

Report on cases brought before the European Court of Human Rights by women prepared in April 2010

The subject of the survey is the place of women in disputes concerning rights protected by the Convention, and in particular their access to the European “monitoring mechanism”.

Questions/Problems

Do women make use of the right of appeal by lodging applications with the European Court of Human Rights? How many applications are lodged with the Court each year and how many of them are lodged by women? Has the number of complaints lodged by women risen in line with the general increase in the number of applications brought before the Court?

How many complaints lodged by women result in judgments?

What are the statistics concerning women’s applications to the Court and how many have been declared inadmissible?

Which articles of the Convention do they most frequently invoke?

How are women’s complaints dealt with by the Court: does it give priority to cases concerning women? Does the Court take women’s own experience into consideration?

Why are there so few applications concerning gender equality? To what extent does use of the right of individual application still require a certain degree of emancipation? Is it only the more precarious socio-economic position of women which prevents them from lodging an appeal? Do they have the required level of knowledge? Are they genuinely interested in judicial confrontation or dispute? Are women beginning to lodge applications in their own right?

Do the rights protected by the Convention really concern women? Are there shortcomings in existing legal instruments?

What measures might be taken in the judicial process to give women real access to the European Court of Human Rights?

Statistics

Cases (judgments and decisions) concerning Article 14, over the period between the establishment of the Court and 1 January 1979: the number of applications lodged by women on their own and by women together with men was 7 out of 65 (10.8% of applications)¹.

Breakdown by sex of the Commission's decisions on the admissibility of applications in 1995: out of 1 421 applications, 207 concerned women only (14.5%), and 100 concerned both women and men (7%)².

Breakdown by sex of the Court's decisions concerning all of the rights protected by the Convention over the period from 1960 to 29 January 1997: out of a total of 542 judgments, only 65 specifically concerned women (12%), and 54 concerned both women and men³.

Breakdown by sex of the Court's decisions concerning gender-based discrimination (Article 14 of the Convention) over the period from 1960 to 29 January 1997: out of a total of 10

¹ HUDOC database.

² This figure does not take account of applications in which the applicants' identity was kept secret or applications lodged by applicants whose sexual identity cannot be clearly defined (cases in which first names are both masculine and feminine or in which applicants have changed sexual identity). *Outline of the case-law of the organs of the European Convention on Human Rights concerning discrimination on grounds of sex*, Memorandum prepared by the Secretary General, Rapporteur Group on Equality between Women and Men (GR-EG), Committee of Ministers, 11 April 1997 (restricted).

³ This figure does not take account of judgments arising from applications in which the applicants' identity was kept secret: aforementioned *Outline of the case-law of the organs of the European Convention on Human Rights concerning discrimination on grounds of sex*.

judgments, 3 specifically concerned women (30%), whereas 2 concerned both women and men (20%)⁴.

In cases found inadmissible by a chamber of 7 judges⁵ and cases which were judged on the merits by a chamber or by the Grand Chamber over the period 1 November 1998 - to 1 March 2006: the number of applications lodged by women was 1 300 (16% of applications)⁶.

List of judgments compiled by the Steering Committee on Gender Equality (CDEG) in 2006⁷: the number of judgments concerning gender equality, in which applications were lodged solely by women and by women together with men was 19 out of the 48 judgments listed.

Judgments handed down by a chamber or the Grand Chamber concerning Article 14 of the ECHR, over the period 1 January 2009 - to 31 March 2010: 9 out of 32 applications (28%) were lodged by women only and by women together with men⁸.

Article 14 taken in conjunction with Article 1 of Protocol 12, over a period up to 1 April 2010: out of a total of 8 cases, no applications have to date been lodged by women⁹.

Concerning Article 1 of Protocol 12, over a period up to 1 April 2010: out of a total of 26 applications submitted, only 4 were lodged by women, and 2 by women together with men¹⁰.

Complaints lodged by women

The number of applications lodged by women is lower than the number lodged by men. In a very large number of applications lodged by women, the complaints concern situations involving a member of their family. These cases therefore concern “indirect victims” within the meaning of Article 34 of the European Convention.

1) The right to life (Article 2)

Indirect victims

“Women use, so to speak, the right to life protected by Article 2 of the Convention to obtain justice and redress for the death of a member of their family”¹¹. Article 2 of the European Convention is the Article most often cited by applicants who are indirect victims. Most applications are lodged by the mothers, wives¹², companions, or daughters of deceased persons.

The vast majority of these violations of the right to life are linked to situations of political turmoil, armed conflict or military operations¹³. Most of them are Turkish cases. “Other

⁴ *Ibid.*

⁵ With the exception of cases declared inadmissible “de plano” by a committee of 3 judges, in other words 85-90% of applications.

⁶ In absolute figures. Tulkens F., *Droits de l'homme, droits des femmes*: Female applicants before the European Court of Human Rights; in Liber amicorum Luzius Wildhaber: Human Rights, Strasbourg views, Edition Lucius Cafilisch et al., Kehl, Strasbourg, Arlington, Va., N.P. Engel, 2007, p.423-445.

⁷ *Case law of the European Court of Human Rights in the field of equality between women and men*, Strasbourg, November 2006, CDEG(2006)2.

⁸ HUDOC database.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Tulkens F., *op. cit.*, p.437.

¹² ECHR (GC), *Tanrikulu v. Turkey* judgment of 8 July 1999.

¹³ ECHR (GC), *Tanrikulu v. Turkey* judgment of 8 July 1999;

applications concern, more specifically, threats to the applicant's life during police operations¹⁴, custody¹⁵, detention in prison¹⁶ and in an administrative detention centre¹⁷ or during release on parole¹⁸". Some applications concern a completely different context, ie. the psychiatric or medical domain¹⁹.

Judge Tulkens points out that over the period from 1 November 1998 to 1 March 2006, only 3 applications were lodged by men following the death of a female relative²⁰.

Direct victims

Most of the small number of applications lodged by women who are direct victims of a violation of the right to life (Article 2) concern the beginning or end of life²¹, AIDS²², or failure by the authorities to provide protection²³.

In judgment G.N., a case which concerned contaminated blood, the Court found that there had been a violation of Article 14 in conjunction with Article 2 and a violation of Article 2 in isolation. Several applicants in this case were indirect victims, male and female, but one of the applicants, a woman, was the only direct victim still alive²⁴.

2) Prohibition of torture and inhuman and degrading treatment and punishment (Article 3)

Article 3 of the Convention, prohibiting torture and inhuman and degrading treatment and punishment, is another provision which is often invoked by women.

A study of the cases brought under Article 3 highlights a category of complaints in respect of which there have been many applications by women: ill-treatment suffered at the hands of the police or the prison authorities. In these cases, torture and inhuman and degrading treatment and punishment are the consequence of violence perpetrated by the police while arresting the victims²⁵, during their remand in custody²⁶, or in other detention situations²⁷.

Other complaints are also lodged, for example living conditions²⁸, and acts of violence, in particular sexual abuse²⁹.

Immigration is "often presented as an essentially masculine or at least a gender-neutral issue"³⁰. However, over the past few years more and more women have been immigrating.

ECHR (GC), *Salman v. Turkey* judgment of 27 June 2000;

ECHR, *Süheyla Aydin v. Turkey* judgment of 24 May 2005.

¹⁴ ECHR (GC), *Natchova and others v. Bulgaria* judgment of 6 July 2005.

