by very weighty reasons (*Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 1985, § 78; *Konstantin Markin v. Russia* [GC], 2012, § 127; *Beeler v. Switzerland* [GC],

2022, § 96; *Schalk and Kopf v. Austria*, 2010, § 97; *J.D. and A. v. the United Kingdom*, 2019, §§ 89 and 97).

82. Conversely, where the difference in treatment is not based exclusively or decisively on an immutable characteristics such as ethnic origin or sex, and the treatment concerns an area to which a wide margin of appreciation would apply (such as general measures of socio-economic policy), the Court has found that the impugned measure need only not be manifestly without reasonable foundation (*D.A. and R.A. v. the United Kingdom,* 2026, § 173).

83. As with the other provisions of the Convention, one of the criteria used by the Court to define the State's margin of appreciation in discrimination cases is the existence and the extent of a consensus among Contracting States on the issue at stake. Since the Convention is first and foremost a system for the protection of human rights, the Court must have regard to the changing conditions in Contracting States and respond to any emerging consensus as to the standards to be achieved (*Weller v. Hungary*, 2009, § 28; *Stec and Others v. the United Kingdom* [GC], 2006, §§ 63-64; *Ünal Tekeli v. Turkey*, 2004, § 54; *Stafford v. the United Kingdom* [GC], 2002, § 68; *Konstantin Markin v. Russia* [GC], 2012, § 126).

IV. Burden of proof

A. The principle: *affirmanti incumbit probatio*

84. When examining the cases before it in terms of evidence, the Court usually applies the principle *affirmanti incumbit probatio*, that is to say, that the applicant has to prove his or her allegation.

85. The Court applies the standard of proof "beyond reasonable doubt" as a normal standard for all rights set forth by the Convention. In the proceedings before the Court, there are no procedural barriers to the admissibility of evidence or pre-determined formulae for its assessment. The Court adopts the conclusions that are, in its view, supported by the free evaluation of all evidence, including such inferences as may flow from the facts and the parties' submissions. According to its established case-law, proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact. Moreover, the level of persuasion necessary for reaching a particular conclusion and, in this connection, the distribution of the burden of proof are intrinsically linked to the specificity of the facts, the nature of the allegation made and the Convention right at stake. The Court is also attentive to the seriousness that attaches to a ruling that a Contracting State has violated fundamental rights (*Nachova and Others v. Bulgaria* [GC], 2005, § 147; *Timishev v. Russia*, 2005, § 39; *D.H. and Others v. the Czech Republic* [GC], 2007, § 178; *Muhammad v. Spain*, 2022, § 94).

86. In discrimination cases, the Court has established that, once the applicant has shown a difference in treatment, it is for the Government to show that it was justified (*Timishev v. Russia*, 2005, § 57).

87. For example, in *Timishev v. Russia*, 2005, the applicant alleged that he was prevented from passing a checkpoint into a particular region because of his Chechen ethnic origin. The Court found this to be corroborated by official documents, which noted the existence of a policy to restrict the movement of ethnic Chechens. The State's explanation was found unconvincing because of inconsistencies in its assertion that the victim left voluntarily after being refused priority in the queue. Accordingly, the Court accepted that the applicant had been discriminated against on the basis of his ethnicity. In *Petrov v. the Republic of Moldova,* 2026 where the applicant had been mistreated by his fellow prisoners due to his "pariah" status among the prisoners, the Court accepted that the prison authorities had been alerted to the applicant's belonging to a "pariah caste" and noted that there was a well-documented phenomenon of hierarchies, the risks of which the authorities could not have been

unaware (§§ 66-68). As the authorities had taken no measures to make the applicant less vulnerable and to protect him (§§ 75-76) their inaction was conducive to the treatment inflicted on him (§§ 84-85).

B. The exception: reversal of the burden of proof

88. The Court has also recognised that Convention proceedings do not lend themselves in all cases to a rigorous application of the principle *affirmanti incumbit probatio*. For instance, where the events in issue lie wholly, or in large part, within the exclusive knowledge of the authorities, the burden of proof may be regarded as resting on the authorities to provide a satisfactory and convincing explanation (*Salman v. Turkey* [GC], 2000, § 100; *Anguelova v. Bulgaria*, 2002, § 111; *Makuchyan and Minasyan v. Azerbaijan and Hungary*, 2020). The Court has also shifted the burden of proof in other cases where it would be extremely difficult in practice for the applicant to prove discrimination (*Cînţa v. Romania*, 2020).

89. In discrimination cases the Court has not excluded that in certain situations the respondent Government may be required to disprove an arguable allegation of discrimination and – if they fail to do so – the Court may find a violation of Article 14 of the Convention on that basis.

90. In order to rebut a presumption of discrimination, the State may either prove that the applicant is not actually in a similar or comparable situation to their "comparator", that the differential treatment is not based on the protected ground, but on other objective differences, or that the difference in treatment was justified (*Khamtokhu and Aksenchik v. Russia* [GC], 2017, § 65; *Chassagnou and Others v. France* [GC], 1999, §§ 91-92; *Timishev v. Russia*, 2005, § 57; *Biao v. Denmark* [GC], 2016, § 114; *D.H. and Others v. the Czech Republic* [GC], 2007, § 177).

91. Such an approach has been mainly used in cases of alleged indirect discrimination, where the applicants may have difficulty in proving discriminatory treatment. In such cases statistical data can play an important role in helping the applicant to give rise to a presumption of discrimination. Where an applicant is able to show, on the basis of undisputed official statistics, the existence of a *prima facie* indication that a specific rule – although formulated in a neutral manner – in fact affects a clearly higher percentage of a group in comparison to another group, it is for the respondent Government to show that this is the result of objective factors unrelated to any discrimination (*Hoogendijk v. the Netherlands* (dec.), 2005; *D.H. and Others v. the Czech Republic*, 2007, § 180; *Di Trizio v. Switzerland*, 2016, § 86).

92. Statistics which appear on critical examination to be reliable and significant will be sufficient to constitute the *prima facie* evidence the applicant is required to produce. This does not, however, mean that indirect discrimination cannot be proved without statistical evidence (*D.H. and Others v. the Czech Republic* [GC], 2007, § 188). Reliable national or international reports can also be used to that effect (*Memedova and Others v. North Macedonia*, 2023, §§ 91-94).

93. A specific set of circumstances needs to be proven in domestic violence cases, where the applicant has to show that such violence affects mainly women and that the authorities' actions were not a simple failure or delay in dealing with domestic violence, but amounted to repeatedly condoning such violence and reflected a discriminatory attitude towards the applicant as a woman (*Eremia v. the Republic of Moldova*, 2013, § 89). For example, in *Talpis v. Italy*, 2017, the Court considered that the applicant had demonstrated the existence of *prima facie* discrimination through the conclusions of the Special Rapporteur on violence against women, its causes and consequences and of the National Statistics Institute. In *Opuz v. Turkey*, 2009, there were no statistics presented to the Court showing that victims of domestic violence were predominantly women, and indeed it was noted that Amnesty International stated that there were no reliable data to this effect. Rather, the Court was prepared to accept the assessment of Amnesty International, a reputable international NGO and the UN Committee on the Elimination of Discrimination Against Women that violence against women was

a significant problem in Turkey. On the other hand, in *Y and Others v. Bulgaria*, 2022, the Court held that no concrete evidence had been presented to suggest that the domestic authorities had remained generally complacent in domestic violence cases. It was established that the Bulgarian authorities did not collect or keep comprehensive statistics about the manner in which the law-enforcement authorities handled domestic-violence cases, which was a serious omission already criticized by a number of international actors in the field. In the absence of comprehensive statistics, it was however open to the applicants to attempt to substantiate their assertion with other kinds of *prima facie* evidence, such as for instance specialised reports. However, the three international reports they submitted urged the Bulgarian authorities to combat any discrimination against women, but they did not in terms state that the police or other authorities were consistently downplaying or unwilling to deal with domestic violence cases, or cite concrete field data on the point. Not having, in addition, established any proof of anti-female bias by the State officials dealing specifically with the victim's case, or problems with the existing legal framework for the protection of women from domestic violence in Bulgaria, the Court found no violation of Article 14 in the case. In contrast, in *A.E. v. Bulgaria*, 2023, the Court was satisfied that the evidence brought by the applicant, notably statistics as regards violence against women in Bulgaria, reported by domestic non-governmental organisations and contained in the 2017 EU tool for measuring gender equality and figures provided by the Ministry of Interior in respect of 2019 and 2020 concerning the numbers of women who reported domestic violence, was sufficient to make a prima facie case of discrimination against women, bearing also in mind that that was the third case against Bulgaria in which it found a violation of the Convention stemming from the authorities' response to acts of domestic violence against women (§§ 118-19). The Court considered that the absence of official comprehensive statistics kept by the authorities can no longer be explained as a mere omission on their part, given the level of the problem in Bulgaria and the authorities' related obligation to pay particular attention to the effects of domestic violence on women and to act accordingly (§ 120). The Court found a violation of Article 14 taken together with Article 3, observing that the way in which the legal provisions providing protection against domestic violence were worded and interpreted by the relevant authorities was bound to deprive a number of women victims of domestic violence from official prosecution and thus effective protection (§ 120).

94. In *M.A. v. Iceland*, 2025, and *B.A. v. Iceland*, 2025, both concerning ineffective investigations into the applicants' complaints of domestic violence, the Court found that the applicants did not establish a *prima facie* case of structural bias or disproportionate effect, capable of shifting the burden of proof to the State (*M.A. v. Iceland*, 2025, §§ 89-103; *B.A. v. Iceland*, 2025, §§ 87-101; see also *Z v. Iceland*, 2026, §§ 56-60; *R.E. and Others v. Iceland*, 2026, §§ 156-161).

95. In cases of alleged discrimination through violence, the Court has clarified that the alleged failure of the authorities to carry out an effective investigation into the supposedly discriminatory motive for a violent act should not, in itself, shift the burden of proof to the Government with regard to the alleged violation of Article 14 of the Convention taken in conjunction with the substantive aspect of Article 2 or Article 3 (*A.E. v. Bulgaria*, 2023). The contrary would amount to requiring the respondent Government to prove the absence of a particular subjective attitude on the part of the person concerned (*Nachova and Others v. Bulgaria* [GC], 2005, § 157; *Bekos and Koutropoulos v. Greece*, 2005, § 65). The case of *Nachova and Others v. Bulgaria* [GC], 2005, concerned the shooting of two Roma fugitives by military police during an attempted arrest. Ultimately, the Court concluded that it had not been established that racist attitudes played a role in the fugitives' deaths (see also *Adam v. Slovakia*, 2016). However, on the violation of Article 14 taken together with the procedural aspect of Article 2, the Court concluded that the authorities had failed in their duty to take all possible steps to investigate whether or not discrimination may have played a role in the events.

96. In *Makuchyan and Minasyan v. Azerbaijan and Hungary*, 2020, in view of the special features of the case – the promotion of a sentenced murderer of an Armenian soldier, the award of several benefits without any legal basis, his glorification as a hero by a number of high-ranking Azerbaijani

officials, as well as the creation of a special page on the website of the President – in the Court's view, the applicants had put forward sufficiently strong, clear and concordant inferences as to make a convincing *prima facie* case that the impugned measures had been motivated by the ethnic origin of the victims. Given the difficulty for the applicants to prove such bias beyond a reasonable doubt, the Court, in the particular circumstances of the case, reversed the burden of proof so that it became incumbent on Azerbaijan to disprove the arguable allegation of discrimination, which it had failed to do.

97. In *Basu v. Germany*, 2022, the Court considered that, once there is an arguable claim that an individual may have been targeted by a police identity check on account of racial characteristics and such acts fall within the ambit of Article 8, the duty of the authorities to investigate the existence of a possible link between racist attitudes and the act of a State agent is to be considered as implicit in their responsibilities under Article 14 examined in conjunction with Article 8 (*Muhammad v. Spain*, 2022, 68; *Basu v. Germany*, 2022, § 35). In *Wa Baile v. Switzerland*, 2024, which also concerned allegations of racial profiling in an identity check in a railway station, the Court found a violation of the procedural obligations enshrined in Article 14 taken together with Article 8 because of the domestic courts' (criminal and administrative) failure to ascertain whether discriminatory motives were behind the identity check (§§ 93-103). It further reiterated that the absence of sufficient legal and administrative safeguards ran the risk of discriminatory controls taking place (§ 130) and, in the circumstances of the case, concluded that the Government had not been able to rebut the presumption of discriminatory treatment during the identity check in question (§§ 131-135), thus also finding a violation under the substantive head of Article 14 taken together with Article 8. The case of *Memedova and Others v. North Macedonia*, 2023, concerned ethnic profiling of Roma people by the border guards in refusing them the right to leave the country, pursuant to an instruction issued by the Ministry of the Interior to strengthening border controls for organised groups of citizens leaving the country who were potential asylum-seekers. Relying on a number of national and international reports on the matter, the Court concluded that, despite the absence of any discriminatory wording in the internal instructions, the way in which they were applied in practice by the border officers resulted in a disproportionate number of Roma being prevented from travelling abroad. The resulting difference in treatment was found to be without any objective and reasonable justification, and thus in breach of Article 14 read in conjunction with Article 2 of Protocol No. 4 to the Convention (freedom of movement).

98. The Court has also applied this rule in the context of alleged anti-union discrimination, finding that, once the applicants had demonstrated a *prima facie* case of discrimination, the burden of proof was to be shifted to the respondent, and the employer, usually having control over relevant evidence, had to demonstrate the existence of legitimate grounds for the applicants' dismissal (*Hoppen and trade union of AB Amber Grid employees v. Lithuania*, 2023, § 230). Similarly, in a case where a former judge had submitted sufficient *prima facie* evidence that she had been discriminated against in the decision not to reappoint her on account of her role in an NGO and her critical views of the state of the judiciary, the Court found a violation of Article 14 taken in conjunction with Articles 10 and 11 of the Convention, on account of the domestic courts' failure to shift the burden of proof onto the High Council of Justice to dispel the perception of bias and to demonstrate that the difference in treatment had been justified by objective reasons (*Bakradze v. Georgia*, 2024, §§ 71-85).

99. In other discrimination cases, the practices or beliefs of others belonging to the same protected category may constitute sufficient proof. In *Oršuš and Others v. Croatia* [GC], 2010, concerning the placement of Roma children in Roma-only classes owing to their allegedly poor command of the Croatian language, the Court found that, unlike the case of *D.H. and Others v. the Czech Republic* [GC], 2007, the statistics alone did not give rise to a presumption of discrimination. However, the fact that the measure of placing children in separate classes on the basis of their insufficient language skills had only applied to Roma students gave rise to a presumption of differential treatment.

V. Discrimination by ground

100. Article 14 does not prohibit all differences in treatment but only those based on an identifiable, objective or personal characteristic, or "status", by which persons or groups of persons are distinguishable from one another (*Molla Sali v. Greece* [GC], 2018, § 134; *Fábián v. Hungary* [GC], 2017, § 113; *Kiyutin v. Russia*, 2011, § 56).

101. Article 14 of the Convention provides an open-ended list of grounds protected against discrimination as is shown by the words "any ground such as" (in French "*notamment*") and the inclusion in the list of the phrase "any other status" (in French "*toute autre situation*") (*Clift v. the United Kingdom*, 2010, § 55; *Engel and Others v. the Netherlands*, 1976, § 72; *Carson and Others v. the United Kingdom* [GC], 2010, § 70). Moreover, the Court has developed a rich body of case-law which has expanded the number of protected grounds by interpreting the expression "other status" in an extensive way and in light of present-day conditions.

102. In this respect the Court has stressed that the prohibition of discrimination enshrined in Article 14 was meaningful only if, in each particular case, the applicant's personal situation in relation to the criteria listed in that provision was taken into account exactly as it stood. To proceed otherwise by dismissing the victim's claims on the ground that he or she could have avoided the discrimination by altering one of the factors in question – for example, by acquiring a certain nationality – would render Article 14 devoid of substance (*Andrejeva v. Latvia* [GC], 2009, § 91).

A. Sex

103. When it comes to discrimination on grounds of sex, the Court has repeatedly stated that 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 that, in principle, "very weighty reasons" had to be put forward before such a difference in treatment could be regarded 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; *Beeler v. Switzerland* [GC], 2022, § 95).

104. The Court has held that references to traditions, general assumptions or prevailing social attitudes in a particular country were insufficient justification for a difference in treatment on grounds of sex (*Konstantin Markin v. Russia* [GC], 2012, § 127). For example, States were prevented from imposing traditions that derive from the man's primordial role and the woman's secondary role in the family (*Ünal Tekeli v. Turkey*, 2004, § 63; *Konstantin Markin v. Russia* [GC], 2012, § 127; *Beeler v. Switzerland* [GC], 2022, § 110). The reference to the traditional distribution of gender roles in society could not justify, for example, the exclusion of men from the entitlement to parental leave. Gender stereotypes, such as the perception of women as primary child-carers and men as primary breadwinners, cannot, by themselves, be considered to amount to sufficient justification for a difference in treatment, any more than similar stereotypes based on race, ethnic origin, colour or sexual orientation (*Konstantin Markin v. Russia* [GC], 2012, § 143). In *Beeler v. Switzerland* [GC], 2022, § 113, the Court considered that domestic legislation introducing a difference between women and men in terms of access to a survivor's pension was perpetuating prejudices and stereotypes regarding the nature or role of women in society and was disadvantageous both to the careers of women and to the family life of men.

105. The Court has found that differential treatment on the grounds of sex violated Article 14 in different areas, such as:

- equality in marriage (*Ünal Tekeli v. Turkey*, 2004; *Burghartz v. Switzerland*, 1994; *Nurcan Bayraktar v. Türkiye*, 2023);
- access to employment (*Emel Boyraz v. Turkey*, 2014);
- retirement age (*Moraru and Marin v. Romania*, 2022; *Pajqk and Others v. Poland*, 2023);
- parental leave and allowances (*Konstantin Markin v. Russia* [GC], 2012; *Gruba and Others v. Russia*, 2021);
- survivor's pensions (*Willis v. the United Kingdom*, 2002; *Beeler v. Switzerland* [GC], 2022);
- civic obligations (*Zarb Adami v. Malta*, 2006; *Karlheinz Schmidt v. Germany*, 1994);
- family reunification (*Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 1985);
- children's surnames (*Cusan and Fazzo v. Italy*, 2014; *León Madrid v. Spain*, 2021);
- domestic violence (*Opuz v. Turkey*, 2009; *Volodina v. Russia*, 2019; *Tkhelidze v. Georgia*, 2021; *A.E. v. Bulgaria*, 2023; *Vieru v. the Republic of Moldova*, 2024);
- human trafficking and servitude (*F.M. and Others v. Russia*, 2024);
- secondary victimisation of an alleged victim of non-consensual sex acts (*L. and Others v. France*, 2025; *N.T. v. Cyprus*, 2025).

106. In *Carvalho Pinto de Sousa Morais v. Portugal*, 2017, the Court held that the question at issue was the assumption, made by the domestic courts in medical negligence proceedings, that sexuality was not as important for a fifty-year-old woman and mother of two children as for someone younger. That assumption reflected a traditional idea of female sexuality being essentially linked to child-bearing purposes and thus ignored its physical and psychological relevance for the self-fulfilment of women.

107. Generally speaking, in the context of Article 14 in conjunction with Article 1 of Protocol No. 1, the Court applied the "manifestly without reasonable foundation" test only 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; *British Gurkha Welfare Society and Others v. the United Kingdom*, 2016, § 81). The Court has, for instance, recognised that a difference in treatment between men and women in the State pension scheme was acceptable as it was a form of positive measures 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). Along the same lines, in *Khamtokhu and Aksenchik v. Russia* [GC], 2017, concerning the exemption of female offenders from life imprisonment, the Court took note of protecting women against gender-based violence, abuse and sexual harassment in the prison environment, as well as the needs for protection of pregnancy and motherhood (§ 82). The Court also found in *Alexandru Enache v. Romania*, 2017, that the national legislation permitting deferral of a prison sentence for mothers, but not fathers, of young children was justified in order to take account of the particular bond between a mother and her child during the first year of the child's life (§ 76).

108. Outside the property context concerning transitional measures, where the alleged discrimination was based on sex, "very weighty reasons" would be required to justify the impugned measure in respect of the applicants. In *J.D. and A. v. the United Kingdom*, 2019, where the applicant had been housed under a "sanctuary scheme" intended to protect victims of serious domestic violence, the Court found that the reduction of her housing benefit had been in conflict with the aim of that scheme (to enable her to remain in her home for her own safety) and that no weighty reasons had been given to justify the prioritisation of one legitimate aim over the other.

109. In *Jurčić v. Croatia*, 2021, the Court held for the first time that a woman had been discriminated against on the basis of her pregnancy. The applicant, whose employment had begun ten days after she had undergone *in vitro* fertilisation IVF), subsequently went on sick leave on account of

pregnancy-related complications. Her insurance application was re-examined and rejected, the relevant authorities concluding that her employment had been fictitious. Since only women could be treated differently on grounds of pregnancy, the Court held that such a difference in treatment amounted to direct discrimination on grounds of sex if it was not justified. The Court further identified a domestic practice of targeting pregnant women, who were frequently subjected to a review of the authenticity of their employment when entered into during pregnancy, even though under domestic law an employer was not allowed to refuse to employ a pregnant woman because of her condition. In deciding the applicant's case, the domestic authorities had limited themselves to concluding that, due to IVF, the applicant had been medically unfit to take up employment thereby implying that she should have refrained from doing so until her pregnancy was confirmed. This was in direct contravention of both domestic and international law and was tantamount to discouraging the applicant from seeking any employment due to her possible prospective pregnancy. Finally, the Court also expressed concern about the overtones of the domestic authorities' conclusion - which implied that women should not work or seek employment during pregnancy or the mere possibility thereof - which amounted to gender stereotyping. In contrast, in *Napotnik v. Romania*, 2020, the Court found that the early termination of the applicant's diplomatic posting abroad due to her pregnancy had been necessary for ensuring and maintaining the functional capacity of the diplomatic mission, and ultimately the protection of the rights of others. The domestic authorities had provided relevant and sufficient reasons to justify that difference in treatment so that the applicant had thus not been discriminated against.

110. In *Nurcan Bayraktar v. Türkiye*, 2023, the Court found that the 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 constituted discrimination on the grounds of sex in breach of Article 14 taken in conjunction with Article 12. Even assuming that determining parentage constituted a legitimate aim in the pursuit of which the waiting period in question had been imposed on divorced women, the Court found it pointlessness and ineffective while noting the sexist stereotypes relied on by the domestic court, namely that women had a duty to society on account of their potential role as mother and their capacity to give birth.

111. In the case of *Moraru and Marin v. Romania*, 2022, which concerned the situation of female civil servants whose conditions for retirement differed from those set for men, the Court found that not giving women the option to continue working past their retirement age (and until they reached the retirement age set for men) constituted discrimination based on sex which was not objectively justified or necessary in the circumstances (§ 123).

112. In *Pająk and Others v. Poland*, 2023, the Court concluded that a newly instituted difference in age between men and women in respect of early termination of their terms as judges constituted discrimination based on sex (§§ 260-63).

113. In *Ortega Ortega v. Spain*, 2025, the Court found that the domestic courts had not ensured effective protection against reprisal in the case of the applicant's dismissal from her job as the head of the finance department of a company after having successfully brough a claim of sex-based discrimination concerning her remuneration (§§ 78-80). The domestic courts' failure to give sufficient weight to certain factors constituted discrimination based on sex, namely: to the context of persistent sex-based discrimination (i.e., pay gap) against the applicant and her unsuccessful attempts to end discrimination internally (§§ 85-86); to the purpose of the disclosure of payroll information and its limited impact (§§ 87-94); and to the severity of the measure which could be indicative of retaliatory motives (§ 95).

114. The Court has also dealt with a number of cases concerning domestic violence under Articles 2 and/or 3 taken in conjunction with Article 14. The Court explicitly considered domestic violence to be a form of gender-based violence, which was 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; *Tkhelidze*

v. Georgia, 2021). In this regard the State's failure to protect women against domestic violence may breach their right to equal protection of the law and this failure does not need to be intentional (*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; *Vieru v. the Republic of Moldova*, 2024).

