

Solmaz v. Turkey

[Case Law](#), [Anti-discrimination](#), [European Court of Human Rights](#), [Gender Identity](#), [Strategic Litigation](#), [Turkey](#)

Discrimination on the ground of gender identity

(Application no. 49373/17), 13 February 2018

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- The applicant was taken out of a bar allegedly on account of her appearance and gender identity. Subsequently, she lodged a criminal complaint against the owner of the bar. The Turkish courts considered it had not been proven that the accused's act had been based on discriminatory motives.
- ILGA-Europe together with TGEU and Kaos Gay Lesbian Cultural Research and Solidarity Association (Kaos GL) submitted the following:
 - According to Fundamental Rights Agency survey from 2015, **discrimination on the grounds of gender identity** was regarded as one of the most widespread forms of discrimination in Europe. It affects notably access to services, employment or health.
 - Gender identity emerges as a protected ground under international anti-discrimination law. UN Treaty Bodies and regional human rights systems consistently mention gender identity among the protected characteristics of anti-discrimination clauses. The same approach is followed through legislation or court practice in numerous European and other democratic societies. Gender identity is protected under Article 14, although the language used by the Court to date has been inconsistent. This area of jurisprudence would benefit from some clarity.
 - In Turkish law, discrimination in different fields is prohibited in different regulations and seen as a violation of rights. However, 'sexual orientation' and 'gender identity' are not explicitly protected in anti-discrimination law, leaving LGBTI people outside the scope of relevant legislation.