¹⁵ ECHR, *Angelova v. Bulgaria* judgment of 13 June 2002.

¹⁶ ECHR, *Keenan v. the United Kingdom* judgment of 3 April 2001.

¹⁷ ECHR, *Slimani v. France* judgment of 27 July 2004.

¹⁸ ECHR, *Bromiley v. the UK* decision of 23 November 1999.

¹⁹ ECHR, *Valesano v. Italy* (inadmissibility) decision of 31 August 1999.

²⁰ Tulkens F., *op.cit.*, p.437.

²¹ ECHR (GC), *Vo v. France* judgment of 8 July 2004; ECHR, *Pretty v. the UK* judgment of 29 April 2002;

ECHR (GC), *Evans v. the United Kingdom* judgment of 10 April 2007.

²² ECHR S.C.C. v. *Sweden*, (inadmissibility) decision of 15 February 2000;

ECHR, *Tatete v. Switzerland* application (friendly settlement) of 29 April 2002;

ECHR *G.N. and others v. Italy*, judgment of 1 December 2009.

²³ ECHR, *Opuz v. Turkey* judgment of 9 June 2009.

²⁴ ECHR, *G.N. and others v. Italy* judgment of 1 December 2009.

²⁵ ECHR, *Devrim Turan v. Turkey* judgment of 2 March 2006.

²⁶ ECHR, *Teren Aksakal v. Turkey* judgment of 11 September 2007.

²⁷ ECHR, *Muskhadzhiyeva and others v. Belgium* judgment of 19 January 2010.

²⁸ ECHR, *Dulaş v. Turkey* judgment of 30 January 2001;

ECHR, *Larioshina v. Russia* (inadmissibility) decision of 23 April 2002.

²⁹ ECHR, *M.C. v. Bulgaria* judgment of 4 December 2003.

³⁰ Tulkens F., *op.cit.*, p.439.

In some cases involving women migrants, inadmissibility decisions have been handed down, either because the threshold of severity required by Article 3 of the Convention had not been reached, or because there was insufficient evidence³¹. “Account does not therefore seem to have been taken of women’s point of view”³². However, in the Jabari judgment, the Court took account in its discussions of the risks run by the applicant and as it was not “convinced that the situation in the applicant’s country of origin(had) evolved to such an extent that adultery(was) no longer considered to be a punishable offence under Islamic law”, it “(considered) it to be proven that, if the applicant (was) sent back to Iran, she (ran) a real risk of being subjected to treatment that is incompatible with Article3” ³³.

3) Prohibition of slavery and forced labour (Article 4)

The vast majority of victims of domestic slavery are women, whereas forced labour more specifically concerns men.

Since the Siliadin judgment³⁴, domestic work is no longer considered to belong to the informal private sphere, which is a positive move as regards women’s rights. This judgment is the only judgment in which a violation of Article 4 of the Convention has been found since the European Court of Human Rights was first established.

Article 4 of the European Convention has only been invoked by women applicants on very rare occasions.

4) Right to liberty and security (Article 5)

With regard to Article 5 of the Convention, protecting the right to liberty and security, a number of cases concern membership of an illegal organisation or political party³⁵, while others deal with cases of corruption, such as expropriation of funds³⁶ or wide-scale fraud³⁷. In the Taciroğlu v. Turkey judgment of 2 February 2006, the Court condemned the length of detention on remand of a Turkish national suspected of being a member of a revolutionary party and held that the detention had exceeded the “reasonable time” stipulated in Article 5§3.

A recent case concerned a very particular domain: the applicant had been unlawfully detained in a psychiatric institution³⁸. Judge Tulkens draws attention to the “surprisingly large number of female applicants in psychiatric situations”³⁹.

Women still seldom invoke Article 5 of the European Convention.

5) Right to a fair trial (Article 6)

Two judgments concerning this article have very recently been handed down: Gurbet ER v. Turkey and Popovitsi v. Greece. In both cases, the Court held that there had been a violation

³¹ ECHR, *Zubeyde v. Norway* (inadmissibility) decision of 28 February 2000;
ECHR, *Ndona v. Germany* (inadmissibility) decision of 5 February 2004;
ECHR, *Dragan and others v. Germany* (inadmissibility) decision of 7 October 2004;
ECHR, *Kaldik v. Germany* (inadmissibility) decision of 22 September 2005.

³² Tulkens F., *op. cit.*, p.442.

³³ ECHR, *Jabari v. Turkey* judgment of 11 July 2000.

³⁴ ECHR, *Siliadin v. France* judgment of 26 July 2005.

³⁵ ECHR, *I.B. v. Turkey* judgment of 22 December 2005;
ECHR, *Taciroğlu v. Turkey* judgment of 2 February 2006.

³⁶ ECHR, *Prencipe v. Monaco* judgment of 16 July 2009.

³⁷ ECHR, *Mamedova v. Russia* judgment of 1 June 2006.

³⁸ ECHR, *Houtman et Meeus v. Belgium* judgment of 17 March 2009.

³⁹ Tulkens F., *op. cit.*, p.445.

of Article 6 of the Convention. In the former, a civil court had refused to grant the applicant legal aid⁴⁰. In the latter a home help, who had been found guilty of theft, complained that she had been deprived of the right to consideration of her case by a court of full jurisdiction sitting in her presence and of a violation of her right to effective remedy⁴¹.

In the Codarcea judgment, an applicant complained about the lack of effectiveness of the proceedings she had initiated before the Romanian courts to obtain redress for the very serious harm she had suffered as a result of a series of medical errors made by a public hospital. The Court found that there had been a violation of Article 6⁴².

Very few judgments concern gender-based discrimination in the right to a fair trial (Article 6 in conjunction with Article 14)⁴³.

However, Article 6 is not particularly concerned with gender-based discrimination. It is not women who are most frequently the victims of a violation of the right to a fair trial⁴⁴.

6) No punishment without law (Article 7)

Most judgments relating to Article 7, which embodies the principle of the legal basis of offences and punishments, concern men.

Many applications lodged by women alleging a violation of Article 7 are declared inadmissible.

However, in the E.K judgment, which concerned an applicant who was a lawyer and owner of a publishing house, the Court held that there had been a violation of Article 7 of the Convention⁴⁵. Her prison sentence was found to be incompatible with the “nulla poena sine lege” principle.

7) Right to respect for private and family life (Article 8)

The Court has held that there was a violation of the right to respect for private and family life in a number of cases in which the applicants were women⁴⁶. Nevertheless, “more men than women lodge complaints relating to respect for private life”⁴⁷.

Most of the cases in which women are applicants concern problems relating to children⁴⁸ (eg. custody of children, paternity and adoption), their name⁴⁹ (surname or maiden name), and gender⁵⁰ (sexual orientation and sexual identity).

⁴⁰ ECHR, *Gurbet ER v. Turkey* judgment of 30 March 2010.

⁴¹ ECHR, *Popovitsi v. Greece* judgment of 14 January 2010.

⁴² ECHR, *Codarcea v. Romania* judgment of 2 June 2009.

⁴³ ECHR, *Schuler-Zraggen v. Switzerland* judgment of 24 June 1993;
ECHR, *Fogarty v. the United Kingdom* judgment of 21 November 2001;
ECHR, *Paraskeva v. Bulgaria* judgment of 25 March 2010.

