



Last update: 15/03/2021

## Turkey

<b>Membership to the Council of Europe</b>	13 April 1950
<b>Entry into force of the European Convention on Human Rights</b>	18 May 1954
<b>First case under supervision of execution</b>	<b><i>Erdagöz</i></b> (17128/90) Judgment final on 8 April 1993
<b>Total number of cases transmitted for supervision since the entry into force of the Convention</b>	4164
<b>Total number of cases closed by final resolution</b>	3538

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Actions of security forces

**Unjustified or/and excessive use of force by security forces during military and police operations.** Failure to prepare and supervise operations or to take all the necessary safety measures to reduce any risk to life. Ineffectiveness of investigations and/or serious shortcomings of ensuing criminal proceedings brought against members of security forces.

***Erdogan and Others*** group (19807/92+) and ***Kasa*** group (45902/99+)  
Judgments final on 13/09/2006 and on 20/08/2008

**Status of execution**  
Enhanced supervision

**Ineffectiveness of investigations into deaths, torture or ill-treatment** and serious shortcomings in subsequent criminal and/or disciplinary proceedings initiated against members of security forces.

***Bati and Others*** group (33097/96+)  
Judgment final on 03/09/2004

**Status of execution**  
Enhanced supervision

#### > Positive obligation to protect the right to life

**Medical negligence or medical errors committed by health care providers** employed mainly by state-run hospitals and shortcomings in criminal or civil compensation proceedings engaged.

***Oyal*** group (4864/05)  
Judgment final on 23/06/2010

**Status of execution**  
Enhanced supervision

#### > Detention and other issues

**Absence of any review mechanism in Turkish legislation** governing the execution of aggravated life sentences that would allow the review of a life sentence after a certain minimum term in order to verify whether legitimate grounds still justified the continuation of the applicant's detention.

***Gurban*** (4947/04)  
Judgment final on 15/03/2016

**Status of execution**  
Enhanced supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

## &gt; Lawfulness of detention

**Unreasonable interpretation and application of the legal provisions** by domestic authorities so as to render the applicants' deprivation of liberty unlawful and arbitrary in the absence of concrete evidence capable of providing objective justification for the suspicions, for an ulterior purpose other than those prescribed in the Convention in two of the cases.

**Mergen and Others** (44062/09)  
Judgment final on 31/08/2016

**Status of execution**  
Enhanced supervision

**Kavala** (28749/18)  
Judgment final on 11/05/2020

**Status of execution**  
Enhanced supervision

**Selahattin Demirtaş (No 2)**  
(14305/17) (Grand Chamber)  
Judgment final on 22/12/2020

**Status of execution**  
Enhanced supervision

## &gt; Domestic violence

**Failure of authorities to react to complaints/warnings of domestic violence and inadequate investigations** into such allegations resulting in killings/ill-treatment; inadequate legal framework and judicial passivity.

**Opuz group** (33401/02)  
Judgment final on 09/09/2009

**Status of execution**  
Enhanced supervision

## &gt; Freedom of thought, conscience and religion

**Unjustified and discriminatory refusal to recognise the faith of the Alevi community as a religious faith**, thus excluding it notably from the religious public service offered through the Religious Affairs Department to persons adhering to the majority Sunni branch of Islam.

**Izzettin Doğan and Others**  
(62649/10)  
Judgment final on 26/04/2016

**Status of execution**  
Enhanced supervision

**Cumhuriyetçi Eğitim Ve Kültür Merkezi Vakfı** (32093/10)  
Judgment final on 20/04/2015

**Status of execution**  
Enhanced supervision

**Successive convictions and imprisonment of conscientious objectors** for refusing to carry out compulsory military service; lack of an effective and accessible procedure to establish conscientious objector status and lack of an alternative to compulsory military service in Turkey.

**Ulke group** (39437/98)  
Judgment final on 24/04/2006

**Status of execution**  
Enhanced supervision

**Rigid and prohibitive conditions imposed by legislation on premises for worship** belonging to small religious denominations, in particular the Jehovah's Witnesses.