115. In this type of cases, it is sufficient for the applicant to provide the Court with adequate and sufficient elements to make a *prima facie* allegation of discrimination, which will then shift the burden of proof to the respondent State to show what remedial measures it has taken to redress the disadvantage associated with sex. Adequate evidence may come from statistical data from the authorities or academic institutions, or from reports by non-governmental organisations or international observers. It must show that: (i) domestic violence affects mainly women; and (ii) the general attitude of the authorities has created a climate conducive to such violence.

116. In *Eremia v. the Republic of Moldova*, 2013, a case which concerned the failure of domestic authorities to take adequate measures to protect the applicant and her daughters from domestic violence, the Court found that the authorities' (in)action was not a simple failure or delay in dealing with violence against the first applicant committed by her husband, but amounted to repeatedly condoning such violence and reflected a discriminatory attitude towards the first applicant as a woman (§ 89; see also *Mudric v. the Republic of Moldova*, 2013, § 63).

117. In *Volodina v. Russia*, 2019, the Court found that the Russian legal framework – which did not define domestic violence, whether as a separate offence or an aggravating element of other offences, and established a minimum threshold of gravity of injuries required for launching public prosecution – fell short of the requirements inherent in the State's positive obligation to establish and apply effectively a system punishing all forms of domestic violence and providing sufficient safeguards for victims. Such an absence of legislation defining domestic violence and dealing with it at a systemic level indicated the authorities' reluctance to acknowledge the seriousness and extent of the problem of domestic violence in Russia and its discriminatory effect on women. By tolerating for many years a climate which was conducive to domestic violence, the Russian authorities had failed to create conditions for substantive gender equality that would enable women to live free from fear of ill-treatment or attacks on their physical integrity and to benefit from the equal protection of the law. In *Tunikova and Others v. Russia*, 2021, the Court reiterated those findings and indicated that the respondent Government should take detailed general measures in order to swiftly comply with its obligations under the Convention.

118. In *Talpis v. Italy*, 2017, where the applicant had been exposed to a series of domestic violence incidents culminating in her husband murdering their son, the Court considered that the applicant had demonstrated the existence of *prima facie* evidence through the conclusions of several bodies, which showed, firstly, that domestic violence primarily affected women and that a large number of women were murdered by their partners or former partners and, secondly, that the socio-cultural attitudes of tolerance of domestic violence in Italy persisted. She also showed that in her particular case the authorities had been inactive for prolonged periods of time. More recently, in *Landi v. Italy*, 2022, the Court noted that since the adoption of *Talpis* in 2017 , the Italian State has taken numerous actions with a view to implementing the Istanbul Convention, thus demonstrating a genuine political will to prevent and combat violence against women. In such an amended legal setting, the applicant did not succeed in gathering any prima facie evidence of continued widespread inertia in the justice system impeding the provision of effective protection to female victims of domestic violence, or of the discriminatory nature of the measures or practices implemented in her case.

119. In *Tkhelidze v. Georgia*, 2021, the applicant's daughter was abused and ultimately killed by her partner. Against the backdrop of systemic failures and gender-based discrimination, and on the basis of relevant statistical data showing that domestic violence mainly affected women (who accounted for roughly 87% of victims), several authoritative international monitoring bodies, as well as the Office of the Public Defender of Georgia, reporting that the causes of violence against women were linked

to discriminatory gender stereotypes and patriarchal attitudes, the Court found that the domestic authorities had failed to take preventive action to protect and to investigate the police inaction in her case (see also *A and B v. Georgia*, 2022).

120. In *A.E. v. Bulgaria*, 2023 the applicant, a minor at that time, was victim of domestic violence at the hands of her partner. Based on the statistical evidence submitted by her, which together with the previous cases of domestic violence brought against Bulgaria demonstrated that domestic violence in Bulgaria affected predominantly women (§§ 118-19), the Court considered that the authorities had not shown what specific policies geared towards protecting victims of domestic violence and punishing the offenders they have pursued and to what effect (§ 120) and had not disproved the applicant's prima facie case of a general institutional passivity in matters related to domestic violence in Bulgaria (§ 122).

121. In *F.M. and Others v. Russia*, 2024, the applicants were foreign migrant women with an irregular immigration status, who had been trafficked and forced into servitude in Russia. The Court examined the case under Article 14 taken together with Article 4 and applied the same principles as those relevant to discrimination claims in connection with Articles 2 and 3 regarding the domestic authorities' passive response to gender-based domestic violence (§ 341). Relying on available research and statistical data, the Court established that a disproportionate number of women and girls were victims of human trafficking and were in general more vulnerable than men to exploitation through the use of force or threats (§ 342). It observed that the respondent State's poor anti-trafficking efforts, which reflected a general situation, inevitably mostly hit those disproportionately affected by trafficking, labour exploitation and related violence, notably female foreign migrant workers in an irregular situation (§ 344). The Court found a violation of Article 14 taken together with Article 4, noting that the inaction of the respondent State in honouring its positive obligations under Article 4 amounted to repeatedly condoning trafficking, labour exploitation and related gender-based violence and reflected a discriminatory attitude towards the applicants. The respondent State authorities' general and discriminatory passivity created a climate that was conducive to their trafficking and exploitation (§§ 346-47).

122. In *L. and Others v. France*, 2025, the first applicant submitted, *inter alia*, that she had been subjected to secondary victimisation and discriminatory treatment during the criminal proceedings for the non-consensual sex acts to which she had allegedly been subject as a minor. The Court found that, on at least two occasions, the authorities subjected the applicant to guilt-inducing and moralising comments conveying sexist stereotypes likely to discourage the victims' confidence in the justice system (§ 226). In particular, during a police interview, the applicant was indirectly criticised for not having expressed her lack of consent by shouting or physically defending herself, leading her to acknowledge that she did not behave in the way allegedly expected from a rape victim (§ 227). Furthermore, the investigative chamber's judgment described the facts reported by the applicant in a caricatural and pejorative manner with the intention of exonerating the perpetrators (§ 228). The Court thus found that the grounds of the investigative chamber's judgments were tainted by discrimination based on sex in breach of Article 14 taken in conjunction with Articles 3 and 8 of the Convention (§§ 229, 230).

123. The Court came to a similar finding in *N.T. v. Cyprus*, 2025, where the applicant submitted that, *inter alia*, she had been subjected to secondary victimisation and discriminatory treatment during the criminal proceedings for rape against her. The Court found that the language and arguments used by the prosecutors and the Deputy Attorney General, in assessing the applicant's case, conveyed sexist stereotypes likely to discourage the victims' confidence in the justice system. It concluded that the decision of the Deputy Attorney General was imbued with discrimination on grounds of sex in breach of Article 14 taken in conjunction with Articles 3 and 8 of the Convention (§§ 83, 84).

B. Race and colour

124. Ethnicity and race are related and overlapping concepts (*Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 43; *Timishev v. Russia*, 2005, § 56). Whereas the notion of race is rooted in the idea of biological classification of human beings into subspecies on the basis of morphological features such as skin colour or facial characteristics, ethnicity has its origin in the idea of societal groups marked in particular by common nationality, tribal affiliation, religion, shared language, or cultural and traditional origins and backgrounds (*Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 43; *Timishev v. Russia*, 2005, § 55).

125. Discrimination on account of a person's actual or perceived ethnic origin is a form of racial discrimination (*Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 43; *Timishev v. Russia*, 2005, § 55). Racial discrimination, as racial violence, is particularly egregious and, in view of its perilous consequences, requires special vigilance and a vigorous reaction from the authorities. It is for this reason that the authorities must use all available means to combat racism, thereby reinforcing democracy's vision of a society in which diversity is not perceived as a threat but as a source of enrichment (*Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 43; *Nachova and Others* [GC], 2005, § 145; *Timishev v. Russia*, 2005, § 56; *Soare and Others v. Romania*, 2011, § 201; *Stoica v. Romania*, 2008, § 117).

126. In this context, where a difference in treatment is based on race or ethnicity, the notion of objective and reasonable justification must be interpreted as strictly as possible (*D.H. and Others v. the Czech Republic* [GC], 2007, § 196; *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 44). No difference in treatment which is based exclusively or to a decisive extent on a person's ethnic origin is capable of being objectively justified in a contemporary democratic society built on the principles of pluralism and respect for different cultures (*D.H. and Others v. the Czech Republic* [GC], 2007, § 176; *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, § 44; *Timishev v. Russia*, 2005, § 58).

127. The Court has dealt with a number of cases of racist violence committed by the police (*Nachova and Others v. Bulgaria* [GC], 2005; *B.S. v. Spain*, 2012; *Stoica v. Romania*, 2008; *Bekos and Koutropoulos v. Greece*, 2005; *Turan Cakir v. Belgium*, 2009; *Adzhigitova and Others v. Russia*, 2021) or by private individuals (*Abdu v. Bulgaria*, 2014; *Moldovan and Others v. Romania (no. 2)*, 2005; *Šečić v. Croatia*, 2007; *Makhashevy v. Russia*, 2012; *Fedorchenko and Lozenko v. Ukraine*, 2012).[4]

128. In this respect the Convention organs have also accepted that discrimination based on race could, in certain circumstances, of itself amount to "degrading treatment" within the meaning of Article 3 (*East African Asians v. the United Kingdom*, 1973, Commission's report; *Abdu v. Bulgaria*, 2014, § 23).

129. Where there is suspicion that racial attitudes induced a violent act, it is particularly important that the official investigation is pursued with vigour and impartiality. Moreover, when investigating violent incidents triggered by suspected racist attitudes, the State authorities are required to take all reasonable action to ascertain whether there were any racist motives and to establish whether feelings of hatred or prejudice based on a person's ethnic origin played a role in the events. This must be done having regard to the need to continuously reassert society's condemnation of racism and ethnic hatred and to maintain the confidence of minorities in the ability of the authorities to protect

4. See under "Military service
280. The Court in *Brun v. Switzerland,* 2026, held that where the applicant, a male Swiss national, was required to pay the military-service exemption tax for not participating in the military service, the lack of any such requirement on women or non-national residents did not violate Article 14 of the Convention. The distinction pursued a legitimate aim – to maintain an effective national defence system – and the Court reiterated that in the organisation of their national defence, States are entitled to a wide margin of appreciation. The difference in treatment was objectively and reasonably justified taking into account *inter alia* bilateral difficulties with the home States of foreign nationals, and the common standard which existed among the Contracting States whereby women were not liable for mandatory military service (§§ 57-60).
Discrimination through violence" below.

them from the threat of racist violence (*Nachova and Others v. Bulgaria* [GC], 2005, § 160; *Abdu v. Bulgaria*, 2014, § 29). The obligation on the authorities to seek out a possible link between racist attitudes and a given act of violence is thus not only an aspect of the procedural obligations flowing from Articles 2 and 3 of the Convention, but also part of the responsibility incumbent on States under Article 14 of the Convention taken in conjunction with Articles 2 and 3 (*Nachova and Others v. Bulgaria* [GC], 2005, § 160; *Abdu v. Bulgaria*, 2014, § 31; *Menson and Others v. the United Kingdom* (dec.), 2003).

130. The Court further specified the scope of the duty to investigate a racially motivated act of violence in *Škorjanec v. Croatia*, 2017, where the applicant was attacked because of her partner's Roma ethnicity. Article 14 in conjunction with Article 3 thus concerns not only acts of violence based on a victim's actual or perceived personal status or characteristics but also acts of violence based on a victim's actual or presumed association or affiliation with another person who actually or presumably possesses a particular status or protected characteristic.

131. The Court found a violation of Article 14 in conjunction with Article 8 in *Burlya and Others v. Ukraine*, 2018, concerning the failure of the police to protect Roma residents from a pre-planned attack on their homes by an anti-Roma mob. Although some of the applicants had been absent from the village at the time of the events and no physical violence was involved, the Court notably took into account the facts that no investigation had ever been conducted and no person had been held responsible for the attack.

132. In *Paketova and Others v. Bulgaria*, 2022, the Court found a violation of Article 8 taken together with Article 14 because the applicants were forced to leave their homes amid recurrent anti-Roma marches in their village which they could legitimately have feared, even if it was not established that the protestors actually came in close proximity to the applicants, and because of the officials' repeated public display of opposition to the return of Roma to their homes, which opposition represented a real obstacle to the applicants' peaceful return.

133. The Court has also found violations of Article 14 read in conjunction with Article 2 of Protocol No. 1 in a number of cases concerning the right to education of Roma pupils (*D.H. and Others v. the Czech Republic* [GC], 2007; *Horváth and Kiss v. Hungary*, 2013; *Oršuš and Others v. Croatia* [GC], 2010; *Lavida and Others v. Greece*, 2013; *Sampanis and Others v. Greece*, 2008; *Elmazova and Others v. North Macedonia*, 2022; *Szolcsan v. Hungary*, 2023; *Salay v. Slovakia*, 2025).[5]

134. Moreover, with regard in particular to discrimination against Roma people, the Court has repeatedly stressed that, as a result of their turbulent history and constant uprooting, the Roma have become a specific type of disadvantaged and vulnerable minority (*D.H. and Others v. the Czech Republic* [GC], 2007, § 182). Therefore, special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases (*ibid*., § 181).

135. In *Terna v. Italy*, 2021, the applicant's granddaughter was taken into public care because she had lived in a criminal environment and the applicant had been unable to care for her. Although the child's guardian had asked the court to suspend the applicant's contacts with her granddaughter altogether on account of a risk that the child would be abducted by fellow members of the Roma community, that proposal was rejected by the court. The Court found a breach of Article 8 in that, due to a systemic problem in Italy, no visits ever took place between the applicant and her granddaughter. However, despite available data showing that a large number of Roma children were taken into care in Italy, in the present case the domestic courts had not used arguments concerning the child's ethnic origin and instead their action was based on the particular child's best interests. Moreover, although the guardian's considerations had reflected prejudice and could not be dismissed as unfortunate remarks,

5. See under "Right to education" below.

they were in themselves insufficient to conclude that the domestic court decisions had been motivated by the child's ethnic origin.

136. Other areas in which the Court found violations of its non-discrimination provisions on the grounds of racial/ethnic discrimination concerned the requirement to affiliate oneself with one of the three "constituent people" of Bosnia and Herzegovina in order to be eligible to stand for elections to the highest political offices in that country (*Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009), the right to liberty of movement of Chechen people in Russia, which was found to be restricted solely on the ground of the applicant's ethnic origin (*Timishev v. Russia*, 2005), family reunification rules which had a disproportionately prejudicial effect on persons of different ethnic origin (*Biao v. Denmark* [GC], 2016).

137. The Court found that the applicants' voting rights had been breached by the shortcomings in the national minority voting system affecting secrecy of vote, voters' free political choice and making it impossible for a national minority candidate to win a seat in Parliament (*Bakirdzi and E.C. v. Hungary*, 2022)[6].

138. The cases of *Budinova and Chaprazov v. Bulgaria* and *Behar and Gutman v. Bulgaria* concerned the failure of the State to discharge its positive obligation to protect individuals from hate speech by a politician, against Roma in the former case and against Jews in the latter case. The Court clarified when such expressions fall within the ambit of "private life" and criticised the Bulgarian authorities for not assessing the tenor of the politician's statements in an adequate manner. By, in effect, ascribing considerable weight to his freedom of expression in relation to the impugned statements, and by downplaying their effect on the applicants' right to respect for private life as ethnic Jews and ethnic Roma, respectively, living in Bulgaria, the domestic courts had failed to carry out the requisite balancing exercise in line with the Court's case-law and therefore to comply with their positive obligation to adequately respond to discrimination on account of the applicants' ethnic origin and to secure respect for their "private life". In the similar cases of *Budinova and Isaev v. Bulgaria*, 2026 and *Asen Asenov v. Bulgaria,* 2026, the Court held that the national authorities' failure to duly take into account a discriminatory motivation behind similar hateful statements when balancing the right to private life and freedom of expression will amount to a breach of their positive obligation to respond adequately to discrimination (*Budinova and Isaev v. Bulgaria*, 2026, §§ 118-19; *Asen Asenov v. Bulgaria*, 2026, §§ 98-105). By contrast, the case of Nikolov v. Bulgaria (dec.), 2026, was found inadmissible *ratione materiae* on the basis that the relevant speech, in this case by a then-Deputy Chief Prosecutor, did not include abusive epithets, was not accompanied by calls for exclusion or hatred, or claims of inherent moral inferiority, and had a lesser reach (§§ 44-50).

139. The Court ruled in various cases concerning racial profiling. In *Muhammad v. Spain*, 2022, the applicant and his friend, both Pakistani nationals of the same ethnicity, were requested to identify themselves on a public street allegedly on the sole grounds of their race. In *Basu v. Germany*, 2022, the police carried out an identity check of the applicant, a German national of Indian origin, and of his daughter, on a train, allegedly because of his dark skin colour. In *Wa Baile v. Switzerland*, 2024, the applicant was stopped and searched in a railway station allegedly on the sole ground of his dark skin colour. In *Seydi and Others v. France*, 2025, six applicants, who described themselves as being of African or North African origin, had their identities checked by the police in the street.

140. However, the Court may decide not to examine a case under Article 14 when it has already found a separate breach of the substantive Article of the Convention. For example, in *V.C. v. Slovakia*, 2011, which concerned the sterilisation of a Roma woman without her informed consent, the Court found a violation of Article 3 (prohibition of torture) and Article 8 (right to respect for private and family life) and did not find it necessary to examine separately the applicant's complaint under Article 14. In *B.T. and B.K.Cs. v. Hungary*, 2025, the Court found a violation of Article 8 on account of the placement of

6. See also point "Political rights" below.

a Roma child in temporary State care immediately following his birth. However, the complaint under Article 14 was declared manifestly ill-founded, as the evidence available before the Court was not sufficiently strong to convince it that the placement was part of an organised policy or that the conduct of the domestic authorities was intentionally racially motivated (§ 112).

C. Language

141. The leading case in which the Court addressed discrimination on grounds of language is the *Belgian linguistic case*, 1968, concerning the teaching of languages in the Belgian educational system. The State refused to establish or subsidise, in the Dutch unilingual region, primary school education in which French was employed as the language of instruction. For the Court, the difference in treatment was justified as, the two regions being predominantly unilingual, it would not have been feasible to make teaching available in both languages. Furthermore, families were not prevented from making use of private education in French in Dutch-speaking regions.

142. The Court has also clarified that the right enshrined in Article 2 of Protocol No. 1 guaranteeing the right to education did not encompass the right of access to education in a specific language: it guaranteed the right to receive education in one of the national languages namely, the official languages of the country concerned (*Valiullina and Others v. Latvia*, 2023, § 135). In *Valiullina and Others v. Latvia*, 2023, it found that the legislative reform increasing the proportion of subjects to be taught in Latvian in state schools and having the effect of reducing the use of Russian in education was found not to be contrary to Article 14 of the Convention in conjunction with Article 2 of Protocol No. 1 to the Convention (for a similar approach as regards private schools see *Džibuti and Others v. Latvia*, 2023).

143. Outside the education context, the Convention organs have confirmed that the Convention did not guarantee linguistic freedom as such, and particularly the right to use the language of one's choice in an individual's relations with public institutions and to receive a reply in this language (*Igors Dmitrijevs v. Latvia*, 2006, § 85; *Pahor v. Italy*, 1994, Commission decision; *Association "Andecha Astur" v. Spain*, 1997, Commission decision; *Fryske Nasjonale Partij and Others v. the Netherlands*, 1985, Commission decision; *Isop v. Austria*, 1962, Commission decision).

144. The case of *Macalin Moxamed Sed Dahir v. Switzerland* (dec.), 2015, concerned a Somali national, living and married in Switzerland, whose request for permission to change her name was refused. Her request stemmed from the fact that, when the applicant's maiden name was pronounced according to the rules of "Western" pronunciation, it took on a humiliating meaning in Somali. The applicant claimed to have been a victim of discrimination on grounds of language amounting to a violation of Article 14 taken together with Article 8. The Court considered the complaint manifestly ill-founded because the language in which the offensive meaning was heard was Somali and the applicant's situation was not therefore comparable to that of persons whose names took on humiliating meaning in the widely spoken national languages.

145. In *Paun Jovanović v. Serbia*, 2023, the applicant was denied the right to use Ijekavian, one of the two variants of the Serbian language in equal official use domestically, while acting on behalf of his client in court proceedings. The Court observed that the applicant had been treated differently than any other lawyer, who had used Ekavian, the other official variant of the Serbian language, and who, unlike the applicant, had not been asked by the court to use "the official language in the proceedings" (§ 83). The Court concluded that there could not have been an objective and reasonable justification for such treatment (§ 91)[7].

7. See also point "Article 1 of Protocol No. 12" above.

D. Religion

146. Along with the protection against discrimination on the grounds of religion provided by Article 14, the Convention contains a substantive provision expressly providing for the right to freedom of thought, conscience and religion enshrined in Article 9 of the Convention.[8] These notions protect "atheists, agnostics, sceptics and the unconcerned", thus protecting those who choose to hold or not to hold religious beliefs and to practise or not to practise a particular religion (*S.A.S. v. France* [GC], 2014, § 124; *İzzettin Doğan and Others v. Turkey* [GC], 2016, § 103). Religion and belief are essentially personal and subjective, and need not necessarily relate to a faith arranged around institutions (*Moscow Branch of the Salvation Army v. Russia*, 2006, §§ 57-58; *Metropolitan Church of Bessarabia and Others v. Moldova*, 2001, § 114; *Hasan and Chaush v. Bulgaria* [GC], 2000, §§ 62 and 78). Newer religions, such as Scientology, as well as non-traditional religious associations, have also been found to qualify for protection (*Church of Scientology Moscow v. Russia*, 2007; *Ancient Baltic religious association "Romuva" v. Lithuania*, 2021).

147. On several occasions the Court has held that, in exercising its regulatory power in this sphere and in its relations with the various religions, denominations and beliefs, the State had a duty to remain neutral and impartial (*Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, 2007, § 131; *Manoussakis and Others v. Greece*, 1996, § 47; *Metropolitan Church of Bessarabia and Others v. Moldova*, 2001, § 123). That duty was incompatible with any power on the State's part to assess the legitimacy of religious beliefs or the ways in which those beliefs were expressed (*İzzettin Doğan and Others v. Turkey* [GC], 2016, § 68; *S.A.S. v. France* [GC], 2014, § 55; *Eweida and Others v. the United Kingdom*, 2013, § 81).

148. Religious communities were autonomous in the sense that States were not required to create a particular legal framework in order to grant them a special status entailing specific privileges, but a State which has created such a status had to ensure that religious groups had a fair opportunity to apply for this status and that the criteria established were applied in a non-discriminatory manner (*İzzettin Doğan and Others v. Turkey* [GC], 2016, § 164). With regard to discrimination on grounds of religion, the Court has held that differential treatment based essentially on religion alone was not acceptable (*Hoffmann v. Austria*, 1993, § 36).

149. The Court has found that the difference in treatment on grounds of religion had not been sufficiently justified, thus giving rise to a breach of Article 14, in cases concerning, for example,

- violence based on the victims' faith (*Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, 2007; *Milanović v. Serbia*, 2010; *Barsuk and Gyl v. Ukraine*, 2026);
- the inability of certain churches to provide religious education in schools and to conclude officially recognised religious marriages (*Savez crkava "Riječ života" and Others v. Croatia*, 2010);
- the refusal to grant parental rights in view of a parent's religious convictions (*Hoffmann v. Austria*, 1993; *Vojnity v. Hungary*, 2013);
- the prohibition for employees of a private company to wear religious symbols although they did not cause any health or safety concerns (*Eweida and Others v. the United Kingdom*, 2013; see, *a contrario*, *Ebrahimian v. France*, 2015, which was examined only from the standpoint of Article 9);
- the requirement of obtaining a certificate of approval for immigrants wishing to marry other than in the Church of England (*O'Donoghue and Others v. the United Kingdom*, 2010);
- the inconsistent application of qualifying periods for eligibility to register as a religious society (*Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria*, 2008);

8. In this connection, see also the Guide on Article 9 - Freedom of thought, conscience and religion.

- the failure to provide a pupil excused from religious instruction with ethics classes and associated marks (*Grzelak v. Poland*, 2010);
- the failure to recognise services connected with the Alevi faith as a religious public service (*İzzettin Doğan and Others v. Turkey* [GC], 2016)
- the denial of State recognition to a pagan religious association which met the eligibility criteria, on grounds incompatible with the State's duty of neutrality and impartiality (*Ancient Baltic religious association "Romuva" v. Lithuania*, 2021);
- the refusal of a tax exemption for buildings used for the public practice of a non-recognised religion (*Anderlecht Christian Assembly of Jehovah's Witnesses and Others v. Belgium*, 2022), *see also* Christian Congregation of Jehovah's Witnesses v. Italy, 2026;
- the inability to open a Muslim boarding school because of opposition by private parties (*Georgian Muslim Relations and Others v. Georgia*, 2023).