⁴⁴ Interview with Mr Dourneau-Josette.

⁴⁵ ECHR, *E.K. v. Turkey* judgment of 7 February 2002.

⁴⁶ Commission, *Halford v. the United Kingdom* decision of 17 March 1997;
ECHR, *Fadeïeva v. Russia* judgment of 9 June 2005; ECHR, *Tysiac v. Poland* judgment of 20 March 2007
ECHR, *Bigaeva v. Greece* judgment of 28 May 2009;
ECHR (GC), *Slivenko c/ Latvia* judgment of 9 October 2003.

⁴⁷ Tulkens F., *op.cit.*, p.445.

⁴⁸ ECHR, *Marckx v. Belgium* judgment of 13 June 1979;
ECHR, *Vermeire v. Belgium* judgment of 29 November 1991;
ECHR, *Kearns v. France* judgment of 10 January 2008; ECHR (GC), *Odièvre v. France* of 3 February 2003;
ECHR, judgment *Hoffmann v. Austria* of 23 June 1993;

ECHR, *Kroon and others v. the Netherlands* of 27 October 1994.

⁴⁹ ECHR, *Daróczy v. Hungary* judgment of 1 July 2008.

The K.H. judgment⁵¹, concerning an applicant who had been sterilised by force, is worth underlining. The Court found that there had been a violation of Articles 6 and 8 of the Convention. A request has been made to have the case referred to the Grand Chamber.

In the aforementioned Codarcea judgment⁵², a series of medical errors involving the applicant in a public hospital led to a finding of violation of Article 8 of the Convention.

8) Freedom of conscience and religion (Article 9)

Very few female applicants rely on Article 9 of the Convention, which concerns the right to freedom of conscience and religion.

Applications lodged by women under this article mainly concern the right to wear a headscarf⁵³. In the Dahlab decision⁵⁴, the applicant considered that the fact that she had been forbidden to wear a headscarf while teaching was a breach of her right to freely manifest her religion. In the Leyla Sahin judgment⁵⁵, a Turkish national complained that she had been forbidden to wear the Islamic headscarf at the faculty of medicine. The Court did not find a violation of Article 9 of the Convention. In the El Morsli decision, a Moroccan applicant, who had refused to remove her headscarf to undergo a security check at the entrance to the consulate, was refused the visa she needed to enter France⁵⁶.

This is a category of cases which relates primarily to religion rather than to women's issues⁵⁷. The Strasbourg Court stated in the Dahlab decision that "the measure by which the applicant was prohibited, purely in the context of her professional duties, from wearing an Islamic headscarf was not directed at her as a member of the female sex but pursued the legitimate aim of ensuring the neutrality of the State primary-education system. Such a measure could also be applied to a man who, in similar circumstances, wore clothing that clearly identified him as a member of a different faith" ⁵⁸.

9) Freedom of expression (Article 10)

Very few women applicants lodge complaints concerning freedom of expression. The small number of cases lodged under this article concern elections⁵⁹ or the press⁶⁰.

10) Freedom of association (Article 11)

Women also seldom invoke Article 11 of the European Convention, protecting the right to freedom of association⁶¹.

⁵⁰ ECHR (GC), *Goodwin v. the United Kingdom* judgment of 11 July 2002.

⁵¹ ECHR, *K.H. and others v. Slovakia* judgment of 28 April 2009.

⁵² ECHR, *Codarcea v. Romania* of judgment 2 June 2009.

⁵³ ECHR, *El Morsli v. France*(inadmissibility) decision of 4 March 2008;

ECHR (GC), *Leyla Sahin v. Turkey* judgment of 10 November 2005;

ECHR, (inadmissibility) decision *Dahlab v. Switzerland* of 15 February 2001; ECHR, (inadmissibility) decision *Karaduman v. Turkey* of 3 May 1993.

⁵⁴ ECHR, *Dahlab v. Switzerland* (inadmissibility) decision of 15 February 2001.

⁵⁵ ECHR (GC), *Leyla Sahin v. Turkey* judgment of 10 November 2005.

⁵⁶ ECHR, *El Morsli v. France* (inadmissibility) decision of 4 March 2008.

⁵⁷ Interview with Monsieur Dourneau-Josette.

⁵⁸ ECHR, *Dahlab v. Switzerland* (inadmissibility) decision of 15 February 2001.

⁵⁹ ECHR, *Piermont v. France* judgment of 27 April 1995; ECHR, judgment *Bowman* of 19 February 1998.

⁶⁰ ECHR, *E.K. v. Turkey* judgment of 7 February 2002; ECHR, decision *Kaya v. Turkey* of 11 March 2004 .

⁶¹ ECHR, *Schneider v. Luxemburg* judgment of 10 October 2007; ECHR, *Emin and others v. Greece* judgment of 27 March 2008.

11) Right to marry (Article 12)

Since its establishment, the Court has handed down only 4 judgments on the basis of Article 12 of the Convention.

One famous judgment is worth looking at in detail: the Goodwin judgment⁶². A British citizen, Christine Goodwin, a post-operative male to female transgender person, complained that her new sexual identity had not been legally recognised and of the legal status of transsexuals in the United Kingdom. She complained about sexual harassment in the workplace, discrimination in relation to contributions to the National Insurance system, and the fact that she was prevented from marrying a man. The Court held that there had been a violation of her right to marry, as protected by Article 12 of the Convention.

There have not yet been any cases concerning forced marriages.

12) Right to an effective remedy (Article 13)

Very few women lodge applications with the Court concerning the right to an effective remedy. Allegations concerning violation of Article 13 are usually made in conjunction with violation of other articles of the Convention.

The Court found that there had been a violation of Article 13 in the Halford case⁶³, which concerned telephone tapping in the applicant's office.

13) Prohibition of discrimination (Article 14)

An analysis of the use of Article 14 of the Convention, ie. the prohibition of discrimination with regard to enjoyment of the rights protected by the ECHR, may be a "significant indicator"⁶⁴ for this study.

The analysis of the Court's judgments concerning gender-based discrimination is indeed revealing. There have been 152 judgments in which the Court has found a violation of Article 14 of the Convention since the Court was first established⁶⁵. Men rely on Article 14 much more frequently than women. "Most applications lodged on the basis of this article are lodged by men and concern their situation in fields such as homosexuality or welfare benefits"⁶⁶.

"Generally speaking, allegations of discrimination against women concern matters with social and economic connotations such as social security benefits and immigration restrictions to protect the domestic labour market"⁶⁷.

Some recent cases also concern protection of property (Article 1 of Protocol 1)⁶⁸.

⁶² ECHR (GC), *Goodwin v. the United Kingdom* judgment of 11 July 2002.

⁶³ Commission, *Halford v. the United Kingdom* decision of 17 March 1997.

⁶⁴ Tulkens F., *op.cit.*, p.432.

⁶⁵ The applicant's sex was not taken into consideration in this case.

⁶⁶ Tulkens F., *op.cit.*, p.432.

⁶⁷ *Outline of the case-law of the organs of the European Convention on Human Rights concerning discrimination on grounds of sex*, Memorandum prepared by the Secretary General, Rapporteur Group on Equality between Women and Men (GR-EG), Committee of Ministers, 11 April 1997 (restricted).

