



Impossibility for married women to use just their maiden name is discriminatory

In today's Chamber judgment in the case of [Leventoğlu Abdulkadiroğlu v. Turkey](#) (application no. 7971/07), which is not final¹, the European Court of Human Rights held, unanimously, that there had been:

A violation of Article 8 (right to respect for private and family life) in conjunction with Article 14 (prohibition of discrimination) of the European Convention on Human Rights.

The case concerned the complaint by a woman that, under Turkish law, she was not allowed to keep just her maiden name in official documents after getting married, whereas married men kept their surname.

The Court held that this difference in treatment on grounds of sex between persons in an analogous situation had no objective and reasonable justification.

Principal facts

The applicant, Bahar Leventoğlu Abdulkadiroğlu, is a Turkish national who was born in 1972 and lives in Izmir (Turkey). Following her marriage in July 1996, she had to take her husband's surname, Abdulkadiroğlu, for use in official documents, pursuant to the Turkish Civil Code. At the same time, she continued to use her maiden name, Leventoğlu, as she was known by it in her academic and professional life. In 2005 she brought court proceedings seeking permission to use only her maiden name. Her request was dismissed by the courts in a decision which became final in July 2006.

Complaints, procedure and composition of the Court

Ms Leventoğlu Abdulkadiroğlu claimed in particular that the fact that Turkish law allowed married men but not married women to use their own surname after marriage amounted to discrimination based on sex. She relied in particular on Article 8 (right to respect for private and family life) and Article 14 (prohibition of discrimination).

The application was lodged with the European Court of Human Rights on 8 February 2007.

Judgment was given by a Chamber of seven judges, composed as follows:

Guido **Raimondi** (Italy), *President*,
Danutė **Jočienė** (Lithuania),
Dragoljub **Popović** (Serbia),

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

András **Sajó** (Hungary),
 Işıl **Karakaş** (Turkey),
 Paulo **Pinto de Albuquerque** (Portugal),
 Helen **Keller** (Switzerland),

and also Stanley **Naismith**, *Section Registrar*.

Decision of the Court

Article 8 in conjunction with Article 14

The Court noted that the case raised issues similar to another case, *Ünal Tekeli v. Turkey*.² In that case, it had found that the fact that married women could not bear their maiden name alone after they married, whereas married men kept their surname, amounted to a difference in treatment on grounds of sex between persons in an analogous situation.

In its judgment in the case of *Ünal Tekeli*, the Court had underlined that there was a consensus among European States in favour of choosing the spouses' family name on an equal footing. It had considered that the Turkish Government's argument that the fact of giving the husband's surname to the family stemmed from a tradition designed to reflect family unity by having the same name was not a decisive factor. Family unity could result from the choice of the wife's surname or a joint name chosen by the married couple. Accordingly, the obligation imposed on married women to bear their husband's surname – even if they could put their maiden name in front of it – had no objective and reasonable justification, in breach of Article 8 in conjunction with Article 14.

The Turkish Government had not brought forward any facts or arguments leading to a different conclusion. There had accordingly been a violation of Article 8 in conjunction with Article 14 in Ms Leventoğlu Abdulkadiroğlu's case.

Article 41 (just satisfaction)

Ms Leventoğlu Abdulkadiroğlu had not submitted any claim for just satisfaction. Accordingly, the Court did not make an award on that account.

The judgment is available only in English.

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² *Ünal Tekeli v. Turkey* (29865/96), Chamber judgment of 16.11.2004

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.