150. The Court found discrimination by association on grounds of religion in the case of *Molla Sali v. Greece* [GC], 2018, concerning the difference in treatment suffered by the applicant, as a beneficiary of a will drawn up in accordance with the Civil Code by a testator of Muslim faith, as compared to a non-Muslim testator. The Court also established a positive obligation for States to treat differently persons convicted of offences committed due to their religious beliefs (*Thlimmenos v. Greece* [GC], 2000).

151. In some cases, other competing rights or freedoms had in the Court's view prevailed over freedom of religion, leading it to conclude that the difference in treatment on grounds of religion had been justified. In *S.A.S. v. France* [GC], 2014, concerning the ban on the full covering of the face in public places, the Court found that, while it might be considered that the ban at issue had specific negative effects on the situation of Muslim women who, for religious reasons, wished to wear the full-face veil in public, this measure had an objective and reasonable justification, namely, pursuing the aims of public safety and of respect for the minimum set of values of an open and democratic society (§§ 160-162; see also *Köse and Others v. Turkey* (dec.), 2006). In *Eweida and Others v. the United Kingdom*, 2013, concerning, among other things, the right for a registrar of marriages and a counsellor to refuse to officiate same-sex marriages and to provide counselling to same-sex couples respectively, the Court found that their dismissal on the ground that they refused to provide the service they had been hired for did not violate their Convention rights. In this respect the Court stressed that an individual's decision to enter into a contract of employment and to undertake responsibilities which he knew would have an impact on his freedom to manifest his religious belief, although not determinative of the question whether or not there had been an interference with Article 9 rights, nevertheless needed to be weighed in the balance when assessing whether a fair balance had been struck (§ 109).

152. In *Palau-Martinez v. France*, 2003, the Court found a violation of Article 8 in conjunction with Article 14 on account of the fact that the residence rights of his child had been determined on the basis of the applicants' religious beliefs. More recently, in *T.C. v. Italy*, 2022, a revocable and reviewable order prohibiting the applicant, who was a Jehovah's Witness, from actively involving his young child, brought up in Catholicism, in his religious practice was found not to have breached his rights under Article 14 taken in conjunction with Article 8 read in light of Article 9 of the Convention.

153. The case of *Cha'are Shalom Ve Tsedek v. France* [GC], 2000, concerned the refusal by the State to permit an Orthodox Jewish association to carry out ritual slaughters in accordance with its strict requirements. The applicant association claimed that the State's refusal had been discriminatory given that it had granted such an approval to another association. The Court found that such a refusal had pursued a legitimate aim, and there had been a reasonable relationship of proportionality between the means employed and the aim sought to be realised. It did therefore not violate the applicant association's rights under Article 14. In *Alujer Fernández and Caballero García v. Spain* (dec.), 2001, the applicants were members of the Baptist Evangelical Church in Valencia and complained about

their inability to allocate a proportion of their income tax directly to their Church, without a prior agreement with the Spanish State. The Court declared their complaint inadmissible as the obligation imposed on Churches to reach an agreement with the State in order to be eligible to receive part of the revenue from income tax did not appear to be unfounded or disproportionate in light of the wide margin of appreciation enjoyed by States in this field. *Executief van de Moslims van België and Others v. Belgium*, 2024, concerned the obligation to stun animals before ritual slaughter and the Court found that the State authorities had properly taken into account the difference between the applicants, Muslim and Jewish believers, and the rest of the population who did not have strict requirements based on religion (§ 148). It further made reference to its findings under Article 9 (§§ 82-124) whereby it established that animal welfare could be linked to "public morals", as one of the legitimate aims exhaustively listed in the second paragraph of Article 9 (§§ 92-102) and that, in adopting the laws at issue, the domestic authorities had not overstepped their margin of appreciation (§ 123).

E. Political or other opinion

154. As early as 1976 the Court established that the right to freedom of expression protects not only “information” or “ideas” that were favourably received or regarded as inoffensive or as a matter of indifference, but also those that offend, shock or disturb the State or any sector of the population (*Handyside v. the United Kingdom*, 1976, § 49).[9] Political opinion has been given privileged status. The Court has repeatedly emphasised that free elections and freedom of expression, in particular freedom of political debate, constitute the foundation of any democratic system (*Oran v. Turkey*, 2014, § 51). Accordingly, the powers of States to put restrictions on political expression or debate on questions of public interest are very limited (*Kurski v. Poland*, 2016, § 47).

155. The Court has rarely dealt with cases of discrimination on the grounds of a person’s political or other opinion. The case of *Georgian Labour Party v. Georgia* (2008) concerned the introduction of a new system of voter registration shortly before the election in a post-revolutionary context. The Court found that the applicant political party failed to show that either the challenged electoral mechanisms or the disenfranchisement of voters from a certain territory had been exclusively aimed at the applicant party and had not affected the other candidates standing for that election. The case of *Adalı v. Turkey* (2005) concerned the murder of a journalist, known for strong criticism of the policies and practices of the Turkish Government and the authorities of the “Turkish Republic of Northern Cyprus”, and alleged repeated acts of intimidation against his wife which she claimed had been discriminatory. The Court did not find sufficient evidence to find the existence of discrimination on grounds of political or other opinion.

156. In *Virabyan v. Armenia*, 2012, concerning the applicant’s ill-treatment by State agents allegedly motivated by his political convictions, the Court considered that the authorities’ obligation to use all available means to combat racism and racist violence also applied in cases where the treatment contrary to Article 3 of the Convention was alleged to have been inflicted for political motives. It reiterated that political pluralism, which implied a peaceful co-existence of a diversity of political opinions and movements, was of particular importance for the survival of a democratic society based on the rule of law. Acts of violence committed by agents of the State intended to suppress, eliminate or discourage political dissent or to punish those who hold or voice a dissenting political opinion posed a special threat to the ideals and values of such society (§§ 199-200).

157. In *Ukraine and the Netherlands v. Russia* [GC], 2025, the Court found that the Russian Federation violated Article 14 of the Convention by failing to secure the rights and freedoms set forth in Articles 2, 3, 4 § 2, 5, 8, 9, 10 and 11 of the Convention and Articles 1 and 2 of Protocol No. 1 to the Convention without discrimination on the grounds of political opinion and national origin. The Court held Russia responsible for administrative practices breaching the Convention in Ukraine between 11 May 2014

9. In this connection, see also the Guide on Article 10 - Freedom of expression.

and 16 September 2022. These included violence against civilians, targeting of pro-Ukrainian individuals, and policies aimed at undermining Ukrainian history and ethnicity, such as blocking Ukrainian broadcasting, forcibly transferring Ukrainian children to Russia, suppressing the Ukrainian language in education, and indoctrinating schoolchildren (§§ 1604-07).

F. National or social origin

158. According to a recurring formula used by the Court, very weighty reasons have to be put forward before the Court could regard a difference in treatment based exclusively on the ground of nationality as compatible with the Convention (*Gaygusuz v. Austria*, 1996, § 42; *Koua Poirrez v. France*, 2003, § 46; *Andrejeva v. Latvia* [GC], 2009, § 87). For example, in *Andrejeva v. Latvia* [GC], 2009, the Court found a violation of Article 14 read in conjunction with Article 1 of Protocol No. 1 due to the refusal to take the applicant's years of service acquired in the former Soviet Union (on today's Latvian territory and while she was resident in Latvia) into account when calculating her entitlement to a retirement pension because she did not have Latvian citizenship.

159. More recently, in *Savickis and Others v. Latvia* [GC], 2022, the Court accepted that, in the context of a difference in treatment based on nationality, there may be certain situations where the element of personal choice linked with the legal status in question may be of significance, especially in so far as privileges, entitlements and financial benefits were at stake. In that case, the Court was called upon to examine whether the exclusion of employment periods of permanently resident non-citizens accrued in other states of the former Soviet Union in state pension had been discriminatory. In doing so, the Grand Chamber held that, unlike in *Andrejeva*, the margin of appreciation had been a wide one. In the specific context of the restoration of Latvia's independence after unlawful occupation and annexation, the Court accepted that very weighty reasons had been put forward to justify the difference in treatment between the applicants and Latvian citizens in the circumstances.

160. Other cases regarding alleged discrimination on grounds of nationality concerned, for example,

- the authorities' refusal to grant emergency assistance to an unemployed man because he did not have Austrian nationality (*Gaygusuz v. Austria*, 1996);
- the consequences of family's loss of nationality on the applicant's status as a mother of a large family and her related pension entitlement (*Zeïbek v. Greece*, 2009);
- an unlawfully resident alien who was refused legal aid for contesting paternity of her child (*Anakomba Yula v. Belgium*, 2009);
- the refusal to award the applicant a disability allowance on the ground that he was not a French national and that there was no reciprocal agreement between France and his country of nationality in respect of this benefit (*Koua Poirrez v. France*, 2003);
- the refusal of social therapy or relaxations in the conditions of preventive detention due to the applicant's foreign nationality (*Rangelov v. Germany*, 2012);
- the prolonged failure of the Slovenian authorities to regularise the applicants' residence status as citizens of other former Yugoslav republics following their unlawful "erasure" from the register of permanent residents (*Kurić and Others v. Slovenia* [GC], 2012);
- the requirement on aliens without permanent residence to pay secondary-school fees (*Ponomaryovi v. Bulgaria*, 2011);
- the refusal to grant family reunion to naturalised nationals as opposed to nationals born in the country (*Biao v. Denmark* [GC], 2016);
- the blanket ban applied retroactively and indiscriminately to all prospective adoptive parents from a specific foreign State (*A.H. and Others v. Russia*, 2017);

- a refusal to grant the applicant Estonian citizen's identity document, on the grounds that her grandmother, who had opted for Estonian citizenship in 1920 (an "optant"), had not settled in Estonia to validate her citizenship (*Abo v. Estonia* (dec.), 2024, §§ 4-5).

161. In *Biao v. Denmark* [GC], 2016, the Court found that national law contributed to the creation of a pattern that was hampering the integration of aliens newly arrived in the country and that general biased assumptions or prevailing social prejudice in a particular country did not provide sufficient justification for a difference in treatment in cases of discrimination against naturalised nationals (§ 126).

G. Association with a (national) minority

162. In its case-law the Court has not defined "national minority" or found discrimination on the sole ground of "association with a national minority". However, it has touched upon the exercise of rights of different minorities in a number of cases.

163. The question of "minority groups" has been raised in some cases dealing with discrimination based on ethnicity. In *Paraskeva Todorova v. Bulgaria*, 2010, for example, the applicant of Roma origin was refused a suspended sentence by the domestic court which referred to the existence of a widespread sentiment of impunity in society, highlighting in particular the extent of this phenomenon in the case of minority groups, for whom a suspended sentence is not a conviction. The Court considered that such a decision taken together with the applicant's ethnic affiliation was likely to reveal an exemplary sentence for the Roma community by condemning a person belonging to the same minority group (§§ 38-40) and found a violation of Article 14. In *Zăicescu and Fălticineanu v. Romania*, 2024, the Court found that the applicants, two Holocaust survivors, could be seen as having a personal interest in proceedings aimed at establishing the responsibility of high-ranking members of the military for the Holocaust in Romania.

164. The Court has also stressed the necessity to protect a "sexual minority" under Article 14. The case of *Bayev and Others v. Russia*, 2017, concerned a legal ban on public statements concerning the identity, rights and social status of sexual minorities. The Government claimed that the legislation in question had to be understood in a context in which the majority of Russians disapprove of homosexuality and resent any display of same-sex relations. The Court considered that, while it was true that popular sentiment might play an important role in the Court's assessment when it comes to the justification on the grounds of morals, the legislation in question represented a pre-disposed bias against a homosexual minority and it would be incompatible with the underlying values of the Convention if the exercise of Convention rights by a minority group were made conditional on its being accepted by the majority (§ 70).

165. In *Molla Sali v. Greece* [GC], 2018, the Court also recognised the "right to free self-identification" as an important right in the field of protection of minorities (§ 157). In that case the applicant complained about the application of Islamic law in proceedings concerning her husband's succession despite the fact that her husband had drawn up a will in accordance with the Greek Civil Code. The Government submitted that the settled case-law of the Court of Cassation pursued the aim of protecting the Thrace Muslim minority. The Court doubted whether the impugned measure regarding the applicant's inheritance rights had been suited to achieve that aim. It held that refusing members of a religious minority the right to voluntarily opt for and benefit from ordinary law amounted not only to discriminatory treatment but also to a breach of their right to free self-identification, which was of cardinal importance in the field of protection of minorities. This right applied in its positive aspect to people who wished to be treated as members of a minority but also concerned in its negative aspect, the right to choose not to be treated as a member of a particular minority. In this second aspect, the choice was completely free, provided it is informed, and must be respected both by the other members of the minority in question and by the State itself. No bilateral or multilateral treaty or other

instrument required anyone to submit against his or her wishes to a special regime in terms of protection of minorities. Consequently, the Court concluded that the measure in question was not proportionate to the aim pursued.

H. Property

166. The Court examined discrimination on the grounds of property in two leading cases: *Chassagnou and Others v. France* [GC], 1999, and *Chabauty v. France* [GC], 2012.[10]

167. The case of *Chassagnou and Others v. France* [GC], 1999, concerned the compulsory inclusion of the applicants' lands in the hunting grounds of the local hunters' associations and the obligation to join this association although they disapproved of its objectives. The Court found a violation of Article 14 in conjunction with Article 1 of Protocol No. 1 and with Article 11 of the Convention because the distinction drawn between small and large landowners as regards their freedom to use their property for a purpose other than hunting had had no pertinent justification.

168. On the other hand, in *Chabauty v. France* [GC], 2012, the Court considered that the inability of small landholders, in contrast to large landholders, to have land removed from the control of approved hunters' association other than on ethical grounds did not constitute a violation of Article 14.

I. Birth

169. When it comes to the personal characteristic of "birth status", the Court considers that very weighty reasons have to be advanced before a distinction on grounds of birth outside marriage can be regarded as compatible with the Convention (*Fabris v. France* [GC], 2013, § 59; *Wolter and Sarfert v. Germany*, 2017, § 58; *Inze v. Austria*, 1987, § 41), including when the difference in treatment affects the parents of children born within or out of wedlock (*Sahin v. Germany* [GC], 2003; *Sommerfeld v. Germany* [GC], 2003).

170. As early as 1979 the Court held that restrictions on children's inheritance rights on grounds of birth were incompatible with the Convention (*Marckx v. Belgium*, 1979, § 59). It has constantly reiterated this fundamental principle ever since, establishing the prohibition of discrimination on grounds of a child's birth "outside marriage" as a standard of protection of European public order (*Fabris v. France* [GC], 2013, § 57).

171. Nowadays, it is common ground among member States of the Council of Europe that children born within and children born outside marriage have to be treated equally. This has led to a uniform approach by the national legislatures on the subject and to social and legal developments definitively endorsing the objective of achieving equality between children (*Fabris v. France* [GC], 2013, § 58).

172. The distinction that had existed in many member States between children "born out of wedlock" ("illegitimate") and children "born within marriage" ("legitimate") for inheritance purposes raised several issues under Article 8 of the Convention taken alone (*Johnston and Others v. Ireland*, 1986) and under Article 14 taken in conjunction with Article 8 of the Convention (*Brauer v. Germany*, 2009; *Vermeire v. Belgium*, 1991) or Article 1 of Protocol No. 1 (*Inze v. Austria*, 1987; *Mazurek v. France*, 2000; *Merger and Cros v. France*, 2004; *Fabris v. France* [GC], 2013). The Court extended its case-law to include voluntary dispositions by upholding the prohibition of discrimination where testamentary dispositions were concerned (*Pla and Puncernau v. Andorra*, 2004).

173. In a case concerning the refusal to grant Maltese citizenship to a child born out of wedlock whose mother had not been Maltese, the Court explained that, although the right to citizenship was not as

10. See also the *Advisory opinion on the difference in treatment between landowner associations "having a recognised existence on the date of the creation of an approved municipal hunters' association" and those set up after that date* [GC], 2022.

such a Convention right and its denial in the applicant's case did not give rise to a violation of Article 8, its impact on the applicant's social identity had been such as to bring it within the general scope and ambit of Article 14 of the Convention (*Genovese v. Malta*, 2011). It went on to find a breach of that Article.

174. However, in cases where the liquidation of the deceased's estate occurred long before filiation of a child born out of wedlock had been established, the Court found that the applicants in such cases did not have a sufficient proprietary interest in respect of their deceased parent's estate to constitute a "possession" within the meaning of Article 1 of Protocol No. 1 and that, *a fortiori*, Article 14 was not applicable either (*Alboize-Barthes and Alboize-Montezume v. France* (dec.), 2008; *Wysowska v. Poland* (dec.), 2018, § 51).

175. In *Zeggai v. France*, 2022, § 55, the Court acknowledged that the date of birth also pertained to an individual's "birth" status. The applicant was treated differently than his younger siblings with regard to the avenues available to them for obtaining French nationality, based on whether they had been born before or after Alger's independence.

176. In *A.P. and R.P. v. Poland,* 2026, the Court found a breach of the Article 14 rights of a minor biological child of a Polish woman. He and his biological mother lived with the mother's British female partner (who is marked in his UK birth certificate as his parent) in the UK, and they had tried to register the original UK birth certificate for him in Poland. The State refused to issue a birth certificate registering same-sex parents, leaving the second applicant unable to obtain the Polish identity documents he would be entitled to as a national by birth. The Court found a violation of the child's Article 8 right to private life, and went on to accept that the applicants' situations were sufficiently similar to that of a family with opposite sex parents (§ 158), and that the domestic courts had failed to engage in a meaningful analysis of the child's best interests or the consequences of refusing to register his birth certificate (§ 160). The Court found that the aim of protecting families *constituted* in the traditional way should not call into question the need to protect the children of same-sex couples since the interests of a child cannot depend solely on the sexual orientation of his or her parents and a child's position must be safeguarded irrespective of the family structure into which he or she was born (§ 160). Particularly convincing and weighty reasons for the difference in treatment were needed, but the decision in this case was found to have been made solely or decisively on considerations relating to the circumstances of the applicant's birth into a same-sex family (§ 160).

J. "Other status"

177. The words "other status" have generally been given a wide meaning (*Carson and Others v. the United Kingdom* [GC], 2010, § 70) and their interpretation has not been limited to characteristics which are personal in the sense that they are innate or inherent (*Kiyutin v. Russia*, 2011, § 56; *Clift v. the United Kingdom*, 2010, § 56).

1. Age

178. The Court has recognised that age constituted "other status" for the purposes of Article 14 of the Convention (*Schwizgebel v. Switzerland*, 2010, § 85; *Carvalho Pinto de Sousa Morais v. Portugal*, 2017, § 45). However, it has not, to date, suggested that discrimination on grounds of age should be equated with other grounds of discrimination (*ibid.*; *British Gurkha Welfare Society and Others v. the United Kingdom*, 2016, § 88). In *Ferrero Quintana v. Spain*, 2024, § 85, the Court found that a difference in treatment on grounds of age did not necessarily constitute an invidious kind of discrimination and did not necessarily have the same relative importance for the individual interest at stake.

179. The case of *Schwizgebel v. Switzerland*, 2010, concerned an unmarried woman debarred from adopting a second child as national legislation only authorised adoption by a single person up to a

certain age. The Court found no violation of Article 14 in conjunction with Article 8 as the measure sought to pursue the legitimate aim of protecting the well-being and rights of that child. Similarly, setting an upper-age limit for eligibility for housing benefits for "young families" in Lithuania was found to be justified in order to encourage young people to have more children and thereby offset the decrease of the population caused by emigration and a low birth rate (*Šaltinytė v. Lithuania,* 2021).

180. The Court also examined complaints of alleged discrimination on grounds of age in cases dealing with a difference in treatment between minors and adults as regards detention (*D.G. v. Ireland*, 2002; *Bouamar v. Belgium*, 1988) and held that there had been no violation of Article 14 in conjunction with Article 5 as the difference in treatment stemmed from the protective nature of the regime applied to minors in each case. In the same vein the Court found the exemption of juvenile offenders from life imprisonment consonant with the international legal framework on the matter as well as proportionate to the aim of facilitating the rehabilitation of juvenile delinquents (*Khamtokhu and Aksenchik v. Russia* [GC], 2017, § 80).

181. In *Carvalho Pinto de Sousa Morais v. Portugal*, 2017, the applicant, who had undergone a gynaecological surgery and subsequently brought a civil action against a hospital for medical negligence, complained about the reduction in damages awarded on appeal. The Court held that both the applicant's age and sex appeared to have been decisive factors in the appeal court's decision, introducing a difference in treatment based on those grounds. In *Deaconu v. Romania* [Committee], 2019, the Court found a breach of Article 14 in conjunction with Article 1 of Protocol No. 1 for lack of reasonable justification for dismissing a claim for damages of younger siblings, whilst making an award to older ones, on the ground that due to their age they suffered less at the death of their younger sister in a car accident.

182. The question of discrimination on grounds of age was also put forward in two cases concerning the trial of minors for murder (*T. v. the United Kingdom* [GC], 1999; *V. v. the United Kingdom* [GC], 1999), but the Court did not deem necessary to examine these complaints under Article 14 as it had already found a violation of Article 6 § 1 in their cases.

183. In *Spišák v. the Czech Republic*, 2024, the applicant complained under Article 14 in conjunction with Article 5 that the time-limit for the periodic review of pre-trial detention which applied to him, as a juvenile, was twice as long as that which applied to an adult person prosecuted for the same category of offence.

184. In *Ferrero Quintana v. Spain*, 2024, the applicant complained, under Article 1 of Protocol No. 12, about an imposition of an upper age limit of 35 years of age for a public competition for becoming a police officer of the lowest rank. The Court noted that the applicant was not a member of a vulnerable group and that his complaint concerned access to public-sector employment, not the exercise of a fundamental right explicitly recognised by the Convention. In those circumstances, the Court afforded the State a wide margin of appreciation (§§ 83-85). The Court could allow that age was a relevant factor in determining a person's physical aptitude and observed that the duties of officers of the police force in question were not administrative in nature, but operational or executive, requiring a particular physical aptitude. It further considered that, whether someone possessed the required capabilities, taking into consideration the years of service he or she would be required to complete after the recruitment, required a dynamic and not a static assessment (§ 92). The Court concluded that the restriction had been necessary to ensure and maintain the functional capacity of the police force. Given that the margin of appreciation with regard to the requirements of admission to public employment in the area of police and security forces was wide, the national authorities had provided relevant and sufficient reasons to justify the necessity of the measure (§§ 100-01).

2. Gender identity

185. The prohibition of discrimination under Article 14 of the Convention duly covers questions related to sexual orientation and gender identity (*Identoba and Others v. Georgia*, 2015, § 96). The

Court has also recognised that gender identity and sexual orientation were two distinctive and intimate characteristics. Any confusion between the two would therefore constitute an attack on one's reputation capable of attaining a sufficient level of seriousness for touching upon such an intimate characteristic of a person (*Sousa Goucha v. Portugal*, 2016, § 27).

186. The Court has dealt with a number of cases concerning gender identity issues, notably

- the right to undergo gender reassignment surgery (*L. v. Lithuania*, 2007);
- the right to have the preferred gender legally recognised (*Christine Goodwin v. the United Kingdom* [GC], 2002; *I. v. the United Kingdom* [GC], 2002; *L. v. Lithuania*, 2007) and the legal requirements that must be satisfied to this end (*Hämäläinen v. Finland* [GC], 2014);
- the right to marry (*Christine Goodwin v. the United Kingdom* [GC], 2002; *I. v. the United Kingdom* [GC], 2002);
- fairness of court proceedings concerning claims for reimbursement of gender reassignment measures against a private health insurance company (*Van Kück v. Germany*, 2003);
- the right to have one's gender legally recognised without changing civil status (*Hämäläinen v. Finland* [GC], 2014);
- liability for medical costs incurred in connection with a gender reassignment operation (*Schlumpf v. Switzerland*, 2009);
- restriction of an applicant's parental rights and deprivation of contact with her children on gender identity grounds (*A.M. and Others v. Russia*, 2021).