⁶⁸ ECHR, *Zeibek v. Greece* judgment of 9 July 2009;

ECHR (GC), *Carson and others v. the United Kingdom* judgment of 16 March 2010;

ECHR, *Munoz Diaz v. Spain* judgment of 8 December 2009;

ECHR (GC), *Andrejeva v. Latvia* judgment of 18 February 2009.

Nevertheless, it appears that the Court is more attentive to gender-based discrimination. In the Opuz judgment, the Court held that the “violence suffered by the applicant and her mother may be regarded as gender-based violence which is a form of discrimination against women”⁶⁹. “The applicant had been able to show that domestic violence affected mainly women in Turkey”⁷⁰.

14) Protection of property (Article 1 of Protocol 1)

Article 1 of Protocol 1 does not have a particular relevance for women⁷¹. Most of the cases are lodged by couples⁷², or by men in conjunction with women⁷³.

There are, however, some cases in which applications were lodged by women, for example the Fatma Yavuz judgment⁷⁴, concerning the amount of expropriation paid to the applicant, in which the Court held that there had been a violation of Article 1 of Protocol 1.

Article 1 of Protocol 1 is invoked relatively often in conjunction with Article 14, for example in the Munoz Diaz judgment⁷⁵, concerning refusal to pay the applicant a survivor’s pension because the couple had been married in accordance with Roma customs and cultural traditions; or the Andrejeva judgment⁷⁶, concerning refusal to take account of the periods during which the applicant had worked in the former Soviet Union when calculating her retirement pension, on the ground that she did not have Latvian citizenship. In both of these judgments, the Court found a violation of Article 14 taken in conjunction with Article 1 of Protocol 1.

In the very recent Brosset-Triboulet and others judgment⁷⁷, two female applicants who were facing demolition of their house, invoked Article 1 of Protocol 1 but the Court found that there had been no violation of this article.

15) Right to education (Article 2 of Protocol 1)

There have only been 9 judgments concerning violation of Article 2 of Protocol 1⁷⁸.

The right to education concerns mainly children⁷⁹. More women than men lodge complaints under this article⁸⁰.

16) Right to free elections (Article 3 of Protocol 1)

Several applications in significant cases concerning the right to free elections have been lodged by women⁸¹ and some of them have led to important judgments⁸². In some of these cases, the Court held that there had been a violation of Article 3 of Protocol 1.

⁶⁹ ECHR, *Opuz v. Turkey* judgment of 9 June 2009.

⁷⁰ *European Court of Human Rights – Gender equality*, Factsheet, March 2010.

⁷¹ Interview with Mr Dourneau-Josette.

⁷² ECHR, *Nita v. Romania* judgment of 26 January 2010.

⁷³ ECHR, *Genovese and others v. Italy* judgment of 2 February 2006.

⁷⁴ ECHR, *Fatma Yavuz v. Turkey* judgment of 18 September 2001.

⁷⁵ ECHR, *Munoz Diaz v. Spain* judgment of 8 December 2009.

⁷⁶ ECHR (GC), *Andrejeva v. Latvia* judgment of 18 February 2009.

⁷⁷ ECHR (GC), *Brosset-Triboulet and others v. France* judgment of 29 March 2010.

⁷⁸ Account is not taken of the applicant’s sex.

⁷⁹ ECHR, *Kjeldsen, Busk Madsen et Pedersen v. Denmark* judgment of 7 December 1976;

ECHR (GC), *Orsus and others v. Croatia* judgment of 16 March 2010.

⁸⁰ Interview with Mr Dourneau-Josette.

⁸¹ ECHR, *Brike v. Latvia* (inadmissibility) decision of 29 June 2000;

ECHR, *Bompard v. France* (inadmissibility) decision of 6 April 2006.

In the *Mathews* judgment⁸⁴, a British national complained that it was impossible for the inhabitants of Gibraltar to vote in the European elections. The Court found a violation of Article 3 of Protocol 1 after holding that the European Parliament constituted part of the “legislature” of Gibraltar for the purposes of Article 3 of Protocol No. 1.

In the *Podkolzina* judgment⁸⁵ the applicant, who was a member of the Russian-speaking minority, complained that she had not been allowed to stand for election to the Latvian parliament, on the grounds that she did not have sufficient knowledge of the Latvian language. The Court also concluded that there had been a violation of the right to free elections given that the procedure applied to the applicant was incompatible with the requirements of procedural fairness and legal certainty.

In the *Zdanoka* Grand Chamber judgment⁸⁶, the Court did not hold that there had been a violation of Article 3 of Protocol 1 in the case of a former active member of the Latvian communist party, who had been found ineligible to stand as a candidate at the Latvian parliamentary and municipal council elections pursuant to a lustration law.

Finally, in the *Ilicak* judgment⁸⁷, the Court held that there had been a violation of the right to free elections in respect of a female member of parliament who had been removed from her parliamentary seat and subjected to restrictions with regard to her political rights. These measures were ancillary to the dissolution of her political party for failure to comply with the principle of secularity.

There have not yet been any judgments relating to gender equality in the electoral field.

17) General prohibition of discrimination (Article 1 of Protocol 12)

It is striking to note that many applications in which female applicants rely on Article 1 of Protocol 12 are declared inadmissible⁸⁸.

Since Protocol 12 came into force, no applications have, to date, been lodged by women on the basis of Article 1 of Protocol 12 in conjunction with Article 14.

Conclusion

The scope of the prohibition of discrimination in Article 14 of the European Convention is restricted to discrimination with regard to the rights covered by the Convention. Article 14 of the Convention does not enshrine a “right to equality”. The application of this provision, even through the right of individual petition, is limited by the fact that it must be invoked in

⁸² ECHR, *Mathews v. the United Kingdom* judgment of 18 February 1999;
ECHR, *Podkolzina v. Latvia* judgment of 9 April 2002;
ECHR (GC), *Zdanoka v. Latvia* judgment of 16 March 2006;
ECHR, *Ilicak v. Turkey* judgment of 5 April 2007.

⁸³ ECHR, *Mathews v. the United Kingdom* judgment of 18 February 1999;
ECHR, *Podkolzina v. Latvia* judgment of 9 April 2002;
ECHR, *Ilicak v. Turkey* judgment of 5 April 2007.

⁸⁴ ECHR, *Mathews v. the United Kingdom* judgment of 18 February 1999.

⁸⁵ ECHR, *Podkolzina v. Latvia* judgment of 9 April 2002.

⁸⁶ ECHR (GC), *Zdanoka v. Latvia* judgment of 16 March 2006.

⁸⁷ ECHR, *Ilicak v. Turkey* judgment of 5 April 2007.

⁸⁸ ECHR, *Yilmaz v. Turkey* (inadmissibility) decision of 3 April 2007;
ECHR, *Stella Nuñez v. France* (inadmissibility) decision of 27 May 2008;
ECHR, *Tinca Rață v. Romania* (inadmissibility) decision of 6 January 2009;
ECHR, *Anne Duda v. France* (inadmissibility) decision of 17 March 2009.

conjunction with another article of the Convention. It is therefore not easy to show that there has been a violation of Article 14 of the Convention. However, Article 1 of Protocol 12 extends the prohibition of discrimination to all rights protected by national law, even if they are not enshrined in the Convention. Nevertheless, it would be interesting to give closer consideration to the PACE's proposal concerning the adoption of a new Protocol on equality.