**Association for Solidarity with Jehovah's Witnesses and Others**  
(36915/10+)  
Judgment final on 17/10/2016

**Status of execution**  
Enhanced supervision

**MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\***

**> Freedom of expression and information**

**Interferences with the right to freedom of expression** on account of prosecutions/convictions for denigrating “the Turkish Nation, the State of the Turkish Republic or the Organs and Institutions of the State”.

**Altug Taner Akcam** (27520/07)  
Judgment final on 25/01/2012

**Status of execution**  
Enhanced supervision

**Continued pre-trial detention of investigative journalists**, accused of having aided and abetted a criminal organisation because of their involvement in the publication of written material.

**Nedim Şener** group (38270/11)  
Judgment final on 08/10/2014

**Status of execution**  
Enhanced supervision

**Court order blocking wholesale access to internet** in the context of criminal proceedings brought against third persons.

**Ahmet Yildirim** group (3111/10)  
Judgment final on 18/03/2013

**Status of execution**  
Enhanced supervision

**Failure of the authorities to provide protection to journalists faced with threats to life**; ineffective investigations and lack of effective remedies for the right to compensation.

**Dink** (2668/07)  
Judgment final on 14/12/2010

**Status of execution**  
Enhanced supervision

**> Freedom of assembly and association**

**Excessive force used to disperse peaceful demonstrations.**

**Oya Ataman** group (74552/01+)  
Judgment final on 05/03/2007

**Status of execution**  
Enhanced supervision

**> Discrimination**

**Education: Refusal to enrol a blind child to music academy despite her success at the competitive entrance exam.**

**Çam** (51500/08)  
Judgment final on 23/05/2016

**Status of execution**  
Standard supervision

**> Family life**

**Shortcomings in proceedings for the return of children abducted by one parent** (including as regards the implementation of the Hague Convention on international child abduction).

**Ozmen** (28110/08)  
Judgment final on 04/03/2013

**Status of execution**  
Enhanced supervision

**> Interstate and related cases**

**Interstate case - Violations linked with the situation in the northern part of Cyprus:** Lack of effective investigations into the fate of the Greek Cypriot missing after the military intervention in northern Cyprus in 1974, the lack of respect for the homes and properties of displaced persons and problems relating to the living conditions of Greek Cypriots in the Karpas region of the northern part of Cyprus (**see also under “main reforms adopted” below**).

**Cyprus v. Turkey** (25781/94)  
Judgment GC (merits) final on 10/05/2001  
Judgment GC (just satisfaction) final on 12.05/2014

**Status of execution**  
Enhanced supervision

## MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

**As regards in particular missing Greek Cypriots:** lack of effective investigations into the fate of nine Greek Cypriots who disappeared during the Turkish military operations in Cyprus in 1974.

**Varnava** group (16064/90)  
Judgment final on 18/09/2009

**Status of execution**  
Enhanced supervision

**As regards in particular property rights of displaced Greek Cypriots:** continuous denial of access to property in the northern part of Cyprus and consequent loss of control thereof and, in some cases, also violation of the applicants' right to respect for their homes.

**Xenides-Arestis** group (46347/99)  
Judgments final on 22/03/2006 and  
on 23/05/2007 (art 41)

**Status of execution**  
Enhanced supervision

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

## &gt; Constitutional priority of international Human Rights agreements

The supremacy of international agreements on fundamental rights and freedoms over ordinary legislation is ensured following amendments to the Constitution in 2004.

*United Communist Party* group  
(19392/92)  
Judgment final on 30/01/1998

Final Resolution  
CM/ResDH(2007)100

## &gt; Protection of rights in detention

The procedure of provisional detention was abrogated in 2014: If the distance between the judge having issued the arrest warrant and the place of arrest is too far to bring a person detained within 24 hours before a competent judge, the competent judge shall hear such person through audio-visual communication system.

*Salih Salman Kılıç* (22077/10)  
Judgment final on 05/06/2013

Final Resolution  
CM/ResDH(2017)16

Prohibition of chaining and regulation of the conditions for handcuffing and other restraints of physical movements - 2006 Regulation on the Administration of Prisons and the Execution of Penalties and Security Measures defining the means of restraint which may be used during transfer or referral of convicts and detainees. Concerning an effective remedy, the Enforcement Judgeship was established in 2001, with the competence to examine complaints of convicts and detainees.