187. In *Hämäläinen v. Finland* [GC], 2014, the applicant, a transgender woman married to a cisgender woman, complained that, in order for her to have her female gender legally recognised, her marriage had to be transformed to a civil partnership since in Finland same-sex marriage had not been allowed at the material time. The Court found that the applicant could not claim to be in the same situation as cisgender persons who had obtained legal gender recognition automatically at birth and whose marriages, according to the applicant, did not run the risk of "forced" divorce in the way that hers did (§ 112).

188. Some gender identity cases were dealt with solely under the substantive Convention provision, without a separate examination under Article 14. In *Y.Y. v. Turkey*, 2015, the applicant applied for authorisation to undergo gender reassignment surgery, which was denied by the domestic court on the ground that the applicant was not permanently unable to procreate. The Court found that, in denying the applicant, for many years, the possibility of undergoing such an operation, the State had thus breached the applicant's right to respect for his private life under Article 8 of the Convention.

3. Sexual orientation

189. The Court has repeatedly included sexual orientation among the "other grounds" protected under Article 14 (*Salgueiro da Silva Mouta v. Portugal*, 1999, § 28; *Fretté v. France*, 2002, § 32).

190. In 1999 the Court found for the first time a violation of Article 14 on grounds of sexual orientation in a case concerning parental rights (*Salgueiro Da Silva Mouta v. Portugal*, 1999; see also *X v. Poland*, 2021). Ever since, it has examined the issue of sexual orientation in a number of other contexts involving

- different age of consent under criminal law for homosexual relations (*L. and v. v. Austria*, 2003; *S.L. v. Austria*, 2003; *B.B. v. the United Kingdom*, 2004; *Santos Couto v. Portugal*, 2010);
- permission to adopt a child (*X and Others v. Austria* [GC], 2013; *E.B. v. France* [GC], 2008; *Gas and Dubois v. France*, 2012);
- the right to succeed to the deceased partner's tenancy (*Karner v. Austria*, 2003; *Kozak v. Poland*, 2010);

- social protection (*P.B. and J.S. v. Austria*, 2010; *Mata Estevez v. Spain* (dec.), 2001);
- conditions of detention (*X v. Turkey*, 2012);
- regulations on child maintenance (*J.M. v. the United Kingdom*, 2010);
- civil unions (*Vallianatos and Others v. Greece* [GC], 2013; *Maymulakhin and Markiv v. Ukraine*, 2023);
- marriage (*Schalk and Kopf v. Austria*, 2010; *Chapin and Charpentier v. France*, 2016);
- family reunification (*Pajić v. Croatia*, 2016; *Taddeucci and McCall v. Italy*, 2016);
- freedom of thought, conscience and religion (*Eweida and Others v. the United Kingdom*, 2013);
- freedom of assembly and association (*Bączkowski and Others v. Poland*, 2007; *Alekseyev and Others v. Russia*, 2018; *Genderdoc-M v. Moldova*, 2012; *Zhdanov and Others v. Russia*, 2019; *Berkman v. Russia*, 2020; *Association ACCEPT and Others v. Romania*, 2021);
- protection from homophobic speech or acts of violence and effectiveness of investigation (*Identoba and Others v. Georgia*, 2015; *M.C. and A.C. v. Romania*, 2016; *Beizaras and Levickas v. Lithuania*, 2020; *Aghdgomelashvili and Japaridze v. Georgia*, 2020; *Sabalić v. Croatia*, 2021*; Association ACCEPT and Others v. Romania*, 2021; *Genderdoc-M and M.D. v. the Republic of Moldova*, 2021; *Oganezova v. Armenia*, 2022; *Nepomnyashchiy and Others v. Russia*, 2023; *Minasyan and Others v. Armenia*, 2025; *Bednarek and Others v. Poland*, 2025).

191. The Court has stressed that discrimination based on sexual orientation was as serious as discrimination based on "race, origin or colour" (*Vejdeland and Others v. Sweden*, 2012, § 55). Where a difference in treatment was based on sexual orientation, the State's margin of appreciation is narrow (*Kozak v. Poland*, 2010, § 92; *Karner v. Austria*, 2003, § 41). Moreover, differential treatment based solely on considerations of sexual orientation was unacceptable under the Convention (*E.B. v. France* [GC], 2008, §§ 93 and 96; *Salgueiro da Silva Mouta v. Portugal*, 1999, § 36; *X and Others v. Austria* [GC], 2013, § 99).

192. The most important number of cases examined by the Court in relation to discrimination on grounds of sexual orientation relates to the right to respect for private and family life. In that connection, the Court has interpreted Article 8 in light of the present-day conditions and recognised that the relationship of a cohabiting same-sex couple living in a stable *de facto* relationship fell within the notion of "family life" just as the relationship of a different-sex couple in the same situation would (*Schalk and Kopf v. Austria*, 2010, § 94). Furthermore, the Court has also found that the relationship between two women living together, and a child conceived by one of them but being brought up by both of them, constituted "family life" within the meaning of Article 8 of the Convention (*X and Others v. Austria* [GC], 2013, § 95; *Gas and Dubois v. France*, 2012, § 37).

193. As regards the right to marry, the impossibility of a same-sex marriage has been held not to violate Article 14 in conjunction with either Article 8 or Article 12[11] (*Schalk and Kopf v. Austria*, 2010; *Chapin and Charpentier v. France*, 2016), whereas the exclusion of same-sex couples from a civil union was found to be in breach of Article 14 in conjunction with Article 8 (*Vallianatos and Others v. Greece* [GC], 2013). As regards adoptions, in *E.B. v. France* [GC], 2008, the Court found a breach of Article 14 due to the authorities' refusal to grant approval for adoption based on the applicant's lifestyle as a lesbian living with another woman. In *X and Others v. Austria* [GC], 2013, the impossibility of second-parent adoption for an unmarried same-sex couple was found to be discriminatory in comparison with unmarried different-sex couples, who were able to adopt in similar circumstances. On the other hand, in *Gas and Dubois v. France*, 2012, the refusal of simple adoption order in favour of the homosexual partner of the biological mother was found not to be discriminatory since different-sex couples in a civil partnership were also prohibited from obtaining a single adoption order.

11. See the Guide on Article 12 - Right to marry.

Finally, the refusal to grant residence permits to a foreign same-sex partner has been found to be in breach of Article 14 in conjunction with Article 8 (*Pajić v. Croatia*, 2016; *Taddeucci and McCall v. Italy*, 2016).

194. Outside the context of family life, the Court found a violation of Article 14 in conjunction with Article 10 in *Bayev and Others v. Russia*, 2017, concerning a legislative prohibition on the promotion of homosexuality among minors which embodied a predisposed bias on the part of the heterosexual majority against the homosexual minority (§ 91). On the other hand, it did not find a violation of Article 14 read in conjunction with Article 8 of the Convention and Article 1 of Protocol No. 1 in *Aldeguer Tomás v. Spain*, 2016, in which the applicant was the surviving partner of a stable same-sex union but was not entitled to a survivor's pension, his partner having died before the recognition of same-sex marriage.

195. In *Beizaras and Levickas v. Lithuania*, 2020, the applicants were a homosexual couple who received a number of serious threats and offensive comments after they published on Facebook a photograph of them kissing. The competent authorities refused to prosecute finding that the applicants' behaviour had been "eccentric" and did not correspond to "traditional family values" in the country. The Court concluded that the applicants had suffered discrimination on the grounds of their sexual orientation, without good cause, given that the hateful comments by private individuals directed against them and the homosexual community in general had been instigated by a bigoted attitude towards that community. The same discriminatory state of mind was subsequently at the core of the authorities' failure to discharge their positive obligation to investigate in an effective manner.

196. In *Sabalić v. Croatia*, 2021, the Court held that a conviction for a minor offence and a modest fine, without investigating hate motives, had not provided an adequate response by the authorities to a violent homophobic attack. In that case, the domestic authorities had themselves brought about the situation in which they, by unnecessarily instituting the ineffective minor offence proceedings, had undermined the possibility to put properly into practice the relevant provisions and requirements of the domestic criminal law. Both the failure to investigate hate motives behind a violent attack and the failure to take into consideration such motives in determining the punishment for violent hate crimes had amounted to "fundamental defects" in the minor-offence proceedings under Article 4 § 2 of Protocol No. 7. By instituting the ineffective minor offences proceedings and, as a result, erroneously discontinuing the later criminal proceedings on formal grounds, the domestic authorities had, in the circumstances, failed to discharge adequately and effectively their procedural obligation under the Convention concerning a violent attack against the applicant motivated by her sexual orientation. In *Stoyanova v. Bulgaria*, 2022, the applicant's son was attacked and killed by three men who thought he looked homosexual. Although the domestic courts had established homophobic motives underlying the murder, this did not constitute a statutory aggravating factor nor did it have a measurable effect on the sentencing of the perpetrators, in breach of the State's duty to ensure that deadly attacks motivated by hostility towards victims' actual or presumed sexual orientation do not remain without an appropriate response.

197. The case of *Oganezova v. Armenia*, 2022, concerned an aggressive homophobic campaign and harassment of a well-known member of the LGBTI community in Armenia, culminating in an arson attack on a bar she co-owned. In the following weeks, she and her staff were intimidated and harassed by groups of people gathered outside the bar and the property was vandalised. Parliamentarians and high-ranking politicians made intolerant statements, publicly endorsing the actions of the perpetrators of the arson attack. The applicant was also subjected to death threats and abuse, including online hate speech, leading her to permanently leave Armenia and request asylum in Sweden. The Court found that the authorities had failed to protect the applicant from harassment as well as to carry out an effective investigation into the incidents.

198. In *Nepomnyashchiy and Others v. Russia*, 2023, the applicants, members of the LGBTI community, complained about negative public statements made by public officials about the LGBTI

community. The Court found that the applicants may claim to be victims of a violation the Convention despite the fact that they had not been directly targeted by the contested statements (§ 57). Bearing in mind the history of public hostility towards the LGBTI community in Russia and the increase in homophobic hate crimes, including violent crimes, at the material time, the openly homophobic content and particularly aggressive and hostile tone of the statements, as well as the fact that they were made by influential public figures holding official posts and were published in popular newspapers with a large readership, the Court considered that the contested statements reached the "threshold of severity" required to affect the "private life" of members of the group (§§ 59-62). On the merits, the Court found that the domestic law contained both civil-law mechanisms and criminal-law provisions for the protection of an individual's private life against stigmatising statements, including homophobic statements (§ 79), but owing to the authorities' approach, those domestic provisions were not applied in the applicants' case, and the requisite protection was not granted to them (§ 85).

199. The case of *Minasyan and Others v. Armenia*, 2025, concerned an online newspaper Article targeting LGBTI rights activists following their public comments challenging a statement of the Armenian Eurovision jury member criticising the victory of a gay cross-dressing man in 2014. The impugned Article had been motivated by hostility against LGBTI persons and the author of the Article had expressly incited the public to commit harmful discriminatory acts against the applicants (§ 66). The Court found a violation of Article 8 of the Convention, taken alone and in conjunction with Article 14, because the domestic courts had failed to recognise the article's hostile tone, intentions and impact on the applicants' Convention rights, as well as the discriminatory nature of the impugned statements. They also failed to carry out the requisite balancing of the competing rights in line with the Court's case-law (§§ 69-71). Furthermore, the manner in which the only (civil) remedy available to the applicants had been interpreted and applied in practice had failed to provide them with protection against hate speech and discrimination (§ 71).

200. In some cases, the Court has examined sexual orientation issues under the substantive provision alone, for example

- prohibition under criminal law of homosexual relations between adults (*Dudgeon v. the United Kingdom*, 1981; *Norris v. Ireland*, 1988; *Modinos v. Cyprus*, 1993; *A.D.T. v. the United Kingdom*, 2000);
- discharge of homosexuals from the armed forces (*Lustig-Prean and Beckett v. the United Kingdom*, 1999; *Smith and Grady v. the United Kingdom*, 1999; *Perkins and R. v. the United Kingdom*, 2002; *Beck and Others v. the United Kingdom*, 2002);
- refusal to register same-sex marriages contracted abroad (*Orlandi and Others v. Italy*, 2017);
- positive obligation to enact a legal framework providing for the recognition and protection of same-sex partnerships (*Oliari and Others v. Italy*, 2015);
- conditions of detention (*Stasi v. France*, 2011).

4. Health and disability

201. The Court has confirmed that the scope of Article 14 of the Convention and Article 1 of Protocol No. 12 included discrimination based on disability, medical conditions or genetic features (*Glor v. Switzerland*, 2009, § 80; *G.N. and Others v. Italy*, 2009, § 126; *Kiyutin v. Russia*, 2011, § 57). In cases concerning disability, the States' margin of appreciation in establishing different legal treatment for people with disabilities is considerably reduced (*Glor v. Switzerland*, 2009, § 84).

202. Referring in particular to Recommendation 1592 (2003) towards full social inclusion of people with disabilities, adopted by the Parliamentary Assembly of the Council of Europe on 29 January 2003, and to the United Nations Convention on the Rights of Persons with Disabilities, (UNCRPD) adopted on 13 December 2006, the Court has considered that there was a European and worldwide consensus

on the need to protect people with disabilities from discriminatory treatment (*Glor v. Switzerland*, 2009, § 54). This included an obligation for the States to ensure "reasonable accommodation" to allow persons with disabilities the opportunity to fully realise their rights, and a failure to do so amounted to discrimination (*Enver Şahin v. Turkey*, 2018, §§ 67-69; *Çam v. Turkey*, 2016, §§ 65-67; *G.L. v. Italy*, 2020, §§ 60-66).

203. As regards access to public buildings by physically disabled persons, the Court clarified that the test to be applied was limited to examining whether the State had made "necessary and appropriate modifications and adjustments" to accommodate and facilitate persons with disabilities, which, at the same time, did not impose a "disproportionate or undue burden" on the State (*Arnar Helgi Lárusson v. Iceland*, 2022, § 59). Where the respondent State and municipality had already taken considerable measures to assess and address accessibility needs in public buildings, within the confines of the available budget and having regard to the cultural heritage protection of the buildings in question, the Court found that there had been no discrimination against a wheelchair-bound applicant, who had been unable to access two local public buildings housing arts and cultural centres (*ibid.*; compare with *Botta v. Italy* (dec.), *Zehnalová and Zehnal v. the Czech Republic* (dec.), and *Glaisen v. Switzerland* (dec.), where Article 8 was found inapplicable).

204. As regards housing, in *Guberina v. Croatia*, 2016, the applicant requested tax exemption on the purchase of a new property adapted to the needs of his severely disabled child. The authorities did not take into consideration his son's particular needs and found that he did not satisfy the conditions for tax exemption on account of already being in possession of a suitable place to live. The Court stressed that, by ratifying the UNCRPD, Croatia was obliged to respect such principles as reasonable accommodation, accessibility and non-discrimination against persons with disabilities and that, by ignoring the specific needs of the applicant's family related to his child's disability, there had been a violation of Article 1 of Protocol No. 1 in conjunction with Article 14 of the Convention. The Court recognised for the first time that discriminatory treatment of the applicant on account of the disability of his child was disability-based discrimination covered by Article 14. In *J.D. and A. v. the United Kingdom*, 2019, the applicant's housing benefit had been reduced and she was forced to move out of a house especially adapted to the needs of her disabled daughter. The Court found that, while it would be disruptive and undesirable for her to move, the effect of the measure was proportionate in her case as she could move to smaller, appropriately adapted accommodation and given the availability of a discretionary housing benefit (§ 101).

205. In the area of education, in *Enver Şahin v. Turkey*, 2018, concerning a failure to conduct a concrete individual assessment of a disabled student's needs regarding access to university premises, the Court found a violation of Article 14 in conjunction with Article 2 of Protocol No. 1 on the right to education. In *G.L. v. Italy*, 2020, a child suffering from non-verbal autism was not able to receive, in the first two years of primary school, the specialised assistance to which she was entitled under the relevant legislation. Stressing the importance of primary schooling and the States' obligation to be particularly attentive to their choices in the area of educational needs of persons with disabilities, the Court found that the applicant had been unable to continue to attend primary school in conditions equivalent to those enjoyed by non-disabled pupils due to her disability. However, in the case of an autistic child enrolled in a mainstream primary school without his parents being clear about his disability and without they usefully cooperating with the school, the Court noted that supportive measures had been adopted by the school once the applicant's educational needs had been identified and concluded that the school could not be blamed for not having been sufficiently diligent in securing him equivalent conditions, as far as possible, to those enjoyed by other children (*S. v. the Czech Republic*, 2024, §§ 45-54).

206. In family matter, in *Cînţa v. Romania*, 2020, the domestic authorities failed to properly assess the impact that the applicant's mental illness might have had on his parenting skills or the child's safety. The Court stressed that mental illness might be a relevant factor to be taken into account when assessing the capacity of parents to care for their child. However, relying on mental illness as the

decisive element, or even as one element among others, might amount to discrimination when, in the specific circumstances of the case, the mental illness did not have a bearing on the parents' ability to take care of the child. In *R.P. and Others v. the United Kingdom*, 2012, § 89, concerning the appointment of an Official Solicitor to represent a mother with learning disabilities in child-care proceedings, the Court found that the measure the applicant had been subject to did not constitute unjustified discrimination. In fact, the Court accepted that it was necessary for the Contracting State to take measures to protect litigants in the applicant's situation and that the Official Solicitor scheme was within the State's margin of appreciation. Consequently, although the applicant was treated differently from someone with legal capacity, her situation was significantly different from such a person and the difference in treatment was objectively and reasonably justified (§ 89). In *V.I. v. the Republic of Moldova*, 2024, §§ 173-74, the Court found that the involuntary placement of a child in a psychiatric hospital as well as the psychiatric treatment in the absence of any therapeutical purpose, which was done because of lack of alternative care options, constituted discrimination based on the applicant's intellectual disability.

207. In *Negovanović and Others v. Serbia*, 2022, the denial to blind chess players, of financial awards which were granted to sighted players as a form of national sporting recognition for winning similar international accolades, was found to be discriminatory on the basis of their disability.

208. In the election context, in the case of *Strøbye and Rosenlind v. Denmark*, 2021, the Court examined the issue of disenfranchisement of persons divested of their legal capacity. Given that the mentally disabled had not been in general subject to disenfranchisement under Danish law, that there had been an individualised judicial evaluation and that the measure affected a very small number of people, the Court found that there had been no breach of Article 3 of Protocol No. 1 taken alone or in conjunction with Article 14 of the Convention (see also *Caamaño Valle v. Spain*, 2021). In *Toplak and Mrak v. Slovenia*, 2021, the Court found no breach of the State's positive obligations to take appropriate measures to enable the applicants, suffering from muscle dystrophy and using a wheelchair, to exercise their right to vote on an equal basis with others.

209. In the context of human trafficking and domestic sexual abuse, *I.C. v. the Republic of Moldova*, 2025, concerned the exploitation of a woman with intellectual disabilities by the family with which she had been placed following her deinstitutionalisation from a State asylum. The Court established that the domestic authorities had failed to assess and give weight to the applicant's vulnerabilities and had expressed views which seemed to convey stereotypes, preconceived beliefs and myths about persons with disabilities lacking agency, about a woman's role being that of a housewife who attends to the needs of a man and the family, and about the domestic work carried out by women lacking any economic value (§ 221).[12]

210. As regards discrimination against people with infectious diseases, the Court has considered that a distinction made on account of an individual's health status, including such conditions as HIV infection, should also be covered – either as a disability or a form thereof – by the term "other status" in the text of Article 14 of the Convention (*Kiyutin v. Russia*, 2011, § 57). The Court has held that people living with HIV were a vulnerable group, due to the prejudice and stigmatisation by the society. Consequently, the States should be afforded only a narrow margin of appreciation in choosing measures that singled out this group for differential treatment on the basis of their HIV status (*Kiyutin v. Russia*, 2011, § 64; *I.B. v. Greece*, 2013, § 81).

211. As with other protected grounds under the Convention, it is not uncommon for cases to be dealt with solely under the substantive right, rather than under Article 14. For example, in *Pretty v. the United Kingdom*, 2002, the applicant suffered from a degenerative disease and the Court examined a refusal of her wish to obtain an assurance from the government that her husband would not be prosecuted for assisting her to die. The Court found that the refusal to distinguish between those who

[12] For further details, see the Section on "Other forms of discrimination" above.

are and those who are not physically capable of committing suicide was justified because introducing exceptions to the law would in practice allow for abuse and undermine the protection of the right to life protected by Article 2 (§ 89).

5. Parental and marital status

212. In *Weller v. Hungary*, 2009, the Court found discrimination on grounds of parental status amounting to a violation of Article 14. In that case the first applicant was a father who was denied the award of a benefit to which only mothers, adoptive parents and guardians were entitled.

213. Equally, the Court has considered marital status to be a personal characteristic included in the term "other status". In *Şerife Yiğit v. Turkey* [GC], 2010, for example, the Court stated that the absence of a marriage tie between two parents is one of the aspects of personal "status" which may be a source of discrimination prohibited by Article 14 (§ 79).

214. In *Petrov v. Bulgaria*, 2008, the Court found a violation of Article 14 in conjunction with Article 8 as the applicant prisoner had been barred from making telephone calls to his partner because they were not married.

215. The case of *Burden v. the United Kingdom* [GC], 2008, concerned two cohabiting sisters who complained that they were ineligible for exemption from inheritance tax that surviving spouses or civil partners enjoyed. The Court held that the absence of such a legally binding agreement between the applicants rendered their relationship of cohabitation, despite its long duration, fundamentally different to that of a married or civil partnership couple (§ 65). In *Korosidou v. Greece*, 2011, the Court examined the case of an applicant who was refused a survivor's pension as a widow on the ground that she had not been married to her deceased partner and did not find discrimination. Nor did the Court find discriminatory the inability of a woman to automatically inherit her unmarried late partner's property in view of the adequate opportunities domestic law provided her with to do so (*Makarčeva v. Lithuania* (dec.), 2021).

216. The case of *Muñoz Díaz v. Spain*, 2009, concerned an applicant whose marriage concluded according to Roma rites was not considered valid for purposes of establishing entitlement to a survivor's pension by the State. The Court observed that the Spanish authorities had recognised the applicant as her partner's "spouse". The woman in question and her family had been issued with a family record book, had been granted large-family status and had been in receipt of health-care assistance. The Court therefore took the view that the applicant's good faith as to the validity of her marriage had given her a legitimate expectation of being entitled to a survivor's pension and acknowledged a violation of Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1. On the other hand, in *Şerife Yiğit v. Turkey* [GC], 2010, the applicant had married in a purely religious ceremony and was refused to be recognised as the heir of her deceased partner. However, the Court noted that the applicant was aware of her situation and knew that she needed to regularise her relationship in accordance with the Civil Code in order to be entitled to benefits on her partner's death. Therefore, the Court considered that there was an objective and reasonable justification for the difference in question and did not find a violation of Article 14.

6. Immigration status

217. The Court established that although immigration status was a status conferred by law, rather than one inherent to the individual, this fact did not preclude it from amounting to "other status" for the purposes of Article 14 (*Hode and Abdi v. the United Kingdom*, 2012, § 47; *Bah v. the United Kingdom*, 2011, § 46). Indeed, a wide range of legal and other effects flowed from a person's immigration status (*ibid.*).

218. The case of *Hode and Abdi v. the United Kingdom*, 2012, concerned a person recognised as a refugee and granted a limited leave who could not be joined by his post-flight spouse. The Court

reiterated that the argument in favour of refugee status amounting to "other status" was even stronger, as, unlike immigration status, refugee status did not entail an element of choice (§ 47). Consequently, the Court found a violation of Article 14 taken together with Article 8.

219. In *Bah v. the United Kingdom*, 2011, the Court examined the case of a person unintentionally homeless with a minor child, who was not granted priority assistance by the social services because her son was subject to immigration control. The applicant had entered the United Kingdom as an asylum-seeker but had not been granted refugee status. The Court noted that the nature of the status upon which differential treatment is based weighs heavily in determining the scope of the margin of appreciation to be accorded to Contracting States (§ 47). Given the element of choice involved in immigration status, while differential treatment based on this ground must still be objectively and reasonably justifiable, the justification required will not be as weighty as in the case of a distinction based, for example, on nationality (§ 47). The Court concluded that the differential treatment to which the applicant was subjected was reasonably and objectively justified (§ 52).