Some types of cases are typically feminine, given that "there are some human rights violations which concern women particularly"⁸⁹. This applies, for example, to abortion, domestic violence and sexual violence. Survivors' pensions is a branch of litigation which quite obviously concerns women more than men and is noteworthy because it underlines women's economic dependence on their partner.

However, although some violations of human rights particularly affect women, most types of cases are gender-neutral and the male-female aspect of the problem is virtually inexistent. This applies, for example, to the right to a fair trial, the protection of property, tax issues, and the rights of foreigners. It fully reflects society and corresponds to the situation at national level. It would therefore be interesting to carry out a survey at national level to ascertain whether national cases are brought less frequently by women than by men; and this would provide an indicator for the international level.

It has not been easy to carry out this survey as the relevant data is sometimes difficult to obtain if not unavailable, even within the Council of Europe. For example, it is a pity that it is not possible to obtain gender-disaggregated data through the HUDOC system, particularly data concerning the number of men or women lodging applications with the Court. It is extremely difficult to obtain such information, even by using key words (for example in French the word "requérante" – the female version of applicant – may also be an adjective, as in "applicant company"). Generally speaking, the search function using key-words does not work well because of particular features of French grammar. For example, cases brought by both women and men would appear to be brought only by men because of precedence given to the masculine form of the adjective. It would therefore be a good idea, not to say necessary, to develop the HUDOC database so that a gender-disaggregated search can be made. Moreover, many of the applications received by the Court are subsequently destroyed. Applications that have been declared inadmissible by a chamber are usually quite difficult to find, and those declared inadmissible by a committee are virtually impossible to find. According to Ms Tulkens, the system of priority in dealing with cases, which was discussed at the Interlaken Conference⁹⁰, does not take any account of the applicant's sex⁹¹. It is therefore almost impossible, in the existing circumstances, to gain a proper idea of the number of applications lodged by women.

The Court does not give a great deal of consideration to the female aspect of applications or to women's experience⁹². This is quite noticeable in the Chapman judgment ⁹³ where the Court considers the petition to be gender neutral. However, this is not always the case: in the M.C. v. Bulgaria judgment⁹⁴, the Court took into consideration the way in which rape is experienced by victims and of their response to sexual violence. The same applies to the Menesheva judgment⁹⁵, in which the Court took account of the girl's vulnerability and her situation as a woman.

⁸⁹ *European Court of Human Rights – Gender Equality*, Factsheet, March 2010.

⁹⁰ High-level Conference on the Future of the European Court of Human Rights, Interlaken, 18-19 February 2010.

⁹¹ Interview with Ms Tulkens.

⁹² Interview with Ms Tulkens.

⁹³ ECHR (GC), *Chapman and others v. UK* judgment of 18 January 2001.

⁹⁴ ECHR, *M.C. v. Bulgaria* judgment of 4 December 2003.

⁹⁵ ECHR, *Menesheva v. Russia* judgment of 9 March 2006.

The European Court therefore seems to be gradually strengthening the protection of women against violence⁹⁶. “Effectively, the Court decided to extend the obligation to protect life, freedom and physical integrity through case-law covering the nature of states’ positive obligations in protecting women against violence perpetrated by individuals”⁹⁷.

The fact remains that the Court is more naturally inclined to take women’s experience into account when the case is of a more “feminine” nature, which varies according to the articles of the Convention and the rights invoked. The specific situation of a woman is, for example, more easily taken into consideration in a case concerning sexual violence or abortion, than in a case concerning the length of proceedings.

The Strasbourg Court is increasingly frequently drawing on international texts protecting women’s rights, particularly when a case involves a typically female right.

The Court also has to take “external observations” into consideration, for example in the Tysiac case⁹⁸, in which the Court took account of the observations made by third parties⁹⁹.

As Judge Tulkens quite rightly points out “the relatively small number of applications lodged by women raises the question of the sometimes more limited possibility for women to lodge an application with the Court, reflecting a certain vulnerability with regard to the law. Access to the courts, which is already not easy at national level, can be even more difficult at international level”. Indeed, “the use of the right of individual petition requires a certain degree of emancipation which the majority of women in Europe have not yet achieved”¹⁰⁰. The main obstacle is therefore that of women’s access to the domestic courts. Consequently, it would be a good idea to carry out a national survey, for example into cases in which complaints are not registered or are not followed up by the police, in order to gauge the real extent of the obstacle.

According to Judge Tulkens¹⁰¹ there are three measures that could be taken at all stages of legal proceedings to ensure that women have genuine access to the European Court of Human Rights:

Acceptance, in certain cases, of collective actions, which would improve the system of the European Court,

More frequent third party interventions,

The Court should develop its interpretation to take greater account of the particular situation of women. With regard to this point, the specific case of rape and sexual abuse are areas in respect of which women have greater difficulty in lodging a complaint.

⁹⁶ ECHR, *Kontrova v. Slovakia* judgment of 31 May 2007;

ECHR, *Branko Tomašić and others v. Croatia* judgment of 15 January 2009;

ECHR, *Opuz v. Turkey* judgment of 9 June 2009.

⁹⁷ Council of Europe activities in the field of equality between women and men since the 4th World Conference on Women (Beijing, 1995), EG(2009)1.

⁹⁸ ECHR, *Tysiac v. Poland* judgment of 20 March 2007.

⁹⁹ These NGOs representing the rights of women were able to intervene in the written procedure.

¹⁰⁰ -Buquicchio-de Boer M., *Equality between the sexes and the European Court of Human Rights .A Survey of Strasbourg Case-law*, Human Rights Files No. 14, Strasbourg, Council of Europe publications, 1995, p.56.

¹⁰¹ Tulkens F., *op.cit.*, p.433.

Bibliography

I. Books and articles:

Outline of the case-law of the organs of the European Convention on Human Rights concerning discrimination on grounds of sex, Memorandum prepared by the Secretary General, Rapporteur Group on Equality between Women and Men (GR-EG), Committee of Ministers, 11 April 1997 (restricted)

Buquicchio-de Boer M., Equality between the sexes and the European Court of Human Rights. A Survey of Strasbourg Case-law, Human Rights Files No. 14, Strasbourg, Council of Europe publications, 1995.

Case law of the European Court of Human Rights in the field of equality between women and men, Strasbourg, November 2006, CDEG(2006)2.

Dembour M-B., Who believes in Human Rights? Reflections on the European Convention, Cambridge University Press, 2007.

Tulkens F., Droits de l'homme, droits des femmes: les requérantes devant la Cour Européenne des Droits de l'Homme in Liber amicorum Luzius Wildhaber: Human Rights, Strasbourg Views, Edition Lucius Cafilisch et al., Kehl, Strasbourg, Arlington, Va., N.P. Engel, 2007, p.423-445.

Council of Europe activities in the field of equality between women and men since the 4th World Conference on Women (Beijing, 1995), EG(2009)1.

European Court of Human Rights – Gender equality, Factsheet, March 2010.

Improving the lives of women in Europe through the Rule of Law, Press release No.189, 8 March 2010.