*Avci and Others* (70417/01)  
Judgment final on 27/09/2006

Final Resolution  
CM/ResDH(2017)94

Limitation of the maximum length of detention on remand to five years for most serious crimes and the scope of measures alternative to detention was broadened - legislative amendments of the Code of Criminal Procedure (2012) and Anti-Terrorism Law (2014)). Introduction the principle of adversarial procedure when deciding the lawfulness of detention on remand as a result of amendments of the Code of Criminal Procedure in 2013. The right to compensation for unlawful detention on remand was introduced in 2005 and improved in 2013.

*Demirel* group (18623/03)  
Judgment final on 07/10/2009

Final Resolution:  
CM/ResDH(2016)332

Adoption of guiding principles and specific measures and procedures introduced for the handling of criminal cases relating to minors, including detention on remand and prison sentences; setting up of specific juvenile courts by Law No. 5395 in 2005.

*Selcuk* group (21768/02+)  
Judgment final on 10/04/2006

Final Resolution  
CM/ResDH(2010)115

## &gt; Fairness of judicial proceedings

Abolition of State Security Courts following constitutional amendments in 2004.

*Gençel* group (53431/99+)  
Judgment final on 24/03/2004

Final Resolution  
CM/ResDH(2013)256

\*\* This section may also include certain major reforms already implemented in the context of cases still pending. For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

**Acceleration of proceedings before administrative, civil, criminal, labour, land registry, military, commercial and consumers' courts**, notably by limiting the Council of State jurisdiction to acts with nation-wide applicability; streamlining of procedures before tax and administrative courts, simplification of the rules of procedure of civil, labour and social security proceedings and the reorganisation of the Court of Cassation.

*Ormanci* group (43647/98)  
Judgment final on 21/03/2005

**Final Resolution**  
**CM/ResDH(2014)298**

**Improved fair trial safeguards in proceedings regarding compensation for detention on remand**: notification of the Public Prosecutor's written opinions to the parties is required before the Court of Cassation and oral hearings shall be held in compensation proceedings. - new Code of Criminal Procedure 2005

*Göç* group (36590/97+)  
Judgment final on 11/07/2002

**Final Resolution**  
**CM/ResDH(2011)307**

**Abolition of the practice of imposing fines through "sentence orders" without trial**, declared unconstitutional by the Constitutional Court in 2004.

*Arslan* group (75836/01+)  
Judgment final on 19/03/2007

**Final Resolution**  
**CM/ResDH(2010)64**

## &gt; Fairness of criminal proceedings - Conviction based on anonymous witness statements

**The Audio/Visual Information System (SEGBIS) was introduced to take statements of any parties as well as witnesses**, thus introducing the possibility to question anonymous witnesses by enabling changes of voice or and appearance. The "Regulation on the Use of the Audio/Visual Information System in Criminal Procedure" of 2011 established the conditions of recording and storing statements.

*Balta and Demir* (48628/12)  
Judgment final on 23/09/2015

**Final Resolution**  
**CM/ResDH(2018)160**

## &gt; Fairness of criminal proceedings – Inability to appeal

**Statutory minimum of level of fine for appeal has been repealed** under the new Code of Criminal Procedure. Convictions involving fines commuted from imprisonment sentences can be appealed before the Regional Criminal Courts regardless of the amount of the judicial fine, except in fines for petty offences.

*Bayar and Gurbuz* (37569/06)  
Judgment final on 27/05/2013

**Final Resolution**  
**CM/ResDH(2019)330**

## &gt; Protection of private and family life

**Possibility of requesting name changes on justified demand** was introduced in the Civil Code as amended in 2003, while the Civil Registration Act was repealed in 2006. The assessment of the reason put forward shall be made by the judge on case-by-case basis.