220. In *M.T. and Others v. Sweden*, 2022, § 111, the Court considered that persons with "subsidiary protection status", and persons with "refugee status" were in an analogous or relevantly similar situation in respect of the right to family reunification. The second applicant received subsidiary protection in Sweden. His mother and younger brother were denied resident permits, in application of a law which instituted temporary restrictions for granting residence permits in Sweden, to family members of persons who had been granted subsidiary protection status. The Court was satisfied that the differential treatment of the applicants vis-à-vis persons with refugee status had been reasonably and objectively justified (§ 117).

221. The Court also found discrimination on ground of immigration status in several other cases. In *Ponomaryovi v. Bulgaria*, 2011, the Court found the requirement on aliens without permanent residence to pay secondary-school fees discriminatory by reason of their nationality and immigration status (§ 49). It amounted to a violation of Article 14 of the Convention taken together with Article 2 of Protocol No. 1 on the right to education. In *Anakomba Yula v. Belgium*, 2009, where an unlawfully resident alien had been refused legal aid for contesting the paternity of her child, the Court found a violation of Article 14 in conjunction with Article 6 (access to court).

7. Status related to employment

222. In the field of employment, the Court found, for example, that holding of *high office* can be regarded as "other status" for the purposes of Article 14 (*Valkov and Others v. Bulgaria*, 2011, § 115). In that case the Court refused the applicants' contention that capping of their pensions amounted to discrimination in comparison to certain high-ranking officials whose pensions were exempted from the cap.

223. The Court also found that the notion of "other status" had been given a sufficiently wide meaning so as to include, in certain circumstances, *military rank*. The case of *Engel and Others v. the Netherlands*, 1976, concerned conscript soldiers on whom various penalties had been imposed by their respective commanding officers for offences against military discipline. The Court established that a distinction based on rank might run counter to Article 14 (§ 72). However, it recognised that the competent national authorities enjoyed a considerable margin of appreciation in this domain, and did not find a violation of Article 14. In *Beeckman and Others v. Belgium* (dec.), 2018, the Court interpreted *police rank* to also fall within the notion of "other status".

224. The *collaboration of applicants with secret services* has also been considered as "other status" for the purposes of Article 14 of the Convention (*Sidabras and Džiautas v. Lithuania*, 2004; *Žičkus v. Lithuania*, 2009; *Naidin v. Romania*, 2014). In *Žičkus v. Lithuania*, 2009, the applicant was banned from finding employment in the private sector on the grounds that he had been a former KGB officer. In *Naidin v. Romania*, 2014, a former collaborator of the political police had been banned from public-service employment.

225. The case of *Graziani-Weiss v. Austria*, 2011, concerned an obligation for *practicing lawyers and notaries* to act as unpaid guardians to mentally ill persons if appointed to do so, whereas other legally trained persons had not been under such an obligation. The Court held that there had been a difference in treatment between the two groups but that, for the purposes of guardianship in cases where legal representation was necessary, the two groups were not in a relevantly similar situation (§ 65).

8. Further examples of "other status"

226. The Court established that being a *prisoner*[13] was an aspect of personal status for the purposes of Article 14 in *Stummer v. Austria* [GC], 2011 (§ 90), where the authorities refused to take work performed in prison into account in calculating the applicant's pension rights. The Court also acknowledged an unjustified difference in legal regimes for *detainees on remand and convicted prisoners* (*Laduna v. Slovakia*, 2011; *Chaldayev v. Russia*, 2019; *Vool and Toomik v. Estonia*, 2022) as regards visiting rights and access to television.

227. In *Clift v. the United Kingdom*, 2010, the Court considered differences in procedural requirements for early release which depended on *the length of the sentence*. In that case the applicant alleged a difference in treatment based on his position as a prisoner serving a determinate sentence of more than fifteen years. While sentence length bore some relationship to the perceived gravity of the offence, a number of other factors could also be relevant, including the sentencing judge's assessment of the risk the prisoner posed to the public. Where an early-release scheme applied differently to prisoners depending on the length of their sentences, there was a risk that, unless objectively justified, it would run counter to the need to ensure protection from arbitrary detention under Article 5. Accordingly, the Court concluded that the applicant enjoyed "other status" for the purposes of Article 14.

228. In *Granos Organicos Nacionales S.A. v. Germany*, 2012, the Court found a difference in treatment between *natural and legal persons* and between *domestic and foreign legal entities*, due to the refusal to attribute legal aid to a foreign company wishing to institute civil proceedings in German courts, although in this particular case the Court held that such difference had been motivated by relevant reasons.

229. In *Moraru v. Romania*, 2022, the Court considered that an individual's *size* constituted a genetic feature which represented a personal characteristic falling within the list of "other status" (§ 42). The applicant complained that the decisions of the national authorities not to allow her to participate in the admission process for studying military medicine had constituted a discriminatory restriction of her right to education on the grounds of anthropometric attributes, notably height and weight (§ 27)[14].

230. The Court has found further differences in treatment as falling within the scope of "other status", although not related to "personal" characteristics.

231. For example, the Court found that *membership of an organisation* could constitute "other status" for the purpose of Article 14 of the Convention (*Danilenkov and Others v. Russia*, 2009; *Grande Oriente d'Italia di Palazzo Giustiniani v. Italy (no. 2)*, 2007). In *Danilenkov and Others v. Russia*, 2009, the State had failed to afford effective judicial protection against discrimination on the ground of trade-union membership. The case of *Grande Oriente d'Italia di Palazzo Giustiniani v. Italy (no. 2)* (2007) concerned the statutory obligation for Freemasons to declare their membership when applying for regional authority posts.

232. Equally, "other status" can include the *place of residence* (*Carson and Others v. the United Kingdom* [GC], 2010; *Aleksandr Aleksandrov v. Russia*, 2018; *Baralija v. Bosnia and Herzegovina*, 2019). The case of *Carson and Others v. the United Kingdom* [GC], 2010, concerned the absence of

13. See the Guide on prisoners' rights.
14. See "Right to education" below.

right to index-linking for pensioners resident in overseas countries which had no reciprocal arrangements with the State. In *Aleksandr Aleksandrov v. Russia*, 2018, the applicant was refused a non-custodial sentence on the ground that his permanent place of residence had been outside of the region where the offence had been committed and the sentence pronounced. The Court did not find that the difference in treatment had pursued a legitimate aim or had an objective and reasonable justification.

233. In *Pinkas and Others v. Bosnia and Herzegovina*, 2022, the Court found that a difference in treatment between *judicial clerks* and *judges* which belonged to the same legal regime with regard to work-related allowances constituted "indirect discrimination" based on "other status" for which no objective and reasonable justification had been put forward by the respondent Government.

234. In *Özgürlük ve Dayanışma Partisi (ÖDP) v. Turkey*, 2012, the Court acknowledged the existence of a difference in treatment between political parties on the ground of *insufficient popular support*. The case concerned the refusal of financial aid to a political party based on the fact that it had not received the statutory minimum number of votes required to be eligible for aid and did not result in finding a breach of Article 14.

235. The Court also considered that *conflicting decisions by the Supreme Court* could amount to discrimination under Article 14 (*Beian v. Romania (no. 1)*, 2007). A difference in treatment on grounds of *different points in time when pension claims were liquidated* could also amount to discrimination if not justified (*Maggio and Others v. Italy*, 2011).

236. *Informal hierarchies in prisons* were considered by the Court *in Petrov v. the Republic of Moldova*, 2026. The applicant had been subjected to segregation, assignment of menial tasks and denial of access to basic prison resources by his fellow prisoners due to his "pariah" status among the prisoners, which the Court held amounted an "other status" within the meaning of Article 14 (§ 79). The Court found a violation of Article 3 in conjunction with Article 14, observing that the prison authorities had been alerted to the applicant's belonging to a "pariah caste" and noting that there was a well-documented phenomenon of hierarchies, the risks of which the authorities could not have been unaware of (§ 74). The authorities had taken no measures to make the applicant less vulnerable and to protect him (§§ 75-76) and their inaction was conducive to the treatment inflicted on him (§§ 84-85).

9. Examples of situations not falling within "other status"

237. Certain differences in treatment not linked to a personal status have been considered as not falling within the notion of "other status".

238. In *Gerger v. Turkey* [GC], 1999, for example, the Court held that differences in treatment between prisoners in relation to parole did not confer on them "other status" as the distinction had not been made between different groups of people, such as in *Clift v. the United Kingdom*, 2010, but rather between different types of offences, according to their gravity.

239. Other examples of differences in treatment not falling within the notion of "other status" for the purpose of Article 14 include

- having or not having acquired the right to a welfare benefit (*Springett and Others v. the United Kingdom* (dec.), 2010);
- duration and nature of an employment contract (*Peterka v. the Czech Republic* (dec.), 2010);
- holding fishing rights in different areas (*Alatulkkila and Others v. Finland*, 2005);
- being sent on different military missions (*De Jong, Baljet and Van den Brink v. the Netherlands*, 1984);

- different legal status with respect to restitution of taxes (*National & Provincial Building Society, Leeds Permanent Building Society and Yorkshire Building Society v. the United Kingdom*, 1997);
- distinction between smaller and larger unions (*National union of Belgian police v. Belgium*, 1975; *Swedish Engine Drivers' Union v. Sweden*, 1976);
- difference between commercial advertising and advertisements forwarding certain ideals (*VgT Verein gegen Tierfabriken v. Switzerland*, 2001);
- the possession or otherwise of account with a State bank (*Shylina v. Ukraine*, 2024);
- having applied for a citizen's identity document before or after a change of administrative practice (meant to correct the previous erroneous practice) (*Abo v. Estonia* (dec.), 2024);

VI. Discrimination by topic

A. Private and family life

240. The Court examined complaints under Article 14 in conjunction with Article 8 concerning discrimination in the enjoyment of the right to respect for private and family life in a variety of situations.[15]

241. The Court clarified that the right to respect for "family life" did not safeguard the mere desire to found a family (*E.B. v. France* [GC], 2008, § 41); instead, it presupposed the existence of one (*Marckx v. Belgium*, 1979, § 31), or at the very least the potential relationship between, for example, a child born out of wedlock and his or her natural father (*Nylund v. Finland* (dec.), 1999), or the relationship that arises from a genuine marriage, even if family life has not yet been fully established (*Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 1985, § 62), or the relationship that arises from a lawful and genuine adoption (*Pini and Others v. Romania*, 2004, § 148).

242. In this context the Court examined several cases concerning access to children under Article 14 in conjunction with Article 8:

- the refusal to grant a father access to a child born out of wedlock (*Sommerfeld v. Germany* [GC], 2003);
- deprivation of custody on the sole ground of the mother's religious convictions (*Hoffmann v. Austria*, 1993);
- the impossibility of second-parent adoption in same-sex couples (*X and Others v. Austria* [GC], 2013);
- the difference in treatment between male and female military personnel regarding rights to parental leave (*Konstantin Markin v. Russia* [GC], 2012);
- the difference in treatment between a father and a mother as regards the time-limits related to the possibility of instituting proceedings to contest paternity (*Rasmussen v. Denmark*, 1984);
- impossibility of a father of a child born out of wedlock to exercise parental authority without the mother's consent despite DNA evidence of paternity (*Paparrigopoulos v. Greece*, 2022)
- legislation permitting deferral of prison sentence for mothers, but not fathers, of young children (*Alexandru Enache v. Romania*, 2017); or
- family reunification (*Biao v. Denmark* [GC], 2016)[16];

15. In this connection, see also the Guide on Article 8 - Right to respect for private and family life.
16. See under "Immigration" below.

- restriction on contact rights based on the father's mental disorder (*Cînţa v. Romania*, 2020)[17];
- failure to assist a widow in being reunited with her children kidnapped by the paternal grandfather against the background of regional gender stereotypes and patrilineal practices (*Tapayeva and Others v. Russia*, 2021);
- refusal to register a birth certificate listing two same-sex parents needed in order to access second nationality's identity papers (*A.P. and R.P. v. Poland,* 2026)[18].

243. Although the Court stated that Article 8 does not guarantee the right to found a family or the right to adopt (*E.B. v. France* [GC], 2008, § 41), it could nonetheless examine cases concerning, for example, the right to establish and develop relationships with other human beings or the decisions to have and not to have a child under the notion of "private life" within the meaning of Article 8 of the Convention (*ibid*., § 43). As a result, the Court examined respect for Article 14 in cases involving:

- a refusal to grant approval for the purposes of adoption, on the ground of the applicant's lifestyle as a lesbian living with another woman (*E.B. v. France* [GC], 2008);
- a refusal of simple adoption order in favour of the homosexual partner of the biological mother (*Gas and Dubois v. France*, 2012);
- the impossibility of second-parent adoption in a same-sex couple (*X and Others v. Austria* [GC], 2013); or
- the ban on adoption of children by specific nationals (*A.H. and Others v. Russia*, 2017);
- the obligation to resort to adoption in order to recognise the filiation between the biological mother and her child born through surrogacy (*D. v. France*, 2020).

244. The Court has also found a violation of Article 14 in cases concerned with the entering into a civil union or marriage. The case of *Muñoz Díaz v. Spain*, 2009, concerned the refusal to recognise the validity of a Roma marriage for the purposes of establishing entitlement to a survivor's pension. The Court found discrimination given the applicant's good faith as to the validity of the marriage. In *Şerife Yiğit v. Turkey* [GC], 2010, on the contrary, the applicant who had married in a purely religious ceremony was aware of her situation and the Court found no discrimination. In *Vallianatos and Others v. Greece* [GC], 2013, the Court found discriminatory the introduction of a "civil union" restricted to different-sex couples, thereby excluding same-sex couples from its scope. The case of *Ratzenböck and Seydl v. Austria*, 2017, concerned a different-sex couple who was denied access for a registered partnership, created and reserved exclusively for same-sex couples. The Court observed the context of the creation of such a civil partnership and the fact that the applicants had access to marriage and did not find the situation to amount to discrimination. Similar questions were sometimes examined by the Court under Article 8 alone such as in *Oliari and Others v. Italy*, 2015, concerning a lack of legal recognition of same-sex partnerships.

B. Political rights

245. The prohibition of discrimination in relation to political rights is directly related to the promotion of democracy, as one of the main goals of the Council of Europe. The Court has found a violation of Article 14 in conjunction with Article 10 guaranteeing freedom of expression,[19] or with Article 11 protecting freedom of peaceful assembly and association,[20] or with Article 3 of Protocol No. 1 concerning the right to free elections.[21]

17. See under "Health and disability" above.
18. See under "Birth" above.
19. In this connection, see also the Guide on Article 10 - Freedom of expression.
20. In this connection, see also the Guide on Article 11 - Freedom of assembly and association.
21. In this connection, see also the Guide on Article 3 of Protocol No. 1 - Right to free elections.

246. In *Bayev and Others v. Russia*, 2017, the applicants were fined for having staged a protest against laws banning the promotion of homosexuality among minors. The Court established that the national legislation created an unjustified difference in treatment between heterosexual majority and homosexual minority reinforcing stigma and prejudice and encouraging homophobia (§ 83) and found a violation of Article 14 in conjunction with Article 10.

247. As regards Article 14 in conjunction with Article 11, the Court found violations in cases concerning

- the obligation for Freemasons to declare their membership when applying for regional authority posts (*Grande Oriente d'Italia di Palazzo Giustiniani v. Italy (no. 2)*, 2007);
- the refusal to grant permission to protest or hold public assemblies based on discriminatory criteria (*Bączkowski and Others v. Poland*, 2007; *Genderdoc-M v. Moldova*, 2012; *Alekseyev and Others v. Russia*, 2018);
- the State's failure to protect demonstrators from homophobic violence and to launch effective investigation (*Identoba and Others v. Georgia*, 2015) or to ensure that a LGBTI event disrupted by counter-demonstrators proceeded peacefully (*Berkman v. Russia*, 2020);
- the refusal to register associations set up to promote and protect LGBTI rights (*Zhdanov and Others v. Russia*, 2019); and
- the obligation of small landowners to become members of a hunting association (*Chassagnou and Others v. France* [GC], 1999).

248. In *Danilenkov and Others v. Russia*, 2009, the Court found that the State had failed to fulfil its positive obligation to afford effective and clear judicial protection against discrimination on the ground of trade-union membership in a case involving a seaport company using various techniques to encourage employees to abandon their union membership, including their reassignment to special work teams with limited opportunities, unlawful dismissals, wage reductions, disciplinary sanctions and refusals to reinstate the trade-union members following court judgments. In *Zakharova and Others v. Russia*, 2022, such a positive obligation was found to have been violated on account of the courts' failure to review the various measures taken by the employer – including reduction of working hours, salaries and dismissal – of leading members of a trade union. In *Hoppen and trade union of AB Amber Grid employees v. Lithuania*, 2023, the applicant complained that he had been dismissed from his job because of his trade union activities. The Court found that the legal framework and judicial review had provided adequate safeguards.

249. In this context, the Court also examined allegations of discrimination of political parties as regards access to public funding. In *Demokrat Parti v. Turkey* (dec.), 2021, it found that the applicant party had not been treated differently than any other political party in a similar or analogous position. It also held that the applicant party had not been treated differently in comparison to another party, which had obtained a higher number of votes at the legislative elections.

250. In some cases, the Court found violations of Article 10 or Article 11 and did not find it necessary to examine whether or not there had been a violation Article 14. This was the case, for instance, in *Lashmankin and Others v. Russia*, 2017, which concerned the arbitrary and discriminatory power of authorities to propose changes in location, time or manner of conduct of a public event which could constitute interference with the participants' right to freedom of assembly.

251. Finally, the Court found violations of Article 14 in conjunction with Article 3 of Protocol No. 1 and/or Article 1 of Protocol No. 12 in several cases related to *the ability to stand for elections* (*Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, which concerned the inability of a Roma and a Jew to stand for parliamentary elections; *Zornić v. Bosnia and Herzegovina*, 2014, which concerned the ineligibility to stand for election without declaration of affiliation to one of the constitutionally defined "constituent peoples"; *Baralija v. Bosnia and Herzegovina*, 2019, which concerned the impossibility to vote or stand in local elections due to the applicant's place of residence; *Danis and Association of*

Ethnic Turks v. Romania, 2015, and *Cegolea v. Romania*, 2020, concerning the additional eligibility requirement applicable solely to candidates of national minority organisations not already represented in Parliament) and related to *the right to vote* (*Aziz v. Cyprus*, 2004, concerning the impossibility for Turkish Cypriots to vote in parliamentary elections; *Selygenenko and Others v. Ukraine*, 2021, concerning the discriminatory refusal to allow internally displaced persons to vote in local elections at their place of actual residence). However, the Court reiterated the States' wide margin of appreciation in organising their electoral systems, including the establishment of an electoral threshold for political parties aspiring to representation in parliament, and concluded to the absence of a violation of Article 14 in conjunction with Article 3 of Protocol No. 1 in a case concerning the exclusion of a political party from by-election for failing to reach the electoral threshold at the previous general election (*Cernea v. Romania*, 2018).

252. In *Toplak and Mrak v. Slovenia*, 2021, the Court examined the State's compliance with positive obligations to take appropriate measures to enable the applicants, suffering from muscle dystrophy and using a wheelchair, to exercise their right to vote on an equal basis with others. Acknowledging that a general and complete adaptation of polling stations in order to fully accommodate wheelchair users would no doubt facilitate their participation in the voting process, the Court reiterated the States' margin of appreciation in this area in light of limited resources. Given that both applicants voted in the 2015 referendum, that a ramp had been installed at the polling station at the request of the first applicant and that, at the request of the second applicant, a visit to the polling station for his electoral area was arranged a few days beforehand, the Court found that any problems they may have faced did not produce a particularly prejudicial impact on them so as to amount to discrimination. As regards the 2019 European Parliament election, the lack of voting machines was not found to be discriminatory for the first applicant, who was able to be assisted by a person of his own choice under legal duty to respect secrecy.

253. In *Bakirdzi and E.C. v. Hungary*, 2022, the applicants are Hungarian nationals belonging to the Greek and Armenian national minority respectively and were registered as national minority voters for the 2014 parliamentary elections. The case concerned a statutory scheme with a preferential threshold for minority representatives, introduced as a response to the constitutional concern of ensuring the political representation of national minorities in Hungary (§ 53). The Court noted that because national minority candidates could only be endorsed by members of the same national minority, they were placed in a significantly different situation compared to all other candidates who could obtain votes from the total eligible electorate (§ 55). As a consequence of being registered as national minority voters, the applicants could only vote for their respective national minority lists as a whole or abstain from voting for the national minority list altogether. Thus, they had neither the choice between different party lists nor any influence on the order in which candidates were elected from the national minority lists (§ 61). The Court found that the applicants had been substantially limited in their electoral choice, with the obvious likelihood that their electoral preferences would be revealed (§ 72)[22].

254. The case of *Kovačević v. Bosnia and Herzegovina* [GC], 2025, concerned allegations of discrimination on account of the inability to vote (active aspect of the right to vote) for candidates of his choice in legislative and presidential elections due to a combination of ethnic and territorial requirements. The Court did not in any way disregard the discriminatory nature of the rules governing eligibility to the House of Peoples and the Presidency from the passive aspect of the right to vote, as already recognised in *Sejdić and Finci v. Bosnia and Herzegovina* [GC], 2009, group of cases, nor did it deny that the applicant too might have been affected by those rules to some degree. However, in the absence of a sufficient explanation on how the electoral rules had a concrete impact on the free expression of the applicant's opinion on an equal footing with the other voters with whom he compared himself, the Court found that the applicant's claims amounted to an abstract critique of the

22. See also "Race and colour" above.

"state of the law" of an *action popularis* nature. The Court thus upheld the Government's preliminary objection that the applicant lacked victim status in respect of the alleged violation of his rights under both Article 14, in conjunction with Article 3 of Protocol No. 1, and Article 1 of Protocol No. 12, in relation to each of his complaints relating to the House of Peoples and the Presidency (§ 216).

C. Employment

255. Although the Convention does not guarantee the right to employment, Article 8 has been interpreted as covering the sphere of employment under certain circumstances.

256. In *Sidabras and Džiautas v. Lithuania*, 2004, the imposition of employment restrictions in the civil service and in various spheres of the private sector on former members of the KGB affected their ability to develop relationships with the outside world to a very significant degree and has created serious difficulties for them in terms of earning their living, with obvious repercussions on the enjoyment of their private lives (§ 48). In *Bigaeva v. Greece*, 2009, the Court found discriminatory the imposition of nationality requirement on an aspirant lawyer at the final stage of the admission procedure after completion of the compulsory training. The case of *I.B. v. Greece*, 2013, concerned the dismissal from work of an employee suffering from HIV infection, resulting from pressure by other employees. The Court found a violation due to the domestic court's failure to weigh up the rights of the two parties in a manner consistent with the Convention.

257. Protection against discrimination in the realm of employment has also been guaranteed by the Court in relation to the freedom to join or not to join a trade union under Article 11 (*Danilenkov and Others v. Russia*, 2009), protection against dismissal because of trade union activities (*Hoppen and trade union of AB Amber Grid employees v. Lithuania*, 2023) and in conjunction with the freedom of religion under Article 9 (*Eweida and Others v. the United Kingdom*, 2013, concerning disciplinary measures against employees for refusing to perform duties they considered incompatible with their religious beliefs).

258. In a different context, in *Acar and Others v. Turkey* (dec.), 2017, employment-related claims of workers which had been accrued more than one year prior to the opening of the insolvency proceedings were not granted priority in the ensuing bankruptcy proceedings concerning their employer. In declaring the applicants' discrimination complaint inadmissible, the Court found that Tukey's insolvency legislation complied with relevant international standards and that the applicants had had a window of opportunity to enforce their claims individually by starting regular enforcement proceedings against the debtor before it was declared insolvent.

259. In some cases, however, the Court found a violation of the substantive Article and did not find it necessary to examine whether or not there had been a violation of Article 14. This was the case, for instance, in *Redfearn v. the United Kingdom*, 2012, where the applicant had been dismissed from work on account of his political affiliation to a far-right political party and could not access a claim for unfair dismissal, the latter being restricted to people employed for more than a year. The Court considered that it was incumbent on the respondent State to take reasonable and appropriate measures to protect employees, including those with less than one year's service, from dismissal on grounds of political opinion or affiliation and found a violation of Article 11 of the Convention (§ 57).