II. Interviews:

Berger Vincent, Jurisconsult in charge of the Grand Chamber, Research and Case Law Information, European Court of Human Rights

Costa Jean-Paul, President of the European Court of Human Rights

Devaux Jannick, Secretary of the Sub-Committee on equal participation of women and men in decision-making, Parliamentary Assembly of the Council of Europe

Dourneau-Josette Pascal, Head of Division 5.1 – responsible for applications, European Court of Human Rights

Early Lawrence, Registrar of the 4th Section, European Court of Human Rights

Enrich-Mas Montserrat, Head of the Research Division and Library, European Court of Human Rights

Tonarelli-Lacore Paola, Head of Methods and Case-Management Division, European Court of Human Rights

Tulkens Françoise, Judge, Section President, European Court of Human Rights

III. Case law:

A) CASE-LAW AS PER RIGHT PROTECTED:

1) Right to life (Article 2)

a) indirect victims (Article 2)

ECHR (GC), Tanrikulu v. Turkey judgment of 8 July 1999

ECHR, Caraher v. UK of 11 January 2000

ECHR, Fairfield and others v. UK of 8 March 2005

ECHR, Medova v. Russia (non final) judgment of 15 January 2009
ECHR, G.N. and others v. Italy judgment of 1 December 2009

- situations of political turmoil, armed conflict or military operations (Article 2)

ECHR (GC), Ogür v. Turkey judgment of 20 May 1999
ECHR (GC), Tanrikulu v. Turkey judgment of 8 July 1999
ECHR (GC), Salman v. Turkey judgment of 27 June 2000
ECHR, Akkoç v. Turkey judgment of 10 October 2000
ECHR, Tanribilir v. Turkey judgment of 16 November 2000
ECHR, Demiray v. Turkey judgment of 21 November 2000
ECHR, Çiçek v. Turkey judgment of 27 February 2001
ECHR, Şanagan v. United Kingdom judgment of 4 May 2001
ECHR, Sabuktekin v. Turkey judgment of 19 March 2002
ECHR, Şemse Önen v. Turkey judgment of 14 May 2002
ECHR, McShane v. United Kingdom judgment of 28 May 2002
ECHR, Ülkü Ekinci v. Turkey judgment of 16 July 2002
ECHR, N.Ö. v. Turkey judgment of 17 October 2002
ECHR, Adali v. Turkey, Şazimet Yalçın v. Turkey and Filyet Şen v. Turkey judgments of 12 December 2002
ECHR, Macir v. Turkey judgment of 22 April 2003
ECHR, Güler and others v. Turkey judgment of 22 April 2003
ECHR, Finucane v. United Kingdom judgment of 1 July 2003
ECHR, Hanim Tosun v. Turkey judgment of 6 November 2003
ECHR, Tekdağ v. Turkey judgment of 15 January 2004
ECHR, Nuray Sen v. Turkey of 30 March 2004
ECHR, Evcil v. Turkey (inadmissibility) decision of 6 April 2004
ECHR, E.O v. Turkey judgment of 15 July 2004
ECHR, Zengin v. Turkey judgment of 28 October 2004
ECHR, Issaïeva, Youssoupova and Bazaïeva v. Russia judgment of 24 February 2005
ECHR, Türkoğlu v. Turkey judgment of 17 March 2005
ECHR, Adali v. Turkey judgment of 31 March 2005
ECHR, Süheyla Aydın v. Turkey judgment of 24 May 2005
ECHR, Akdeniz v. Turkey judgment of 31 May 2005
ECHR, Fatma Kaçar v. Turkey judgment of 15 July 2005
ECHR, Özgen and others v. Turkey judgment of 20 September 2005
ECHR, Nesibe Haran v. Turkey judgment of 6 October 2005
ECHR, Gongadzé v. Ukraine judgment of 8 November 2005
ECHR, Kakoulli v. Turkey judgment of 22 November 2005
ECHR, Bişkin v. Turkey judgment of 10 January 2006
ECHR, Dürdane Aslan and Selvihan Aslan v. Turkey judgment of 10 January 2006

- police operations (Article 2)

ECHR, Bubbins v. UK judgment of 17 March 2005
ECHR (GC), Natchova and others v. Bulgaria judgment of 6 July 2005

- police custody (Article 2)

ECHR, Velikova v. Bulgaria judgment of 16 May 2000
ECHR, Anguelova v. Bulgaria judgment of 13 June 2002
ECHR, Ognyanova and Choban v. Bulgaria judgment of 23 February 2006

- prison detention (Article 2)

ECHR, Keenan v. United Kingdom judgment of 3 April 2001
ECHR, Younger v. UK (inadmissibility) decision of 7 January 2003

- *detention in an administrative detention centre (Article 2)*

ECHR, Slimani v. France judgment of 27 July 2004

- *release on parole (Article 2)*

ECHR, Bromiley v. UK decision of 23 November 1999

-*psychiatric or medical context (Article 2)*

ECHR, Valesano v. Italy (inadmissibility) decision of 31 August 1999

ECHR, (Alvarez Ramon v. Spain (inadmissibility) decision of 3 July 2001

ECHR, Francis v. UK (inadmissibility) decision of 8 April 2003

ECHR, Rowley v. UK (inadmissibility) decision of 22 February 2005

b) direct victims (Article 2)

- *beginning /end of life (Article 2)*

ECHR, judgment Pretty v. UK of 29 April 2002

ECHR (GC), Vo v. France judgment of 8 July 2004

ECHR, Christodoulou v. Greece (inadmissibility) decision of 13 January 2005

ECHR (GC), Evans v. United Kingdom judgment of 10 April 2007

- *AIDS (Article 2)*

ECHR, S.C.C. v. Sweden (inadmissibility) decision of 15 February 2000

ECHR, Tatete v. Switzerland application (friendly settlement) of 29 April 2002

ECHR, G.N. and others v. Italy judgment of 1 December 2009

- *failure of the authorities to protect (Article 2)*

ECHR, Kontrova v. Slovakia judgment of 31 May 2007

ECHR, Branko Tomašić and others v. Croatia judgment of 15 January 2009

ECHR, Opuz v. Turkey judgment of 9 June 2009

2) Prohibition of torture and inhuman or degrading treatment or punishment (Article 3)

ECHR, V.T. v. France judgment of 16 May 2006

ECHR, Filiz Uyan v. Turkey judgment of 8 January 2009

a) living conditions (Article 3)

ECHR, Dulaş v. Turkey judgment of 30 January 2001

ECHR, Larioshina v. Russia (inadmissibility) decision of 23 April 2002

b) violence, in particular sexual abuse (Article 3)

ECHR, J.M v. UK decision (struck off list) of 28 September 2000

ECHR, E. and others v. UK judgment of 26 November 2002

ECHR, Z.W. v. UK application (friendly settlement) of 29 July 2003
ECHR, MC. v. Bulgaria judgment of 4 December 2003
ECHR, Frik v. Turkey judgment of 20 September 2005

c) women migrants (Article 3)

ECHR (GC), Chahal v. UK judgment of 15 November 1996
ECHR, Pancenko v. Latvia decision of 28 October 1999
ECHR, Jabari v. Turkey judgment of 11 July 2000
ECHR, Zubeyde v. Norway (inadmissibility) decision of 28 February 2002
ECHR, Ndonga v. Germany (inadmissibility) decision of 5 February 2004
ECHR, Dragan and others v. Germany (inadmissibility) decision of 7 October 2004
ECHR, Kaldik v. Germany (inadmissibility) decision of 22 September 2005

d) ill-treatment while at the hands of the police or prison authorities (Article 3)