*Güzel Erdagöz* (37483/02)  
Judgment final on 06/04/2009

**Final Resolution**  
**CM/ResDH(2016)116**

## &gt; Protection of private and family life – indication of religion on identity cards

**New legal framework governing identity cards introduced in 2016 to contain an electronic chip**, which may comprise information on a person's religious affiliation only if s/he expressly consents to it in the application form. Information on electronic chips is classified and the right of authorities to access must be granted by law only as far as strictly necessary for the exercise of their duties. As regards civil registers, all citizens have the right to request, in writing, to register, change or leave blank their religious affiliation in civil registers. Respective information shall not be transferred to electronic chips unless the person applying for a new identity card explicitly consents to it.

*Sinan Işık* (21924/05)  
Judgment final on 02/05/2010

**Final Resolution**  
**CM/ResDH(2018)221**

**SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\***

**> Freedom of expression**

**The Criminal Code was amended in 2013 to restrict the possibilities to prosecute for incitement of immediate desertion from the armed forces or abstention from military service.** These changes permitted to reduce the number of prosecutions and convictions. For example, mere defamation of military service is not sufficient for criminal conviction anymore.

*Ergin (No. 6)* (47533/99)  
Judgment final on 04/05/2006

**Final Resolution  
CM/ResDH(2019)148**

**Legislative reforms strengthened freedom of expression:**

- Abrogation in 2003 of Article 8 of the Law against Terrorism which prohibited any action against the indivisible integrity of the State.
- Abrogation of the possibility to prohibit the future publication of periodicals in case of breaches of the Law against Terrorism.

*Arslan* group (23462/94+)  
Judgment final on 08/07/1999

**Final Resolution  
ResDH(2006)79**

*Ürper and Others* group  
(14526/07+)  
Judgment final on 20/01/2010

**Final Resolution  
CM/ResDH(2014)130**

**> Freedom of association**

**The right of civil servants to form and join trade unions with competence to engage in collective bargaining** was guaranteed through legislative amendments starting in 1995, supplemented in 2005 and 2010. Dismissal based on membership in a trade union is prohibited.

*Demir and Baykara* (34503/97)  
Judgment final on 12/11/2008

**Final Resolution  
CM/ResDH(2011)308**

**Abolition of the automatic dissolution of associations following the criminal conviction of one of their members** for having carried out activities or made statements against the social aim of the association (amendments in 2004).

*United Communist Party* group  
(19392/92)  
Judgment final on 30/01/1998

**Final Resolution  
CM/ResDH(2007)100**

**Prohibition to impose sanctions a political party on the sole basis of its manifesto** or without any evidence of clearly anti-democratic activity following constitutional amendments in 2001 and amendments to the Law on political parties in 2003. These laws also introduced a requirement of proportionality, providing recourse to lesser penalties than dissolution (partial or total withdrawal of public financial support, depending on the gravity).

**> Effective remedies**

**The Constitutional Court was given the power to examine individual applications about violations of human rights in 2010.**

*Özbek* (25327/04)  
Judgment final on 27/08/2010

**Final Resolution  
CM/ResDH(2013)254**

**> Protection of property**

**Right for persons internally displaced in Turkey as a result of the fight against terrorism to obtain directly from the administration compensation** for pecuniary damage resulting from terrorist acts or the authorities' anti-terror operations directly from the administration. 76 compensation commissions were set up under the law in 76 provinces - Law on compensation adopted in 2004 (revised 2005). The system set up aimed at creating a speedy alternative to the possibility of seeking compensation through the courts.

*Doğan and Others* (8803/02)  
Judgment final on 10/11/2004  
Judgment (just satisfaction) final on 13/10/2006

**Final Resolution  
CM/ResDH(2008)60**

## SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*

## &gt; Right to vote

According to decisions from the Supreme Election Board and the Constitutional Court, **only those actually serving prison sentences for intentional offences are now deprived of their voting rights**, thus excluding those who are not in detention on account of suspension of sentence or early release.

*Söyler* group (29411/07)  
Judgment final on 20/01/2014

**Final Resolution  
CM/ResDH(2019)147**

## &gt; Interstate case

Reforms adopted have ensured that **civilians can no longer be subjected to the jurisdiction of military courts** and the supervision of this issue has been closed (CM/ResDH(2007)25).