D. Social rights

260. There is no right to social security under the Convention, though it is clear from the Court's case-law that some forms of social security such as benefit payments and pensions may fall within the ambit of Article 1 of Protocol No. 1 because they can be deemed as "possessions" within the meaning of that provision (*Stec and Others v. the United Kingdom* [GC], 2006; *Luczak v. Poland*, 2007; *Andrejeva v. Latvia* [GC], 2009; *Koua Poirrez v. France*, 2003; *Gaygusuz v. Austria*, 1996; *Pichkur v. Ukraine*, 2013;

P.C. v. Ireland, 2022), or within the ambit of Article 8, particularly when social benefits help the family unity (*Weller v. Hungary*, 2009; *Bah v. the United Kingdom*, 2011; *Gouri v. France* (dec.), 2017; *Belli and Arquier-Martinez v. Switzerland*, 2018; *Petrovic v. Austria*, 1998; *Okpisz v. Germany*, 2005; *Beeler v. Switzerland* [GC], 2022; *X and others v. Ireland*, 2023).

261. As a result, the protection against discrimination has been found to cover a variety of social benefits such as

- pension payments (*Pichkur v. Ukraine*, 2013; *Andrejeva v. Latvia* [GC], 2009) or survivor's pension payment (*Aldeguer Tomás v. Spain*, 2016; *Willis v. the United Kingdom*, 2002, *Beeler v. Switzerland* [GC], 2022);
- unemployment benefits (*Gaygusuz v. Austria*, 1996);
- disability benefits (*Koua Poirrez v. France*, 2003; *Belli and Arquier-Martinez v. Switzerland*, 2018; *Popović and Others v. Serbia*, 2020);
- housing benefits (*Vrountou v. Cyprus*, 2015; *Šaltinytė v. Lithuania,* 2021);
- parental leave allowance (*Petrovic v. Austria*, 1998);
- child benefits (*Okpisz v. Germany*, 2005; *X and others v. Ireland*, 2023);
- insurance cover (*P.B. and J.S. v. Austria*, 2010); or
- social security payment for the purposes of supporting families with children (*Weller v. Hungary*, 2009).

262. In *Pichkur v. Ukraine*, 2013, for example, the applicant complained that his pension payments were terminated on the ground that he had been permanently resident abroad. In this context the Court stated that the rise of population mobility, higher levels of international cooperation and integration, as well as developments in the area of banking services and information technologies no longer justify largely technically motivated restrictions in respect of beneficiaries of social security payments living abroad (§ 53). The absence of justification for the difference in treatment by the authorities resulted in a breach of Article 14 in conjunction with Article 1 of Protocol No. 1. In *Willis v. the United Kingdom*, 2002, the Court found the unavailability of widows' allowances to male widower discriminatory on grounds of sex. Following this judgment the Court applied the same solution to a number of other cases: *Runkee and White v. the United Kingdom*, 2007; *Cross v. the United Kingdom*, 2007; *Blackgrove v. the United Kingdom*, 2009; etc.

263. In *Beeler v. Switzerland* [GC], 2022, §§ 68-82 the Court clarified, for the purposes of the applicability of Article 14, the relevant criteria to be applied to circumscribe what falls within the "ambit" of Article 8, under its "family life" aspect, in the sphere of social welfare benefits. The widower pension in issue sought to promote "family life" by enabling a surviving parent to look after children without having to engage in an occupation, and the receipt of the pension had necessarily affected the way in which the applicant's family life had been organised throughout the relevant period.

264. The Court also found the possibility of affiliation with a specific social security scheme to be protected against discrimination. In *Luczak v. Poland*, 2007, the applicant complained against his inability to be affiliated to the farmers' social-security scheme on account of his nationality. The Court concluded that the Government had failed to present any convincing explanation of how the need to protect the underdeveloped and economically inefficient agricultural sector in Poland was served by refusing the applicant's admission to the farmers' scheme during the period in question (§§ 51 and 59).

265. In *Popović and Others v. Serbia*, 2020, the applicants, who were civilian beneficiaries of disability benefits, maintained that they were awarded a lower amount of the same benefit than those classified as military beneficiaries, despite having exactly the same paraplegic disability. The Court held that the relevant difference in treatment between the two groups had been a consequence of their distinct positions and the corresponding undertakings on the part of the respondent State to provide them

with benefits to a greater or lesser extent. That included a moral debt that States might feel obliged to honour in response to the service provided by their war veterans.

266. However, the margin of appreciation accorded to States in the area of social rights is relatively wide. The Court has emphasised that, because of their direct knowledge of their society and its needs, States were in principle better placed than the international judge to appreciate what was in the public interest on social or economic grounds. It has also recognised that it would generally respect the legislature's policy choice in this area unless it was manifestly without reasonable foundation (*Luczak v. Poland*, 2007, § 48).[23] This is the case regardless of whether the measure was a corrective transitional measure or not, in so far as the cases do not require "very weighty reasons" to be advanced by the respondent State to justify a difference in treatment (*D.A. and R.A. v. the United Kingdom*, 2026, §§ 107-08, 115).

267. *D.A. and R.A. v. the United Kingdom,* 2026 concerned a cap on welfare benefits that applied to lone parents of children under the age of two who worked fewer than 16 hours a week. The first applicant was subject to this cap because she could not work more than 16 hours per week as her child was under two years old, and being so young, did not yet qualify for free childcare. The Court noted that the applicants did not allege discrimination on the basis of their sex or another immutable personal characteristic. Although the first applicant's situation as the lone parent of a child under the age of two might have entailed practical vulnerabilities, there was no allegation of indirect discrimination on the grounds of sex, and so the Court held that the Government did not need to demonstrate very weighty reasons for treating them differently (*ibid.,* § 103).

268. Considering the wide margin of appreciation in the area of general measures of socio-economic policy and where considerable legislative and judicial scrutiny had been given at the domestic level (*D.A. and R.A. v. the United Kingdom,* 2026, § 109), despite the case not concerning transitional measures, the Court held that the impugned measure need only not be manifestly without reasonable foundation (*ibid.,* § 108). The Court found that the cap was not discriminatory, as it was not manifestly without reasonable foundation (*ibid.,* § 115). In its assessment of proportionality, it noted the considerable legislative and judicial scrutiny at the domestic level as to its impact on households with young children and the best interests of the child, as well as the option of other childcare-related State support (*ibid.,* §§ 110 – 114). The Court found no violation of Article 8 of the Convention.

In *L.F. v. the United Kingdom* (dec.), 2022, the applicant was excluded from social housing owned by a charity catering for the Orthodox Jewish Community because she was not a member of that community. The Court noted that the interference was not the loss of the applicant's only home (she already had temporary social housing) and that the impact of the charity's allocation policy, agreed by the local authorities, in the social housing market had been minuscule. It thereby fell within the States' wide margin of appreciation in this area.

269. The case of *Stummer v. Austria* [GC], 2011, concerned the refusal to take work performed in prison by the applicant into account in the calculation of his pension rights. The Court considered that, in a context of changing standards, a Contracting State could not be reproached for giving priority to the insurance scheme it considered most relevant for the reintegration of prisoners upon their release. In *Andrle v. the Czech Republic*, 2011, the Court found that the lowering of the pensionable age for women who had raised children – which did not exist for men – was a measure taken to rectify the inequality in question and that the timing and the extent of the measures aimed at equalising the pensionable age had not been manifestly unreasonable. In *Beeckman and Others v. Belgium* (dec.), 2018, the change in salary scales to which the applicant police officers had been attached, done in the framework of a reorganisation of the police force, was found to fall within the State's large margin of appreciation in the matter.

23. See under "Proportionality" above.

270. However, the Court may decide not to examine a case under Article 14 when it has already found a separate breach of the substantive Article of the Convention. For example, in *Kjartan Ásmundsson v. Iceland*, 2004, which concerned the termination of a disability pension, the Court found a violation of Article 1 of Protocol No. 1 (protection of property) and did not deem necessary to examine the case under Article 14 taken together with Article 1 of Protocol No. 1.

E. Immigration

271. The Court has repeatedly stressed that the Convention does not guarantee the right of an alien to enter or to settle in a particular country (*Pajić v. Croatia*, 2016, § 79; *Novruk and Others v. Russia*, 2016, § 83; *Ibrogimov v. Russia*, 2018, § 18). However, in cases concerning family reunification or the maintenance of the link between adult children and their parents, the Court considered the facts of the case to fall "within the ambit" of one or more provisions of the Convention or its Protocols.

272. Even if Article 8 does not impose general family reunification obligations (*Jeunesse v. the Netherlands* [GC], 2014, § 107), an immigration control measure otherwise compatible with Article 8 could amount to discrimination and a breach of Article 14 (*Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 1985, § 71; *Biao v. Denmark* [GC], 2016, § 118). In *Pajić v. Croatia*, 2016, the Court found that the relevant domestic law excluding the possibility of obtaining family reunification for same-sex couples while allowing it for unmarried different-sex couples amounted to discrimination. In *Taddeucci and McCall v. Italy*, 2016, the State did not treat unmarried couples differently according to their sexual orientation, but limited the concept of "family member" to heterosexual couples, given that only the latter could get married and acquire the status of "spouse" in view of family reunification. In *Biao v. Denmark* [GC], 2016, the refusal to grant family reunion was based on existing ties with another country and the Court found that the domestic immigration measure had had an indirect discriminatory impact in breach of Article 14 on grounds of ethnic origin and nationality.

273. Nevertheless, the Court recognised that case-law on these matters is rather sparse (*Biao v. Denmark* [GC], 2016, § 118). In *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 1985, the applicants were lawfully and permanently settled in the United Kingdom whereas their respective husbands were refused permission to remain or join them. The Court found the difference in treatment between men settled in the United Kingdom and women so settled to obtain family reunification to be discriminatory on grounds of sex (§§ 74-83). In parallel, one of the applicants claimed that she had been discriminated on grounds of birth due to the requirement that the wife or fiancée of the intending entrant to be born or have a parent born in the United Kingdom. However, the Court found the difference in treatment to be justified by the aim of protecting those whose link with a country stemmed from birth (§§ 87-89). In *Hode and Abdi v. the United Kingdom*, 2012, concerning the inability of immigrants with limited leave to remain as refugees to be joined by post-flight spouses, the Court accepted that offering incentives to certain groups of immigrants may amount to a legitimate aim for the purposes of Article 14 of the Convention (§ 53), but went on to find a violation in that particular case.

274. The Court also found that an applicant could not rely on the existence of "family life" in relation to adults who did not belong to his or her core family and who had not been shown to be or to have been dependent on him or her. However, the link between adult children and their parents falls under the head of "private life" within the meaning of Article 8 of the Convention (*Novruk and Others v. Russia*, 2016, §§ 88-89) and accordingly Article 14 in conjunction with Article 8 could apply in such cases. In *Novruk and Others v. Russia*, 2016, the Court found discriminatory the difference in treatment of HIV-positive aliens regarding their application for residence permit and permanent ban on re-entering Russia on ground of their health status.

F. Right to education

275. Article 2 of Protocol No. 1 to the Convention contains a freestanding right to education.[24] Accordingly, the Court considers complaints of discrimination in the context of education as falling within the ambit of Article 14 (*Ponomaryovi v. Bulgaria*, 2011, §§ 48-49).

276. The Court found violations of Article 14 read in conjunction with Article 2 of Protocol No. 1 in a number of cases concerning the right to education of Roma pupils. These cases concerned the disproportionate number of Roma children placed in special schools for children with mental disabilities (*D.H. and Others v. the Czech Republic* [GC], 2007; *Horváth and Kiss v. Hungary*, 2013), in Roma-only classes (*Oršuš and Others v. Croatia* [GC], 2010, *Elmazova and Others v. North Macedonia*, 2022), or in Roma-only schools (*Lavida and Others v. Greece*, 2013; *Szolcsán v. Hungary*, 2023); as well as their inability to access school before being assigned to special classrooms in an annex to the main primary school buildings (*Sampanis and Others v. Greece*, 2008). In all of these cases the Court found that the differential treatment, albeit unintentional, which Roma pupils were subject to, had constituted a form of indirect discrimination (*D.H. and Others v. the Czech Republic* [GC], 2007; *Sampanis and Others v. Greece*, 2008; *Horváth and Kiss v. Hungary*, 2013; *Lavida and Others v. Greece*, 2013; *Oršuš and Others v. Croatia* [GC], 2010). In *X and Others v. Albania,* 2022, the respondent State was required under Article 46 to take desegregation measures in an elementary school attended almost exclusively by Roma and Egyptian children (similarly in *Szolcsán v. Hungary*, 2023).

277. The Court has also examined cases of discrimination in relation to the provision of reasonable accommodation for persons with disabilities (*Enver Şahin v. Turkey*, 2018; *Çam v. Turkey*, 2016). In *G.L. v. Italy*, 2020, where a primary school disabled pupil was unable to receive the specialised assistance to which she was entitled under the relevant legislation, the Court stressed that reasonable accommodation measures were intended to correct de facto inequalities. The case of *Çam v. Turkey*, 2016, concerned a blind person who was refused enrolment in a music academy despite having successfully passed the competitive entrance examination. In *Enver Şahin v. Turkey*, 2018, the applicant had an accident which left him disabled and the university failed to conduct a concrete individual assessment of his needs regarding access to the university premises. In both cases the Court held that Article 14 must be read in light of the Convention on the Rights of Persons with Disabilities (CRPD) with respect to the "reasonable accommodation" – understood as necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case (*Enver Şahin v. Turkey*, 2018, § 60; *Çam v. Turkey*, 2016, § 65). It was not the Court's task to define the principle of "reasonable accommodation" to be implemented in the educational sphere (*Enver Şahin v. Turkey*, 2018, § 61; *Çam v. Turkey*, 2016, § 66). However, the Court took the view that it was important for States to be particularly careful in making their choices in this sphere, having regard to the impact of the latter on children with disabilities, whose particular vulnerability could not be overlooked (*Enver Şahin v. Turkey*, 2018, § 67; *Çam v. Turkey*, 2016, § 67).

278. In *Ponomaryovi v. Bulgaria*, 2011, the applicants, who were living in Bulgaria as foreigners without permanent residence, had been required to pay fees to pursue secondary education. The Court found the situation to amount to discrimination on the ground of their immigration status given that aliens with a permanent residence permit had been entitled to primary and secondary education free of charge.

279. In *Moraru v. Romania*, 2022, the applicant, a woman, was not allowed for a number of years to sit the entrance examination to study military medicine because her height (150 cm) and weight (44 kg) were below the thresholds set by the Order of the Ministry of National Defence at that time. The Court considered that the applicant had been treated differently from other female candidates whose anthropometric features fell within the limits set by law (§ 44). It also found that the national authorities did not show that there was necessarily a link between the criteria selected by the

24. In this connection, see also the Guide on Article 2 of Protocol No. 1 - Right to education.

legislature (including the minimum size of candidates) and the justification given for those restrictions (that is the need to determine each candidate's strength). Moreover, the domestic courts had failed to engage adequately with the case-law of the CJEU (§§ 53-55).[25]

G. Military service

280. The Court in *Brun v. Switzerland*, 2026, held that where the applicant, a male Swiss national, was required to pay the military-service exemption tax for not participating in the military service, the lack of any such requirement on women or non-national residents did not violate Article 14 of the Convention. The distinction pursued a legitimate aim – to maintain an effective national defence system – and the Court reiterated that in the organisation of their national defence, States are entitled to a wide margin of appreciation. The difference in treatment was objectively and reasonably justified taking into account *inter alia* bilateral difficulties with the home States of foreign nationals, and the common standard which existed among the Contracting States whereby women were not liable for mandatory military service (§§ 57-60).

H. Discrimination through violence

281. The guarantees of Article 14 also apply when the applicant is a victim of violence directly caused by the State authorities or by a private individual because of their belonging to a particular group.

282. The Court has examined cases of violence based on the victim's

- gender (*Opuz v. Turkey*, 2009; *Eremia v. the Republic of Moldova*, 2013; *Halime Kılıç v. Turkey*, 2016; *Tkhelidze v. Georgia*, 2021; *A.E. v. Bulgaria*, 2023; *L. and Others v. France*, 2025; *N.T. v. Cyprus*, 2025);
- race and ethnic origin (*Nachova and Others v. Bulgaria* [GC], 2005; *Moldovan and Others v. Romania (no. 2)*, 2005; *Škorjanec v. Croatia*, 2017; *Makuchyan and Minasyan v. Azerbaijan and Hungary*, 2020; *Adzhigitova and Others v. Russia*, 2021; *S.T. v. the Czech Republic*, 2026);
- religion (*Milanović v. Serbia*, 2010; *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, 2007; *Georgian Muslim Relations and Others v. Georgia*, 2023);
- political opinion (*Virabyan v. Armenia*, 2012); and
- sexual orientation (*Identoba and Others v. Georgia*, 2015; *M.C. and A.C. v. Romania*, 2016; *Bednarek and Others v. Poland*, 2025).

283. In those cases the Court has found violations of Article 14 taken in conjunction with Article 2 (*Nachova and Others v. Bulgaria* [GC], 2005; *Angelova and Iliev v. Bulgaria*, 2007), Article 3 (*Eremia v. the Republic of Moldova*, 2013; *B.S. v. Spain*, 2012; *Abdu v. Bulgaria*, 2014), Article 2 and 3 (*S.T. v. the Czech Republic*, 2026), Article 6 and Article 8 (*Moldovan and Others v. Romania (no. 2)*, 2005) of the Convention, Article 8 and Article 9 (*Georgian Muslim Relations and Others v. Georgia*, 2023), or with Article 3 and Article 9 (*Barsuk and Gyl v. Ukraine*, 2026).

284. The Court has examined cases of violence caused by discriminatory attitudes under both the substantive and procedural limbs of the relevant Articles.

1. Substantive aspect

285. When presented with a complaint of a violation of Article 14 because of alleged violence perpetrated by a State official, the Court's task under the substantive limb of Articles 2 or 3 is to establish whether or not discriminatory attitudes towards the group to which the victim belongs, or

25. See "Other status" above.

allegedly belongs, was a causal factor in the impugned conduct of the authorities (*Stoica v. Romania*, 2008, § 118; *Antayev and Others v. Russia*, 2014, § 123).

286. Although the Court has repeatedly found violations of Articles 2 or 3 in their procedural aspect in cases where the applicants had alleged that discriminatory motivations were behind the attacks they suffered by State agents, it has found a breach of the substantive aspect of these Articles in far fewer cases (*Stoica v. Romania*, 2008; *Antayev and Others v. Russia*, 2014).

287. In *Stoica v. Romania*, 2008, a case concerning racially motivated ill-treatment of a Roma minor by a police officer during an incident with the police, the Court found for the first time a breach of the substantive aspect of Article 3 taken in conjunction with Article 14. Being satisfied that a prima facie case of racially biased ill-treatment had been made by the applicants, the Court shifted the burden of proof to the Government. As neither the prosecutor in charge of the criminal investigation nor the Government could explain in any other way the incidents or put forward any arguments showing that the incidents were racially neutral, the Court found a violation of Article 14 read in conjunction with the substantive aspect of Article 3. A similar reasoning was followed in *Antayev and Others v. Russia*, 2014, concerning the ill-treatment of Chechen suspects on the grounds of their ethnic origin. In *Lingurar v. Romania* [Committee], 2019, the manner in which the authorities conducted and justified a police raid showed that the police had exercised their powers in a discriminatory manner, expecting the applicants to be aggressive criminals due to their Roma ethnic origin. Consequently, the Court found a violation of Article 14 in conjunction with Article 3 of the Convention under its substantive limb due to ethnic profiling.

288. In *Aghdgomelashvili and Japaridze v. Georgia*, 2020, the police conducted a search of the premises of a LGBTI NGO. Upon discovering the nature of the NGO, the police officers became aggressive by resorting to hate speech, uttering insults and threats. In addition, the applicants and some of their colleagues were strip-searched without any apparent reason or official record. Finding a violation of both the substantive and procedural aspects of Article 14 in conjunction with Article 3, the Court concluded that the wholly inappropriate conduct of the police officers during the search had been motivated by homophobic and/or transphobic hatred and must necessarily have aroused in the applicants' feelings of fear, anguish and insecurity which were not compatible with respect for their human dignity.

2. Procedural aspect

289. Following the case of *Nachova and Others v. Bulgaria* [GC], 2005, the Court has found violations of the procedural aspect of Articles 2 or 3 read in conjunction with Article 14 in a number of cases, due to the failure of the domestic authorities to carry out an effective investigation of the discriminatory motives at the origin of the ill-treatment or death of the victims of discriminatory violence (*Bekos and Koutropoulos v. Greece*, 2005; *Turan Cakir v. Belgium*, 2009; *Abdu v. Bulgaria*, 2014; *Angelova and Iliev v. Bulgaria*, 2007; *Eremia v. the Republic of Moldova*, 2013; *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, 2007; *Virabyan v. Armenia*, 2012; *Bălşan v. Romania*, 2017; *Talpis v. Italy*, 2017; *Škorjanec v. Croatia*, 2017; *Adzhigitova and Others v. Russia*, 2021; *Georgian Muslim Relations and Others v. Georgia*, 2023; *S.T. v. the Czech Republic*, 2026).

290. The authorities' duty to investigate the existence of a possible link between discriminatory attitudes and any act of violence is an aspect of their procedural obligations arising under Articles 2 and 3 of the Convention, but may also be seen as implicit in their responsibilities under Article 14 (*Nachova and Others v. Bulgaria* [GC], 2005, § 161; *Bekos and Koutropoulos v. Greece*, 2005, § 70; *Kreyndlin and Others v. Russia*, 2023, § 59). Owing to the interplay between Article 14 and the substantive provisions, issues of discriminatory violence may fall to be examined under only one of the two provisions, with no separate issue arising under the other, or may require examination under

both Articles. This is a question to be decided in each case on its facts and depending on the nature of the allegations made.

291. Where there is suspicion that discriminatory attitudes induced a violent act, it is particularly important that the official investigation is pursued with vigour and impartiality, having regard to the need to reassert continuously society's condemnation of discriminatory hatred and to maintain the confidence of minorities in the ability of the authorities to protect them from the threat of discriminatory violence (*Nachova and Others v. Bulgaria* [GC], 2005, § 160).

292. To be characterised as racially motivated violence, it is not necessary for it to stem from openly articulated hostility towards a group, but it may arise from a broader culture of institutional racism which manifests in an organisation's failure to provide appropriate and professional services to individuals because of their race, shaped by unwitting prejudice, ignorance, thoughtlessness or stereotyping *(S.T. v. the Czech Republic*, 2026, § 223). In *S.T. v. the Czech Republic*, 2026, which concerned the death of a Roma man following a police intervention during which he was held in the prone position while intoxicated and handcuffed, with an officer kneeling on his neck, the Court found that the combination of contextual indicators raised a *prima facie* case of racial bias against the victim, triggering a duty to take all reasonable steps to investigate any potential racist motive. In coming to this conclusion the Court was guided by its own extensive case-law, documenting persistent police violence against Roma people as well as contextual points such as the ethnicity of the neighbourhood where police intervened and the subject's vulnerabilities (§§ 226-31). The Court found a violation of Article 14, read in conjunction with Articles 2 and 3, noting the lack of any attempt to explore the possibility that institutional racism could have influenced the police officers' conduct and the manifest lack of diligence in investigating both the intervention as a whole and its potential racial dimension (§§ 234-36).

293. In this respect, when investigating violent incidents and, in particular, deaths at the hands of State agents or private individuals, State authorities have the additional duty to take all reasonable steps to unmask any discriminatory motive and to establish whether or not discriminatory hatred or prejudice may have played a role in the events (*Ognyanova and Choban v. Bulgaria*, 2006, § 145; *Turan Cakir v. Belgium*, 2009, § 77; *Abdu v. Bulgaria*, 2014, § 44; *Angelova and Iliev v. Bulgaria*, 2007, § 115; *Eremia v. the Republic of Moldova*, 2013, § 85; *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, 2007, § 140; *Virabyan v. Armenia*, 2012, § 218; *Kreyndlin and Others v. Russia*, 2023, § 58). Failing to unmask discriminatory motives and treating violence and brutality induced by discrimination on an equal footing with cases that have no discriminatory overtones would be turning a blind eye to the specific nature of acts that are particularly destructive of fundamental rights. A failure to make a distinction in the way in which situations that are essentially different are handled may constitute unjustified treatment irreconcilable with Article 14 of the Convention (*Nachova and Others v. Bulgaria* [GC], 2005, § 160; *Stoica v. Romania*, 2008, § 119; *Virabyan v. Armenia*, 2012, § 218; *Šečić v. Croatia*, 2007, § 67).