- *subjected to violence when arrested by the police (Article 3)*

ECHR, Saki v. Turkey judgment of 30 October 2001
ECHR, Z.Y. v. Turkey judgment of 9 April 2002
ECHR, Toteva v. Bulgaria judgment of 19 May 2004
ECHR, Dalan v. Turkey judgment of 7 June 2005
ECHR, Devrim Turan v. Turkey judgment of 2 March 2006

- *subjected to violence while in police custody (Article 3)*

ECHR, Veznedaroglu v. Turkey judgment of 11 April 2000
ECHR, Yildiz v. Turkey judgment of 16 July 2002
ECHR, Algür v. Turkey judgment of 22 October 2002
ECHR, Özkur and Göksungur v. Turkey judgment of 4 March 2003
ECHR, Ayşe Tepe v. Turkey judgment of 22 July 2003
ECHR, Baltaş v. Turkey judgment of 20 September 2005
ECHR, Yavuz v. Turkey judgment of 10 January 2006
ECHR, Menesheva v. Russia judgment of 9 March 2006
ECHR, Esen v. Turkey judgment of 22 July 2006
ECHR, Teren Aksakal v. Turkey judgment of 11 September 2007

- *situations of detention (Article 3)*

ECHR, Aydin v. Turkey judgment of 25 September 1997
ECHR, Price v. United Kingdom judgment of 10 July 2001
ECHR, McGlinchey and others v. United Kingdom judgment of 29 April 2003
ECHR, Reggiani Martinelli v. Italy (inadmissibility) decision of 16 June 2005
ECHR, Mamedova v. Russia judgment of 1 June 2006
ECHR, Muskhadzhiyeva and others v. Belgium judgment of 19 January 2010

3) Prohibition of slavery and forced labour (Article 4)

ECHR, Siliadin v. France judgment of 26 July 2005

4) Right to liberty and security (Article 5)

ECHR, Anguelova v. Bulgaria judgment of 13 June 2002
ECHR, I.B. v. Turkey judgment of 22 December 2005

ECHR, Taciroğlu v. Turkey judgment of 2 February 2006
ECHR, Mamedova v. Russia judgment of 1 June 2006
ECHR, Houtman and Meeus v. Belgium judgment of 17 March 2009
ECHR, Prencipe v. Monaco judgment of 16 July 2009
ECHR, Muskhadzhiyeva and others v. Belgium judgment of 19 January 2010

5) Right to a fair trial (Article 6)

ECHR, Airey v. Ireland judgment of 9 October 1979
ECHR, Schuler-Zraggen v. Switzerland judgment of 24 June 1993
ECHR, Hentrich v. France judgment of 22 September 1994
ECHR (GC), Fogarty v. United Kingdom judgment of 21 November 2001
ECHR, A. v. United Kingdom judgment of 17 December 2002
ECHR, Ernst and others v. Belgium judgment of 15 July 2003
ECHR, Blumberga v. Latvia judgment of 14 October 2008
ECHR, Mendel v. Sweden judgment of 7 April 2009
ECHR, K.H. and others v. Slovakia judgment of 28 April 2009
ECHR, Codarcea v. Romania judgment of 2 June 2009
ECHR, Popovitsi v. Greece judgment of 14 January 2010
ECHR, Palamariu v. Romania judgment of 19 January 2010
ECHR (GC), Levenez v. France (inadmissibility) decision of 19 January 2010
ECHR, (Theocharisti Lorentzatou v. Greece (inadmissibility) decision of 25 February 2010
ECHR, Gladkvist and Bucur v. Romania (inadmissibility) decision of 2 March 2010
ECHR (GC), Orsus and others v. Croatia judgment of 16 March 2010
ECHR, Paraskeva v. Bulgaria judgment of 25 March 2010
ECHR, Gurbet ER v. Turkey judgment of 30 March 2010

7) All punishment must be founded in law (Article 7)

European Commission of Human Rights (hereafter Commission), X v. Luxemburg (inadmissibility) decision of 5 February 1971
Commission, Bourven v. France (inadmissibility) decision of 18 May 1995
Commission, Mahaut v. France (inadmissibility) decision of 6 July 1995
Commission, CC v. Italy (inadmissibility) decision of 21 October 1997
ECHR, E.K. v. Turkey judgment of 7 February 2002
ECHR, Mitina v. Latvia decision of 29 August 2002
ECHR, I.B. v. Turkey judgment of 22 December 2005

8) Right to respect for private and family life (Article 8)

ECHR, Abdulaziz Cabales and Balkandali v. United Kingdom judgment of 28 May 1985
Commission, Halford v. United Kingdom decision of 17 March 1997
ECHR (GC), Chapman and others v. UK judgment of 18 January 2001
ECHR (GC), Slivenko c/ Latvia judgment of 9 October 2003
ECHR, Fadejeva v. Russia judgment of 9 June 2005
ECHR, Tysiac v. Poland judgment of 20 March 2007
ECHR, Brauer v. Germany judgment of 28 May 2009
ECHR, Bigaeva v. Greece judgment of 28 May 2009
ECHR, Codarcea v. Romania judgment of 2 June 2009

a) children

ECHR, Marckx v. Belgium judgment of 13 June 1979
ECHR, Vermeire v. Belgium judgment of 29 November 1991

ECHR, Hoffmann v. Austria judgment of 23 June 1993
ECHR, Kroon and others v. Netherlands judgment of 27 October 1994
ECHR (GC), Odièvre v. France judgment of 3 February 2003
ECHR, X. v. Croatia judgment of 17 July 2008
ECHR, Kearns v. France judgment of 10 January 2008
ECHR, K.H. and others v. Slovakia judgment of 28 April 2009
ECHR, Övüş v. Turkey judgment of 13 October 2009
ECHR, Vautier v. France judgment of 26 November 2009

b) name

ECHR, Susanna Burghartz and Albert Schnyder v. Switzerland judgment of 22 February 1994
ECHR, Ünal Tekeli v. Turkey judgment of 16 November 2004
ECHR, Daróczy v. Hungary judgment of 1 July 2008

c) gender

ECHR, X and Y v. the Netherlands judgment of 26 March 1985
ECHR, Cossey v. United Kingdom judgment of 27 September 1990
ECHR, Smith and Grady v. United Kingdom judgment of 27 September 1999
ECHR (GC), Goodwin v. United Kingdom judgment of 11 July 2002

9) Freedom of conscience and religion (Article 9)

Commission, Karaduman v. Turkey (inadmissibility) decision of 3 May 1993
ECHR, Dahlab v. Switzerland (inadmissibility) decision of 15 February 2001
ECHR (GC), Leyla Sahin v. Turkey judgment of 10 November 2005
ECHR, El Morsli v. France (inadmissibility) decision of 4 March 2008

10) Freedom of expression (Article 10)

a) Electoral domain / period

ECHR, Piermont v. France judgment of 27 April 1995
ECHR, Bowman judgment of 19 February 1998

b) Cases concerning the press

ECHR, E.K. v. Turkey judgment of 7 February 2002
ECHR, Kaya v. Turkey decision of 11 March 2004

11) Freedom of assembly and association (Article 11)

ECHR, Steel and others v. United Kingdom judgment of 23 September 1998
ECHR, Schneider v. Luxemburg judgment of 10 October 2007
ECHR, Emin and others v. Greece judgment of 27 March 2008

12) Right to marry (Article 12)

ECHR, Cossey v. United Kingdom judgment of 27 September 1990
ECHR (GC), Goodwin v. United Kingdom judgment of 11 July 2002

13) Right to an effective remedy (Article 13)

Commission, Halford v. United Kingdom decision of 17 March 1997
ECHR (GC), Tanrikulu v. Turkey judgment of 8 July 1999
ECHR (GC), Goodwin v. United Kingdom judgment of 11 July 2002
ECHR, Bubbins v. UK judgment of 17 March 2005
ECHR, K.H. and others v. Slovakia judgment of 28 April 2009
ECHR (GC), Levenez v. France (inadmissibility) decision of 19 January 2010

14) Principle of non-discrimination (Article 14)

ECHR (GC), Fogarty v. United Kingdom judgment of 21 November 2001
ECHR (GC), E.B. v. France judgment of 22 January 2008
ECHR, Anakomba Yula v. Belgium judgment of 10 March 2009
ECHR (GC), Burden v. United Kingdom judgment of 29 April 2009
ECHR, Opuz v. Turkey judgment of 9 June 2009
ECHR, Zeïbek v. Greece judgment of 9 July 2009
ECHR (GC), Carson and others v. United Kingdom judgment of 16 March 2010
ECHR (GC), Orsus and others v. Croatia judgment of 16 March 2010
ECHR, Paraskeva v. Bulgaria judgment of 25 March 2010

15) The right to property (Article 1 P 1)

ECHR, X. and Y. v. Federal Republic of Germany (inadmissibility) decision of 30 September 1968
ECHR, Marckx v. Belgium judgment of 13 June 1979
ECHR, Hentrich v. France judgment of 22 September 1994
ECHR, Fatma Yavuz v. Turkey judgment of 18 September 2001
ECHR, Wessels-Bergervoet v. Netherlands (struck off list) 4 June 2002
ECHR, Yalçinkaya v. Turkey judgment of 2 February 2006
ECHR, Genovese and others v. Italy judgment of 2 February 2006
ECHR, Stec and others v. United Kingdom judgment of 12 April 2006
ECHR (GC), Andrejeva v. Latvia judgment of 18 February 2009
ECHR, Zeïbek v. Greece judgment of 9 July 2009
ECHR, Munoz Diaz v. Spain judgment of 8 December 2009
ECHR, Nita v. Romania judgment of 26 January 2010
ECHR, Gladkvist and Bucur v. Romania (inadmissibility) decision of 2 March 2010
ECHR (GC), Depalle and Brosset-Triboulet and others v. France judgments of 29 March 2010

16) Right to education (Article 2 Protocol No. 1)

ECHR, Kjeldsen, Busk Madsen and Pedersen v. Denmark judgment of 7 December 1976
ECHR (GC), Chapman and others v. United Kingdom judgment of 18 January 2001
ECHR (GC), D.H. and others v. Czech Republic judgment of 13 November 2007
ECHR (GC), Orsus and others v. Croatia judgment of 16 March 2010

17) Right to free elections (Article 3 Protocol No. 1)

ECHR, Mathieu-Mohin and Clerfayt v. Belgium judgment of 2 March 1987
ECHR, Matthews v. United Kingdom judgment of 18 February 1999
ECHR, Brike v. Latvia (inadmissibility) decision of 29 June 2000
ECHR, Podkolzina v. Latvia judgment of 9 April 2002
ECHR (GC), Zdanoka v. Latvia judgment of 16 March 2006
ECHR, Bompard v. France (inadmissibility) decision of 6 April 2006
ECHR, Ilicak v. Turkey judgment of 5 April 2007

18) General prohibition on discrimination (Article 1 Protocol No. 1)

ECHR, Yilmaz v. Turkey (inadmissibility) decision of 3 April 2007
ECHR, Stella Nuñez v. France (inadmissibility) decision of 27 May 2008
ECHR, Marta Malvina Livia Rugina v. Romania (struck off list) 23 October 2007
ECHR, Tinca Rață v. Romania (inadmissibility) decision of 6 January 2009
ECHR, Anne Duda v. France (inadmissibility) decision of 17 March 2009

B) JUDGMENTS AND DECISIONS RELATING TO CONDITIONS OF ADMISSIBILITY

ECHR, De Buck and Koolen v. Belgium (inadmissibility) decision of 18 December 1963
ECHR, Hagmann-Hüsler v. Switzerland (inadmissibility) decision of 15 December 1977

1) Referral to the Court

ECHR, Caraher v. UK decision of 11 January 2000
ECHR, Sanles Sanles v. Spain (inadmissibility) decision of 26 October 2000
ECHR, Fairfield and others v. United Kingdom judgment of 8 March 2005
ECHR, Biç and others v. Turkey (inadmissibility) decision of 2 February 2006
ECHR, Blečić v. Croatia judgment of 8 March 2006
ECHR, Gradinar v. Moldova judgment of 8 April 2008

2) Failure to exhaust domestic remedies

ECHR, Kalderas Gypsies v. the Federal Republic of Germany and the Netherlands (inadmissibility) decision of 6 July 1977
ECHR, Epözdemir v. Turkey (inadmissibility) decision of 31 January 2002
ECHR, Thibaud v. France decision of 22 June 2004

3) 6- month period

ECHR, Ben Salah Adraqui and others v. Spain (inadmissibility) decision of 27 April 2000
ECHR, Yavuz and others v. Turkey decision of 1 February 2005

4) Manifestly ill-founded applications

European Commission of Human Rights, A. Szokoloczy Grobet v. Switzerland (inadmissibility) decision of 29 November 1995
ECHR, Gurbuz and Colak v. Turkey (inadmissibility) decision of 26 January 2010
ECHR, Devrim Turan v. Turkey decision of 2 March 2006
ECHR, Gladkvist and Bucur v. Romania (inadmissibility) decision of 2 March 2010

C) EXAMPLES OF JUDGMENTS WHERE WOMEN WERE THE SOLE APPLICANTS:

ECHR, Airey v. Ireland judgment of 9 October 1979
ECHR Abdulaziz, Cabales and Balkandali v. UK , judgment of 28 May 1985
ECHR, Magrit Schuler-Zraggen v. Switzerland judgment of 24 June 1993
ECHR, Valesano v. Italy (inadmissibility) decision of 31 August 1999
ECHR, Pretty v. UK judgment of 29 April 2002
ECHR, Anguelova v. Bulgaria judgment of 13 June 2002

ECHR, Süheyła Aydın v. Turkey judgment of 24 May 2005
ECHR, Fadeieva v. Russia judgment of 9 June 2005
ECHR, Siliadin v. France judgment of 26 July 2005
ECHR, Tacirođlu v. Turkey judgment of 2 February 2006
ECHR, Ilicak v. Turkey judgment of 5 April 2007
ECHR, Schneider v. Luxemburg judgment of 10 October 2007
ECHR, Rugina v. Romania (struck off the list) 23 October 2007
ECHR, Emin and others v. Greece judgment of 27 March 2008
ECHR, Stella Nuñez v. France (inadmissibility) decision of 27 May 2008
ECHR, Tinca Rața v. Romania(inadmissibility) decision of 6 January 2009
ECHR, Anne Duda v. France(inadmissibility) decision of 17 March 2009
ECHR, Mendel v. Sweden judgment of 7 April 2009
ECHR, K.H. and others v. Slovakia judgment of 28 April 2009
ECHR, Bigaeva v. Greece judgment of 28 May 2009
ECHR, Opuz v. Turkey judgment of 9 June 2009