294. Admittedly, proving discriminatory motives may often be extremely difficult in practice. The respondent State's obligation to investigate possible discriminatory overtones to a violent act is an obligation to use best endeavours and not absolute (*Nachova and Others v. Bulgaria* [GC], 2005, § 160; *Bekos and Koutropoulos v. Greece*, 2005, § 69; *Stoica v. Romania*, 2008, § 119). The authorities must do what is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may be indicative of discrimination through violence (*Nachova and Others v. Bulgaria* [GC], 2005, § 160; *Bekos and Koutropoulos v. Greece*, 2005, § 69; *Ognyanova and Choban v. Bulgaria*, 2006, § 145).

295. In *Makuchyan and Minasyan v. Azerbaijan and Hungary*, 2020, the Court was called upon to examine whether the failure by Azerbaijan to enforce a prison sentence for a hate crime against two Armenians, which had been imposed abroad on an Azerbaijani military officer (the latter being,

instead, glorified as a hero, promoted and awarded benefits upon his return to Azerbaijan), had been motivated by the ethnic origin of the victims. In the Court's view, the applicants had put forward sufficiently strong, clear and concordant inferences as to make a convincing prima facie case that the measures taken by the Azerbaijani authorities in respect of their officer, leading to his virtual impunity and, indeed, the glorification of his extremely cruel hate crime, had had a causal link to the Armenian ethnicity of his victims and had thus been racially motivated. For their part, the Azerbaijani Government had failed to disprove the applicants' arguable allegation of discrimination and the Court found a violation of Article 14 in conjunction with the procedural limb of Article 2 of the Convention.

296. The Court considered that, once there was an arguable claim that an individual may have been targeted by a police identity check on account of racial characteristics and such acts fell into the ambit of Article 8, the duty of the authorities to investigate the existence of a possible link between racist attitudes and a State agent's act was to be considered as implicit in their responsibilities under Article 14 examined in conjunction with Article 8 (*Muhammad v. Spain*, 2022, § 68; *Basu v. Germany*, 2022, § 33; *Wa Baile v. Switzerland*, 2024, § 91; *Seydi and Others v. France*, 2025, § 88).

297. In *Allouche v. France*, 2024, the applicant complained about antisemitic insults and threats uttered against her by a private individual. The domestic courts acknowledged the antisemitic character of those threats but reclassified the offence into "simple" death threats, and thus did not examine the discriminatory motives behind the threats. The Court concluded that, in doing so, the domestic courts had failed to offer the applicant adequate and appropriate protection against discrimination.

I. Access to justice

298. Under the Convention, the right of access to justice is guaranteed in the context of the right to a fair trial under Article 6 and by Article 13 (right to an effective remedy). The Court has dealt with cases relating to discrimination in access to justice under Article 14 in conjunction with Article 6 (*Sâmbata Bihor Greek Catholic Parish v. Romania*, 2010; *Mizzi v. Malta*, 2006).

299. In its case-law on the matter, the Court has found differences in treatment amounting to discrimination in access to justice when domestic courts based their decision on protected grounds under Article 14. The case of *Schuler-Zgraggen v. Switzerland*, 1993, concerned the refusal to grant invalidity benefits based on the mere assumption that women gave up work when they gave birth to a child. The domestic court thus inferred that the applicant would have given up work even if she had not had health problems. The Court considered the reasoning of the domestic court to create a difference in treatment on grounds of sex. In *Paraskeva Todorova v. Bulgaria*, 2010, the domestic court refused to suspend the prison sentence of an accused of Roma origin on the ground that she belonged to a minority group for whom a suspended sentence was not a conviction and that such a sentence would not fulfil the function of general and specific prevention (§ 38). The Court found discrimination based on the applicant's ethnic origin.

300. The case of *Moldovan and Others v. Romania (no. 2)*, 2005, was brought by Roma villagers following the killing of fellow Roma and the destruction of their homes. The Court observed that the applicants' ethnicity appeared to have been decisive for the length and the result of the domestic proceedings – including repeated discriminatory remarks made by the authorities and their blank refusal to award non-pecuniary damages – and found a violation of Article 14 in conjunction with Article 6.

301. In *Anakomba Yula v. Belgium*, 2009, the applicant was refused legal aid for the purpose of contesting paternity of her child within a one-year time-limit because she had been unlawfully residing in Belgium. The applicant, who had already taken steps to regularise her situation, could not reasonably have been expected to wait until she had renewed her permit thereby risking the lapse of

the one-year time-limit prescribed by domestic law for contesting paternity. The Court found a violation of Article 14 taken together with Article 6 given the specific circumstances of the case.

302. In *Zăicescu and Fălticineanu v. Romania*, § 153, 2024, which concerned the acquittal of two military men previously convicted for crimes connected with the Holocaust, the Court considered that Holocaust survivors should have been made aware of the proceedings and their outcome and noted that international principles, that already existed at the time of the retrials which led to the acquittal, mention that victims of crime must be informed of the fact that proceedings have been initiated and of the progress of their cases and must have access to justice and to proper assistance.

J. Right to respect for home

303. In its case-law the Court found discrimination in relation to the right to respect for home in cases involving the destruction and damaging of people's houses based on their ethnicity (*Burlya and Others v. Ukraine*, 2018; *Moldovan and Others v. Romania (no. 2)*, 2005). In both cases the authorities failed to protect or react in an appropriate way to the attacks on villages motivated by anti-Roma sentiment.

304. In *Paketova and Others v. Bulgaria*, 2022, the applicants were expelled from their homes and prevented from subsequently returning to them, and the authorities refused protection to them in an environment of racially based hostility and intolerance.

305. In *Buckley v. the United Kingdom*, 1996, the applicant was refused a planning permit which would have enabled her to live in a caravan on land she owned. She claimed that the national legislation on which the refusal had been based was discriminatory on the grounds of her Roma ethnic origin. Under Article 8, the Court interpreted the right to respect for home as including mobile homes such as caravans, even in a situation where they had been located illegally (§ 60). However, the Court did not consider the national legislation to be discriminatory as it did not appear that the applicant was at any time penalised or subjected to any detrimental treatment for attempting to follow a traditional Gypsy lifestyle (§ 88).

306. The Court found that the right to succeed to a deceased partner's tenancy also related to the applicant's right to respect for "home" within the meaning of Article 8 (*Karner v. Austria*, 2003, § 33; *Kozak v. Poland*, 2010, § 84). In both cases the applicants were homosexuals who had been refused the right to succeed to a tenancy after the death of their companions and the Court found discrimination on the ground of their sexual orientation.

K. Property issues

307. The case-law of the Court concerning discrimination amounting to a violation of Article 14 taken together with Article 1 of Protocol No. 1 (protection of property) is extensive and diverse. As already stated, some forms of social security such as benefit payments and pensions may fall within the ambit of Article 1 of Protocol No. 1 because they constitute "possessions" within the meaning of that provision.[26] A variety of other situations have also been examined by the Court.

308. The Court examined, under Article 14 in conjunction with Article 1 of Protocol No. 1, cases related to inheritance rights of children (*Mazurek v. France*, 2000; *Fabris v. France* [GC], 2013) as well as of spouses (*Molla Sali v. Greece* [GC], 2018) and to the right to receive a survivor's pension (*Aldeguer Tomás v. Spain*, 2016). In *Aldeguer Tomás v. Spain*, 2016, the applicant complained that he had been discriminated against on the grounds of his sexual orientation in that, as the survivor of a *de facto* same-sex union, he had been denied a survivor's pension following the death of his partner. The

26. See under "Social rights" above.

Court established that Article 14 in conjunction with Article 1 of Protocol No. 1 and Article 8 was applicable but did not find that it had been breached.

309. In *Saumier v. France*, 2017, the applicant claimed damages following her occupational illness which left her severely disabled. In order to determine the applicability of Article 14 in conjunction with Article 1 of Protocol No. 1, the Court established that the national legislation at stake amounted to rules of tort under which claims for compensation came into existence as soon as the damage occurred, that a claim of this nature "constituted an asset" and therefore amounted to "a possession" within the meaning of the first sentence of Article 1 of Protocol No. 1 (§§ 43-50). However, the Court held that there had been no difference in treatment between persons placed in similar or comparable situations in that case, including given the specificity of the employer-employee relationship which was a contractual relationship in which the employee was legally subordinate to the employer.

310. In *Anderlecht Christian Assembly of Jehovah's Witnesses and Others v. Belgium*, 2022, the applicant associations were no longer eligible for a tax exemption for buildings used as their place of worship because they were non-recognised religions. While the Court considered that the use of the criterion of recognition of a religious faith (as the basis for distinguishing between claims for exemption from the property tax) fell within the State's margin of appreciation, it concluded that, in the present case, the rules on such recognition had been devoid of the minimum guarantees of fairness and objectivity. In a similar case, *Christian Congregation of Jehovah's Witnesses v. Italy*, 2026, the applicant association was not permitted to enter an agreement which would give it tax benefits on the basis of oppositions linked to Jehovah's Witnesses beliefs. The Court found the applicant to be in a comparable position to other registered religious communities (§§ 72-75) and that, despite a wide margin of appreciation in regard to tax matters and public health, the lack of formal criteria for the approval process placed the applicant in a situation of uncertainty and deprived it of sufficient guarantees against the risk of discriminatory treatment (§ 81). The Government had further failed to demonstrate that the applicant's position on blood donations or military service was an infringement of the national legal order justifying the difference in treatment, and there was therefore a violation of Article 14 in conjunction with Article 9 and Article 1 of Protocol 1 of the Convention.

311. In its case-law the Court has also linked to Article 1 of Protocol No. 1:

- eligibility for tax relief on the purchase of a suitable property for a disabled child (*Guberina v. Croatia*, 2016);
- obligation of small landowners to become members of a hunting association, thus allowing hunting on their properties (*Chassagnou and Others v. France* [GC], 1999);
- decrease in nominal value of bonds in view of rescheduling the national debt without the consent of private investors (*Mamatas and Others v. Greece*, 2016);
- exclusion of landlords of controlled property leased out as bans clubs from a law allowing for the termination of the protected leases (*Bradshaw and Others v. Malta*, 2018);
- alleged discrimination in provision of disability benefits to civilian as opposed to military beneficiaries (*Popović and Others v. Serbia*, 2020);
- alleged reverse discrimination regarding the taxation of capital gains resulting from the application to purely internal securities exchange transactions of domestic rules less favourable than those applicable to situations falling under EU law (*de Galbert Defforey v. France*, 2025).

L. Deprivation of liberty

312. In its case-law the Court protects the right to be free from arbitrary deprivation of liberty based on discriminatory grounds under Article 14 taken together with Article 5 (right to liberty and security) (*Aleksandr Aleksandrov v. Russia*, 2018; *Rangelov v. Germany*, 2012; *Clift v. the United Kingdom*,

2010), and the right to be free from inhuman or degrading treatment or punishment based on discriminatory grounds during detention under Article 14 in conjunction with Article 3 (*Martzaklis and Others v. Greece*, 2015; *X v. Turkey*, 2012).

313. In *Aleksandr Aleksandrov v. Russia*, 2018, the applicant was sentenced to a term of imprisonment by a court in Moscow which could have imposed a non-custodial sentence such as probation. However, the domestic court ordered his imprisonment on the sole ground that he had no permanent residence in Moscow. The applicant complained that he had been the victim of a breach of Article 14 taken in conjunction with Article 5 on the ground of his place of residence. The Court found that the difference in treatment had no legitimate aim or objective and reasonable justification and amounted to discrimination.

314. The Court also found that there had been discrimination in breach of Article 14 in conjunction with Article 5 in a case concerning the refusal of relaxation of conditions of preventive detention due to the applicant's foreign nationality (*Rangelov v. Germany*, 2012) or the differences in procedural requirements for early release which depended on the length of the sentence (*Clift v. the United Kingdom*, 2010). However, no violation of those provisions was found where the applicant complained about the difference in treatment compared to persons convicted under different sentencing regimes as regards the point in his sentence at which he will become eligible to seek early release (*Stott v. the United Kingdom*, 2023).

315. In *Khamtokhu and Aksenchik v. Russia* [GC], 2017, the applicants were adult men serving life sentences. They complained that they had been treated less favourably than female, juvenile and senior offenders found guilty of the same crimes because the latter could not be given a life sentence. Despite the fact that, in principle, matters of appropriate sentencing fall outside the scope of Article 5, the Court found the national legislation exempting certain categories of offender from life imprisonment to fall within the scope of Article 5 for the purposes of the applicability of Article 14. In this particular case, however, the Court found that there had been no violation of Article 14 on grounds of age or sex. As regards the exemption of juvenile offenders from life imprisonment, the Court held that it was consonant with the approach common to the legal systems of all the Contracting States and with international standards and that its purpose was evidently to facilitate the rehabilitation of juvenile delinquents. As regards women, the Court held that there was a public interest to exempt female offenders from life imprisonment by way of a general rule due to the needs of women for protection against gender-based violence, abuse and sexual harassment in the prison environment, as well as the needs for protection of pregnancy and motherhood.

316. In *Spišák v. the Czech Republic*, 2024, the applicant, a juvenile detainee, was subjected to different rules on the periodic review of the pre-trial detention than an adult person prosecuted for the same category of offense. The Court found that, where national legislation guaranteed an automatic periodic review to one category of detainees, that fell within the ambit of Article 5 for the purposes of the applicability of Article 14 taken in conjunction with that provision.

317. The Court found the treatment of prisoners to amount to discrimination under Article 14 taken together with Article 3 in several cases. In *Martzaklis and Others v. Greece*, 2015, the applicants were HIV-positive prisoners who were held in poor physical and sanitary conditions without adequate treatment in a prison psychiatric wing. The Court held that the placement in isolation to prevent the spread of disease had not been necessary, because the prisoners were HIV-positive and had not developed AIDS, and found a violation of Article 3 in conjunction with Article 14 of the Convention. Conversely, in *Dikaiou and Others v. Greece*, the Court found no violation of Article 14 taken in conjunction with Article 3 of the Convention, where HIV positive applicants had been put together in one cell within an ordinary prison wing. In *X v. Turkey*, 2012, the applicant was a homosexual prisoner who had been held in total isolation for more than eight months in order to protect him from fellow prisoners. The Court was not convinced that the need to take safety measures to protect the applicant's physical well-being was the primary reason for his total exclusion from prison life. The main

reason for the measure was his homosexuality. As a result, the Court found that the applicant had been discriminated against on grounds of his sexual orientation.

318. The case-law of the Court also reveals the obligation for States to conduct appropriate and effective investigations in cases of alleged ill-treatment of persons in custody whether politically (*Virabyan v. Armenia*, 2012) or racially motivated (*Bekos and Koutropoulos v. Greece*, 2005).

319. In some cases, however, the Court examined the situation under the substantive Article and did not deem it necessary to examine it separately under Article 14 of the Convention. The case of *D.G. v. Ireland*, 2002, for example, concerned the detention of a minor in a penal institution lacking appropriate facilities. The Court found a violation of Article 5 but, in so far as the applicant compared his situation to that of other minors, it considered that no separate issue arose under Article 14 of the Convention. In *Stasi v. France*, 2011, the applicant complained that he had been ill-treated in prison because of his homosexuality and that the authorities had not taken the necessary measures to protect him. The Court found that the authorities had taken all effective measures to protect him from physical harm during detention and that there had not been a breach of Article 3 without separately examining his complaint under Article 14.

List of cited cases

The case-law cited in this Guide refers to judgments or decisions delivered by the Court and to decisions or reports of the European Commission of Human Rights ("the Commission").

Unless otherwise indicated, all references are to a judgment on the merits delivered by a Chamber of the Court. The abbreviation "(dec.)" indicates that the citation is of a decision of the Court and "[GC]" that the case was heard by the Grand Chamber.

Chamber judgments that are not final within the meaning of Article 44 of the Convention are marked with an asterisk (*) in the list below. Article 44 § 2 of the Convention provides: "The judgment of a Chamber shall become final (a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or (b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or (c) when the panel of the Grand Chamber rejects the request to refer under Article 43". In cases where a request for referral is accepted by the Grand Chamber panel, the Chamber judgment does not become final and thus has no legal effect; it is the subsequent Grand Chamber judgment that becomes final.

The hyperlinks to the cases cited in the electronic version of the Guide are directed to the HUDOC database (http://hudoc.echr.coe.int) which provides access to the case-law of the Court (Grand Chamber, Chamber and Committee judgments and decisions, communicated cases, advisory opinions and legal summaries from the Case-Law Information Note) and of the Commission (decisions and reports), and to the resolutions of the Committee of Ministers.

The Court delivers its judgments and decisions in English and/or French, its two official languages. HUDOC also contains translations of many important cases into more than thirty non-official languages, and links to around one hundred online case-law collections produced by third parties. All the language versions available for cited cases are accessible via the "Language versions" tab in the HUDOC database, a tab which can be found after you click on the case hyperlink.

—A—

A and B v. Georgia, no. 73975/16, 10 February 2022
A.E. v. Bulgaria, no. 53891/20, 23 May 2023
A.D.T. v. the United Kingdom, no. 35765/97, ECHR 2000-IX
A.H. and Others v. Russia, nos. 6033/13 and 15 others, 17 January 2017
A.M. and Others v. Russia, no. 47220/19, 6 July 2021
A.P. and R.P. v. Poland, no. 1298/19, 2 July 2026
Abo v. Estonia (dec.), no. 29295/22, 17 September 2024
Abdu v. Bulgaria, no. 26827/08, 11 March 2014
Abdulaziz, Cabales and Balkandali v. the United Kingdom, 28 May 1985, Series A no. 94
Acar and Others v. Turkey (dec.), nos. 26878/07 and 32446/07, 12 December 2017
Adalı v. Turkey, no. 38187/97, 31 March 2005
Adam v. Slovakia, no. 68066/12, 26 July 2016
Ádám and Others v. Romania, nos. 81114/17 and 5 others, 13 October 2020
Adzhigitova and Others v. Russia, nos. 40165/07 and 2593/08, 22 June 2021
Alatulkkila and Others v. Finland, no. 33538/96, 28 July 2005
Alboize-Barthes and Alboize-Montezume v. France (dec.), no. 44421/04, 21 October 2008
Aldeguer Tomás v. Spain, no. 35214/09, 14 June 2016
Aleksandr Aleksandrov v. Russia, no. 14431/06, 27 March 2018

Alekseyev and Others v. Russia, nos. 14988/09 and 50 others, 27 November 2018
Alexandru Enache v. Romania, no. 16986/12, 3 October 2017
Allouche v. France, no. 81249/17, 11 April 2024
Alujer Fernández and Caballero García v. Spain (dec.), no. 53072/99, ECHR 2001-VI
Anakomba Yula v. Belgium, no. 45413/07, 10 March 2009
Ancient Baltic religious association "Romuva" v. Lithuania, no. 48329/19, 8 June 2021
Anderlecht Christian Assembly of Jehovah's Witnesses and Others v. Belgium, no. 20165/20, 5 April 2022
Andrejeva v. Latvia [GC], no. 55707/00, ECHR 2009
Andrle v. the Czech Republic, no. 6268/08, 17 February 2011
Angelova and Iliev v. Bulgaria, no. 55523/00, 26 July 2007
Anguelova v. Bulgaria, no. 38361/97, ECHR 2002-IV
Antayev and Others v. Russia, no. 37966/07, 3 July 2014
Arnar Helgi Lárusson v. Iceland, no. 23077/19, 31 May 2022
Asen Asenov v. Bulgaria, no. 38741/19, 12 May 2026
Association ACCEPT and Others v. Romania, no. 19237/16, 1 June 2021
Association "Andecha Astur" v. Spain, no. 34184/96, Commission decision of 7 July 1997, Decisions and Reports 90
Aziz v. Cyprus, no. 69949/01, ECHR 2004-V

—B—

B.A. v. Iceland, no. 17006/20, 26 August 2025
B.B. v. the United Kingdom, no. 53760/00, 10 February 2004
B.S. v. Spain, no. 47159/08, 24 July 2012
B.T. and B.K.Cs. v. Hungary, no. 4581/16, 10 June 2025
Bączkowski and Others v. Poland, no. 1543/06, 3 May 2007
Bah v. the United Kingdom, no. 56328/07, ECHR 2011
Bakirdzi and E.C. v. Hungary, nos. 49636/14 and 65678/14, 10 November 2022
Bakradze v. Georgia, no. 20592/21, 7 November 2024
Bălşan v. Romania, no. 49645/09, 23 May 2017
Baralija v. Bosnia and Herzegovina, no. 30100/18, 29 October 2019
Barrow v. the United Kingdom, no. 42735/02, 22 August 2006
Barsuk and Gyl v. Ukraine, no. 31582/20, 9 July 2026
Basu v. Germany, no. 215/19, 18 October 2022
Bayev and Others v. Russia, nos. 67667/09 and 2 others, 20 June 2017
Beck and Others v. the United Kingdom, nos. 48535/99 and 2 others, 22 October 2002
Bednarek and Others v. Poland, no. 58207/14, 10 July 2025
Beeckman and Others v. Belgium (dec.), no. 34952/07, 18 September 2018
Beeler v. Switzerland [GC], no. 78630/12, 11 October 2022
Behar and Gutman v. Bulgaria, no. 29335/13, 16 February 2021
Beian v. Romania (no. 1), no. 30658/05, ECHR 2007-V
Beizaras and Levickas v. Lithuania, no. 41288/15, 14 January 2020
Bekos and Koutropoulos v. Greece, no. 15250/02, ECHR 2005-XIII
Belli and Arquier-Martinez v. Switzerland, no. 65550/13, 11 December 2018
Biao v. Denmark [GC], no. 38590/10, 24 May 2016
Bigaeva v. Greece, no. 26713/05, 28 May 2009
Blackgrove v. the United Kingdom, no. 2895/07, 28 April 2009
Botta v. Italy (dec.), no. 21439/93, 24 February 1998
Bouamar v. Belgium, 29 February 1988, Series A no. 129
Brauer v. Germany, no. 3545/04, 28 May 2009

British Gurkha Welfare Society and Others v. the United Kingdom, no. 44818/11, 15 September 2016
Brun v. Switzerland, no. 50885/16, 4 June 2026
Buckley v. the United Kingdom, 25 September 1996, *Reports of Judgments and Decisions* 1996-IV
Budinova and Chaprazov v. Bulgaria, no. 12567/13, 16 February 2021
Budinova and Isaev v. Bulgaria, no. 60342/19, 12 May 2026
Burden v. the United Kingdom [GC], no. 13378/05, ECHR 2008
Burghartz v. Switzerland, 22 February 1994, Series A no. 280-B
Burlya and Others v. Ukraine, no. 3289/10, 6 November 2018
Bradshaw and Others v. Malta, no. 37121/15, 23 October 2018

—C—

Caamaño Valle v. Spain, no. 43564/17, 11 May 2021
Carson and Others v. the United Kingdom [GC], no. 42184/05, ECHR 2010
Carvalho Pinto de Sousa Morais v. Portugal, no.17484/15, 25 July 2017
Case "relating to certain aspects of the laws on the use of languages in education in Belgium" v. Belgium (merits), 23 July 1968, Series A no. 6
Çam v. Turkey, no. 51500/08, 23 February 2016
Cegolea v. Romania, no. 25560/13, 24 March 2020
Cernea v. Romania, no. 43609/10, 27 February 2018
Cha'are Shalom Ve Tsedek v. France [GC], no. 27417/95, ECHR 2000-VII
Chabauty v. France [GC], no. 57412/08, 4 October 2012
Chaldayev v. Russia, no. 33172/16, 28 May 2019
Chapin and Charpentier v. France, no. 40183/07, 9 June 2016
Cherkasov and Kuzin v. Ukraine, nos. 72982/17 and 74407/17, 8 October 2026
Chassagnou and Others v. France [GC], nos. 25088/94 and 2 others, ECHR 1999-III
Christian Congregation of Jehovah's Witnesses v. Italy, no. 49687/16, 11 June 2026
Christine Goodwin v. the United Kingdom [GC], no. 28957/95, ECHR 2002-VI
Church of Scientology Moscow v. Russia, no. 18147/02, 5 April 2007
Cînţa v. Romania, no. 3891/19, 18 February 2020
Clift v. the United Kingdom, no. 7205/07, 13 July 2010
Cross v. the United Kingdom, no. 62776/00, 9 October 2007
Cusan and Fazzo v. Italy, no. 77/07, 7 January 2014

—D—

D. v. France, no. 11288/18, 16 July 2020
D.A. and R.A. v. the United Kingdom, no. 46692/19, 17 March 2026
D.G. v. Ireland, no. 39474/98, ECHR 2002-III
D.H. and Others v. the Czech Republic [GC], no. 57325/00, ECHR 2007-IV
Danilenkov and Others v. Russia, no. 67336/01, ECHR 2009
Danis and Association of Ethnic Turks v. Romania, no. 16632/09, 21 April 2015
Darby v. Sweden, 23 October 1990, Series A no. 187
Deaconu v. Romania [Committee] no. 66299/12, 29 January 2019
De Galbert Defforey and Others v. France, nos. 45443/21 and 2 others, 22 May 2025
De Jong, Baljet and Van den Brink v. the Netherlands, 22 May 1984, Series A no. 77
Di Trizio v. Switzerland, no. 7186/09, 2 February 2016
Dikaiou and Others v. Greece, no. 77457/13, 16 July 2020
Dobrowolski and Others v. Poland (dec.), nos. 45651/11 and 10 others, 13 March 2018
Dudgeon v. the United Kingdom, 22 October 1981, Series A no. 45

Džibuti and Others v. Latvia, nos. 225/20 and 2 others, 16 November 2023

—E—

E.B. v. France [GC], no. 43546/02, 22 January 2008
East African Asians v. the United Kingdom, nos. 4403/70 and 30 others, Commission's report of 14 December 1973, Decisions and Reports 78
Ebrahimian v. France, no. 64846/11, ECHR 2015
Ēcis v. Latvia, no. 12879/09, 10 January 2019
Emel Boyraz v. Turkey, no. 61960/08, 2 December 2014
Elmazova and Others v. North Macedonia, nos. 11811/20 and 13550/20, 13 December 2022
Engel and Others v. the Netherlands, 8 June 1976, Series A no. 22
Enver Şahin v. Turkey, no. 23065/12, 30 January 2018
Eremia v. the Republic of Moldova, no. 3564/11, 28 May 2013
Evans v. the United Kingdom [GC], no. 6339/05, ECHR 2007-I
Eweida and Others v. the United Kingdom, nos. 48420/10 and 3 others, ECHR 2013
Executief van de Moslims van België and Others v. Belgium, no. 16760/22 and 8 others, 13 February 2024

—F—

F.M. and Others v. Russia, nos. 71671/16 and 40190/18, 10 December 2024
Fábián v. Hungary [GC], no. 78117/13, 5 September 2017
Fabris v. France [GC], no. 16574/08, ECHR 2013
Fedorchenko and Lozenko v. Ukraine, no. 387/03, 20 September 2012
Ferrero Quintana v. Spain, no. 2669/19, 26 November 2024
Frantzeskakis and Others v. Greece (dec.), nos. 57275/17 and 14 others, 12 February 2019
Fretté v. France, no. 36515/97, ECHR 2002-I
Fryske Nasjonale Partij and Others v. the Netherlands, no. 11100/84, Commission decision of 12 December 1985, Decisions and Reports 45

—G—

G.N. and Others v. Italy, no. 43134/05, 1 December 2009
García Mateos v. Spain, no. 38285/09, 19 February 2013
Gas and Dubois v. France, no. 25951/07, ECHR 2012
Gaygusuz v. Austria, 16 September 1996, *Reports of Judgments and Decisions* 1996-IV
Gellérthegyi and Others v. Hungary (dec.), nos. 78135/13 and 429/14, 6 March 2018
Genderdoc-M v. Moldova, no. 9106/06, 12 June 2012
Genovese v. Malta, no. 53124/09, 11 October 2011
Georgian Labour Party v. Georgia, no. 9103/04, ECHR 2008
Georgian Muslim Relations and Others v. Georgia, no. 24225/19, 30 November 2023
Gerger v. Turkey [GC], no. 24919/94, 8 July 1999
Glaisen v. Switzerland (dec.), no. 40477/13, 25 June 2019
Glor v. Switzerland, no. 13444/04, ECHR 2009
G.M.B. and K.M. v. Switzerland (dec.), no. 36797/97, 27 September 2001
Gouri v. France (dec.), no. 41069/11, 23 March 2017
Grande Oriente d'Italia di Palazzo Giustiniani v. Italy (no. 2), no. 26740/02, 31 May 2007
Granos Organicos Nacionales S.A. v. Germany, no. 19508/07, 22 March 2012

Graziani-Weiss v. Austria, no. 31950/06, 18 October 2011
Gruba and Others v. Russia, nos. 66180/09 and 3 others, 6 July 2021
Grzelak v. Poland, no. 7710/02, 15 June 2010
Guberina v. Croatia, no. 23682/13, 22 March 2016

—H—

Halime Kılıç v. Turkey, no. 63034/11, 28 June 2016
Hämäläinen v. Finland [GC], no. 37359/09, ECHR 2014
Handyside v. the United Kingdom, 7 December 1976, Series A no. 24
Hasan and Chaush v. Bulgaria [GC], no. 30985/96, ECHR 2000-XI
Hode and Abdi v. the United Kingdom, no. 22341/09, 6 November 2012
Hoffmann v. Austria, 23 June 1993, Series A no. 255-C
Hoogendijk v. the Netherlands (dec.), no. 58641/00, 6 January 2005
Hoppen and trade union of AB Amber Grid employees v. Lithuania, no. 976/20, 17 January 2023
Horváth and Kiss v. Hungary, no. 11146/11, 29 January 2013
Hugh Jordan v. the United Kingdom, no. 24746/94, 4 May 2001
Hulea v. Romania, no. 33411/05, 2 October 2012

—I—

I. v. the United Kingdom [GC], no. 25680/94, 11 July 2002
I.B. v. Greece, no. 552/10, ECHR 2013
I.C. v. the Republic of Moldova, no. 36436/22, 27 February 2025
Ibrogimov v. Russia, no. 32248/12, 15 May 2018
Identoba and Others v. Georgia, no. 73235/12, 12 May 2015
Igors Dmitrijevs v. Latvia, no. 61638/00, 30 November 2006
Ilareva and Others v. Bulgaria, no. 24729/17, 9 September 2025
Isop v. Austria, no. 808/60, Commission decision of 3 March 1962, Collection 8
Inze v. Austria, 28 October 1987, Series A no. 126
İzzettin Doğan and Others v. Turkey [GC], no. 62649/10, 26 April 2016

—J—

J.D. and A. v. the United Kingdom, nos. 32949/17 and 34614/17, 24 October 2019
J.M. v. the United Kingdom, no. 37060/06, 28 September 2010
Jeunesse v. the Netherlands [GC], no. 12738/10, 3 October 2014
Johnston and Others v. Ireland, 18 December 1986, Series A no. 112
Jurčić v. Croatia, no. 54711/15, 4 February 2021

—K—

Kafkaris v. Cyprus [GC], no. 21906/04, ECHR 2008
Karlheinz Schmidt v. Germany, 18 July 1994, Series A no. 291-B
Karner v. Austria, no. 40016/98, ECHR 2003-IX
Khamtokhu and Aksenchik v. Russia [GC], nos. 60367/08 and 961/11, 24 January 2017
Kiyutin v. Russia, no. 2700/10, ECHR 2011
Kjartan Ásmundsson v. Iceland, no. 60669/00, ECHR 2004-IX

Konstantin Markin v. Russia [GC], no. 30078/06, ECHR 2012
Korosidou v. Greece, no. 9957/08, 10 February 2011
Köse and Others v. Turkey (dec.), no. 26625/02, ECHR 2006-II
Koua Poirrez v. France, no. 40892/98, ECHR 2003-X
Kovačević v. Bosnia and Herzegovina [GC], no. 43651/22, 25 June 2025
Kozak v. Poland, no. 13102/02, 2 March 2010
Kreyndlin and Others v. Russia, no. 33470/18, 31 January 2023
Kurić and Others v. Slovenia [GC], no. 26828/06, ECHR 2012
Kurski v. Poland, no. 26115/10, 5 July 2016

—L—

L. v. Lithuania, no. 27527/03, ECHR 2007-IV
L. and V. v. Austria, nos. 39392/98 and 39829/98, ECHR 2003-I
L. and Others v. France, nos. 46949/21 and 2 others, 24 April 2025
L.F. v. the United Kingdom (dec.), no. 19839/21, 25 May 2022
Laduna v. Slovakia, no. 31827/02, ECHR 2011
Landi v. Italy, no. 10929/19, 7 April 2022
Larkos v. Cyprus [GC], no. 29515/95, ECHR 1999-I
Lashmankin and Others v. Russia, nos. 57818/09 and 14 others, 7 February 2017
Lavida and Others v. Greece, no. 7973/10, 30 May 2013
Lindsay v. the United Kingdom, no. 11089/84, Commission decision of 11 November 1986, DR 49
Lingurar v. Romania [Committee], no. 48474/14, 16 April 2019
Luczak v. Poland, no. 77782/01, 27 November 2007
Lustig-Prean and Beckett v. the United Kingdom, nos. 31417/96 and 32377/96, 27 September 1999

—M—

M.A. v. Iceland, no. 59813/19, 26 August 2025
M.C. and A.C. v. Romania, no. 12060/12, 12 April 2016
M.G. v. Turkey, no. 646/10, 22 March 2016
M.T. and Others v. Sweden, no. 22105/18, 20 October 2022
Macalin Moxamed Sed Dahir v. Switzerland (dec.), no. 12209/10, 15 September 2015
Maggio and Others v. Italy, nos. 46286/09 and 4 others, 31 May 2011
Makhashevy v. Russia, no. 20546/07, 31 July 2012
Makuchyan and Minasyan v. Azerbaijan and Hungary, no. 17247/13, 26 May 2020
Mamatas and Others v. Greece, nos. 63066/14 and 2 others, 21 July 2016
Manoussakis and Others v. Greece, 26 September 1996, *Reports of Judgments and Decisions* 1996-IV
Marckx v. Belgium, 13 June 1979, Series A no. 31
Martzaklis and Others v. Greece, no. 20378/13, 9 July 2015
Mata Estevez v. Spain (dec.), no. 56501/00, ECHR 2001-VI
Maymulakhin and Markiv v. Ukraine, no. 75135/14, 1 June 2023
Mazurek v. France, no. 34406/97, ECHR 2000-II
Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia, no. 71156/01, 3 May 2007
Memedova and Others v. North Macedonia, nos. 42429/16 and 2 others, 24 October 2023
Menson and Others v. the United Kingdom (dec.), no. 47916/99, ECHR 2003-V
Merger and Cros v. France, no. 68864/01, 22 December 2004
Metropolitan Church of Bessarabia and Others v. Moldova, no. 45701/99, ECHR 2001-XII
Milanović v. Serbia, no. 44614/07, 14 December 2010

Milivojević v. Serbia (dec.), no. 11944/16, 5 July 2022
Minasyan and Others v. Armenia, no. 59180/15, 7 January 2025
Mizzi v. Malta, no. 26111/02, ECHR 2006-I
Moraru v. Romania, no. 64480/19, 8 November 2022
Moraru and Marin v. Romania, nos. 53282/18 and 31428/20, 20 December 2022
Mudric v. the Republic of Moldova, no. 74839/10, 16 July 2013
Muhammad v. Spain, no. 34085/17, 18 October 2022
Muñoz Díaz v. Spain, no. 49151/07, ECHR 2009
Modinos v. Cyprus, 22 April 1993, Series A no. 259
Moldovan and Others v. Romania (no. 2), nos. 41138/98 and 64320/01, ECHR 2005-VII
Molla Sali v. Greece [GC], no. 20452/14, 19 December 2018
Moscow Branch of the Salvation Army v. Russia, no. 72881/01, ECHR 2006-XI

—N—

N.B. v. Slovakia, no. 29518/10, 12 June 2012
N.T. v. Cyprus, no. 28150/22, 3 July 2025
Nachova and Others v. Bulgaria [GC], nos. 43577/98 and 43579/98, ECHR 2005-VII
Naidin v. Romania, no. 38162/07, 21 October 2014
Napotnik v. Romania, no. 33139/13, 20 October 2020
National & Provincial Building Society, Leeds Permanent Building Society and Yorkshire Building Society v. the United Kingdom, 23 October 1997, *Reports of Judgments and Decisions* 1997-VII
National union of Belgian police v. Belgium, 27 October 1975, Series A no. 19
Negovanović and Others v. Serbia, nos. 29907/16 and 3 others, 25 January 2022
Nepomnyashchiy and Others v. Russia, nos. 39954/09 and 3465/17, 30 May 2023
Nikolov v. Bulgaria (dec.), no. 51011/20, 31 March 2026
Norris v. Ireland, 26 October 1988, Series A no. 142
Novruk and Others v. Russia, nos. 31039/11 and 4 others, 15 March 2016
Nurcan Bayraktar v. Türkiye, no. 27094/20, 27 June 2023
Nylund v. Finland (dec.), no. 27110/95, ECHR 1999-VI

—O—

O'Donoghue and Others v. the United Kingdom, no. 34848/07, ECHR 2010
Oganezova v. Armenia, nos. 71367/12 and 72961/12, 17 May 2022
Ognyanova and Choban v. Bulgaria, no. 46317/99, 23 February 2006
Okpisz v. Germany, no. 59140/00, 25 October 2005
Oliari and Others v. Italy, nos. 18766/11 and 36030/11, 21 July 2015
Opuz v. Turkey, no. 33401/02, ECHR 2009
Oran v. Turkey, nos. 28881/07 and 37920/07, 15 April 2014
Orlandi and Others v. Italy, nos. 26431/12 and 3 others, 14 December 2017
Ortega Ortega v. Spain, no. 36325/22, 4 December 2025
Oršuš and Others v. Croatia [GC], no. 15766/03, ECHR 2010
Özgürlük ve Dayanışma Partisi (ÖDP) v. Turkey, no. 7819/03, ECHR 2012

—P—

P.B. and J.S. v. Austria, no. 18984/02, 22 July 2010
P.C. v. Ireland, no. 26922/19, 1 September 2022

P.W. v. Austria, no. 10425/19, 21 June 2022
Pahor v. Italy, no. 19927/92, Commission decision of 29 June 1994
Pająk and Others v. Poland, nos. 25226/18 and 3 others, 24 October 2023
Pajić v. Croatia, no. 68453/13, 23 February 2016
Paketova and Others v. Bulgaria, nos. 17808/19 and 36972/19, 4 October 2022
Paparrigopoulos v. Greece, no. 61657/16, 30 June 2022
Paraskeva Todorova v. Bulgaria, no. 37193/07, 25 March 2010
Paun Jovanović v. Serbia, no. 41394/15, 7 February 2023
Perkins and R. v. the United Kingdom, nos. 43208/98 and 44875/98, 22 October 2002
Peterka v. the Czech Republic (dec.), no. 21990/08, 4 May 2010
Petrov v. Bulgaria, no. 15197/02, 22 May 2008
Petrov v. the Republic of Moldova, no. 38066/18, 5 March 2026
Petrovic v. Austria, 27 March 1998, *Reports of Judgments and Decisions* 1998-II
Pichkur v. Ukraine, no. 10441/06, 7 November 2013
Pilav v. Bosnia and Herzegovina, no. 41939/07, 9 June 2016
Pini and Others v. Romania, nos. 78028/01 and 78030/01, ECHR 2004-V
Pinkas and Others v. Bosnia and Herzegovina, no. 8701/21, 4 October 2022
Pla and Puncernau v. Andorra, no. 69498/01, ECHR 2004-VIII
Ponomaryovi v. Bulgaria, no. 5335/05, ECHR 2011
Popović and Others v. Serbia, no. 26944/13 et al., 30 June 2020
Pretty v. the United Kingdom, no. 2346/02, ECHR 2002-III

—R—

R.E. and Others v. Iceland, nos. 59809/19 and 3 others, 13 January 2026
R.P. and Others v. the United Kingdom, no. 38245/08, 9 October 2012
Rangelov v. Germany, no. 5123/07, 22 March 2012
Rasmussen v. Denmark, 28 November 1984, Series A no. 87
Rasmussen v. Poland, no. 38886/05, 28 April 2009
Ratzenböck and Seydl v. Austria, no. 28475/12, 26 October 2017
Redfearn v. the United Kingdom, no. 47335/06, 6 November 2012
Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria, no. 40825/98, 31 July 2008
Runkee and White v. the United Kingdom, nos. 42949/98 and 53134/99, 10 May 2007

—S—

S. v. the Czech Republic, no. 37614/22, 7 November 2024
S.A.S. v. France [GC], no. 43835/11, ECHR 2014
S.L. v. Austria, no. 45330/99, ECHR 2003-I
S.T. v. the Czech Republic, no. 28273/23, 16 July 2026
Sabalić v. Croatia, no. 50231/13, 14 January 2021
Sahin v. Germany [GC], no. 30943/96, ECHR 2003-VIII
Salay v. Slovakia, no. 29359/22, 27 February 2025
Salgueiro da Silva Mouta v. Portugal, no. 33290/96, ECHR 1999-IX
Salman v. Turkey [GC], no. 21986/93, ECHR 2000-VII
Sâmbata Bihor Greek Catholic Parish v. Romania, no. 48107/99, 12 January 2010
Sampanis and Others v. Greece, no. 32526/05, 5 June 2008
Santos Couto v. Portugal, no. 31874/07, 21 September 2010
Saumier v. France, no. 74734/14, 12 January 2017
Savez crkava "Riječ života" and Others v. Croatia, no. 7798/08, 9 December 2010

Savickis and Others v. Latvia [GC], no. 49270/11, 9 June 2022
Schalk and Kopf v. Austria, no. 30141/04, ECHR 2010
Schlumpf v. Switzerland, no. 29002/06, 8 January 2009
Schuler-Zgraggen v. Switzerland, 24 June 1993, Series A no. 263
Schwizgebel v. Switzerland, no. 25762/07, ECHR 2010
Šečić v. Croatia, no. 40116/02, 31 May 2007
Sejdić and Finci v. Bosnia and Herzegovina [GC], nos. 27996/06 and 34836/06, ECHR 2009
Şerife Yiğit v. Turkey [GC], no. 3976/05, 2 November 2010
Seydi and Others v. France, no. 35844/17, 26 June 2025
Shylina v. Ukraine, no. 2412/19, 15 February 2024
Sidabras and Džiautas v. Lithuania, nos. 55480/00 and 59330/00, ECHR 2004-VIII
Škorjanec v. Croatia, no. 25536/14, 28 March 2017
Smith and Grady v. the United Kingdom, nos. 33985/96 and 33986/96, ECHR 1999-VI
Soare and Others v. Romania, no. 24329/02, 22 February 2011
Sommerfeld v. Germany [GC], no. 31871/96, ECHR 2003-VIII
Sousa Goucha v. Portugal, no. 70434/12, 22 March 2016
Spišák v. the Czech Republic, no. 13968/22, 20 June 2024
Springett and Others v. the United Kingdom (dec.), nos. 34726/04 and 2 others, 27 April 2010
Stafford v. the United Kingdom [GC], no. 46295/99, ECHR 2002-IV
Stasi v. France, no. 25001/07, 20 October 2011
Stec and Others v. the United Kingdom [GC], nos. 65731/01 and 65900/01, ECHR 2006-VI
Stoica v. Romania, no. 42722/02, 4 March 2008
Stott v. the United Kingdom, no. 26104/19, 31 October 2023
Stoyanova v. Bulgaria, no. 56070/18, 14 June 2022
Străin and Others v. Romania, no. 57001/00, ECHR 2005-VII
Strøbye and Rosenlind v. Denmark, nos. 25802/18 and 27338/18, 2 February 2021
Stummer v. Austria [GC], no. 37452/02, ECHR 2011
Swedish Engine Drivers' Union v. Sweden, 6 February 1976, Series A no. 20
Szolcsán v. Hungary, no. 24408/16, 30 March 2023

—T—

T. v. the United Kingdom [GC], no. 24724/94, 16 December 1999
T.C. v. Italy, no. 54032/18, 19 May 2022
T.M. and C.M. v. the Republic of Moldova, no. 26608/11, 28 January 2014
Taddeucci and McCall v. Italy, no. 51362/09, 30 June 2016
Talpis v. Italy, no. 41237/14, 2 March 2017
Terna v. Italy, no. 21052/18, 14 January 2021
Thlimmenos v. Greece [GC], no. 34369/97, ECHR 2000-IV
Timishev v. Russia, nos. 55762/00 and 55974/00, ECHR 2005-XII
Tkhelidze v. Georgia, no. 33056/17, 8 July 2021
Toplak and Mrak v. Slovenia, nos. 34591/19 and 42545/19, 26 October 2021
Tulokas and Taipale v. Finland (dec.), nos. 5854/18 and 5855/18, 4 February 2025
Turan Cakir v. Belgium, no. 44256/06, 10 March 2009

—U—

Ukraine and the Netherlands v. Russia [GC], nos. 8019/16 and 3 others, 9 July 2025
Ünal Tekeli v. Turkey, no. 29865/96, ECHR 2004-X

—V—

V. v. the United Kingdom [GC], no. 24888/94, ECHR 1999-IX
V.C. v. Slovakia, no. 18968/07, ECHR 2011
V.I. v. the Republic of Moldova, no. 38963/18, 26 March 2024
Valkov and Others v. Bulgaria, nos. 2033/04 and 8 others, 25 October 2011
Vallianatos and Others v. Greece [GC], nos. 29381/09 and 32684/09, ECHR 2013
Valiullina and Others v. Latvia, nos. 56928/19 and 2 others, 14 September 2023
Van der Mussele v. Belgium, 23 November 1983, Series A no. 70
Van Kück v. Germany, no. 35968/97, ECHR 2003-VII
Varnas v. Lithuania, no. 42615/06, 9 July 2013
Vejdeland and Others v. Sweden, no. 1813/07, 9 February 2012
Vermeire v. Belgium, 29 November 1991, Series A no. 214-C
VgT Verein gegen Tierfabriken v. Switzerland, no. 24699/94, ECHR 2001-VI
Vieru v. the Republic of Moldova, no. 17106/18, 19 November 2024
Virabyan v. Armenia, no. 40094/05, 2 October 2012
Vojnity v. Hungary, no. 29617/07, 12 February 2013
Volodina v. Russia, no. 41261/17, 9 July 2019
Vool and Toomik v. Estonia, nos. 7613/18 and 12222/18, 29 March 2022
Vrountou v. Cyprus, no. 33631/06, 13 October 2015

—W—

Wa Baile v. Switzerland, nos. 43868/18 and 25883/21, 20 February 2024
Weller v. Hungary, no. 44399/05, 31 March 2009
Willis v. the United Kingdom, no. 36042/97, ECHR 2002-IV
Wolter and Sarfert v. Germany, nos. 59752/13 and 66277/13, 23 March 2017
Wysowska v. Poland (dec.), no. 12792/13, 23 January 2018

—X—

X v. Turkey, no. 24626/09, 9 October 2012
X and Others v. Albania, nos. 73548/17 and 45521/19, 31 May 2022
X and Others v. Austria [GC], no. 19010/07, ECHR 2013
X and others v. Ireland, nos. 23851/20 and 24360/20, 22 June 2023

—Y—

Y and Others v Bulgaria, no. 9077/18, 22 March 2022
Y.Y. v. Turkey, no. 14793/08, ECHR 2015
Yocheva and Ganeva v. Bulgaria, nos. 18592/15 and 43863/15, 11 May 2021

—Z—

Z v. Iceland, no. 3538/21, 13 January 2026
Zăicescu and Fălticineanu v. Romania, no. 42917/16, 23 April 2024
Zakharova and Others v. Russia, no. 12736/10, 8 March 2022
Zarb Adami v. Malta, no. 17209/02, ECHR 2006-VIII

Zeggai v. France, no. 12456/19, 13 October 2022
Zehnalová and Zehnal v. the Czech Republic (dec.), no. 38621/97, 14 May 2022
Zeïbek v. Greece, no. 46368/06, 9 July 2009
Zhdanov and Others v. Russia, nos. 12200/08 and 2 others, 16 July 2019
Žičkus v. Lithuania, no. 26652/02, 7 April 2009
Zornić v. Bosnia and Herzegovina, no. 3681/06, 15 July 2014