In view of measures adopted the CM has also been able to close a number of aspects of the violations relating to the **living conditions of Greek Cypriots in northern Cyprus**, notably as regards secondary schools, censorship of textbooks and freedom of religion (CM/ResDH(2007)25).

**For details on the progress of execution with respect to outstanding issues - see the "Main Issues" part above.**

*Cyprus v. Turkey* (25781/94)  
Judgment GC final on 10/05/2001  
Judgment GC (just satisfaction) final on 12/05/2014

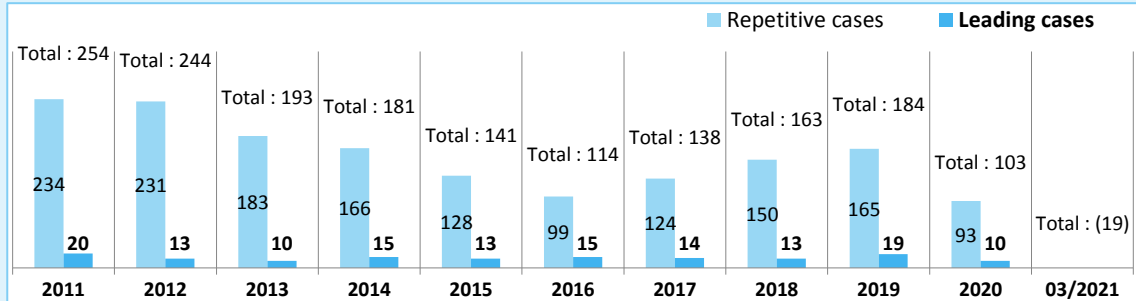
**Status of execution**  
Enhanced supervision



## STATISTICS\*\*\*

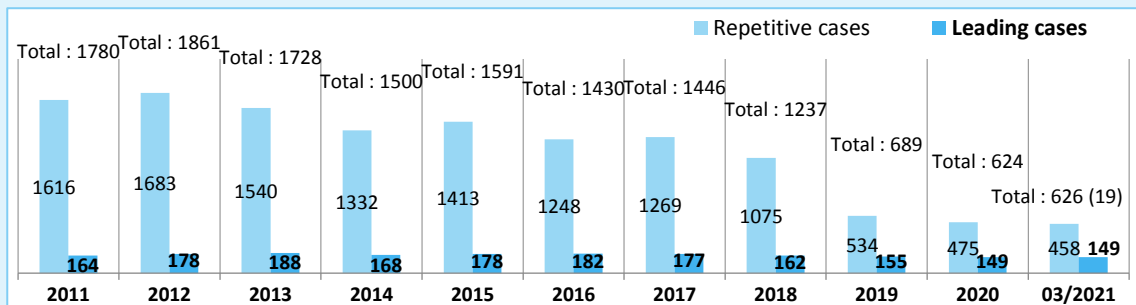
### New cases

(judgments transmitted for supervision of their execution during the year)



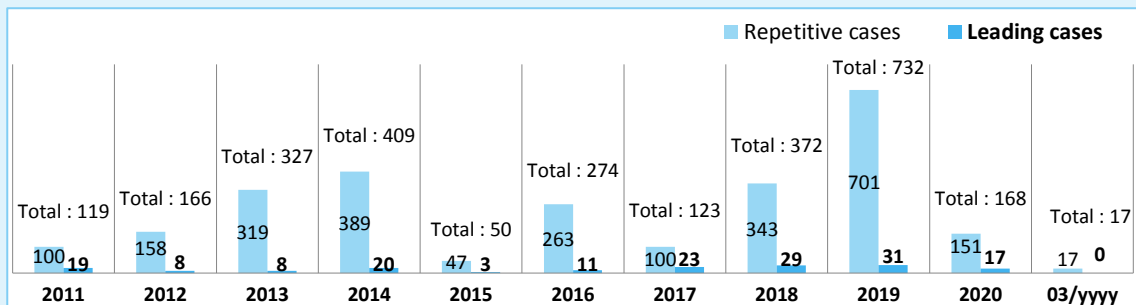
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

### Pending cases

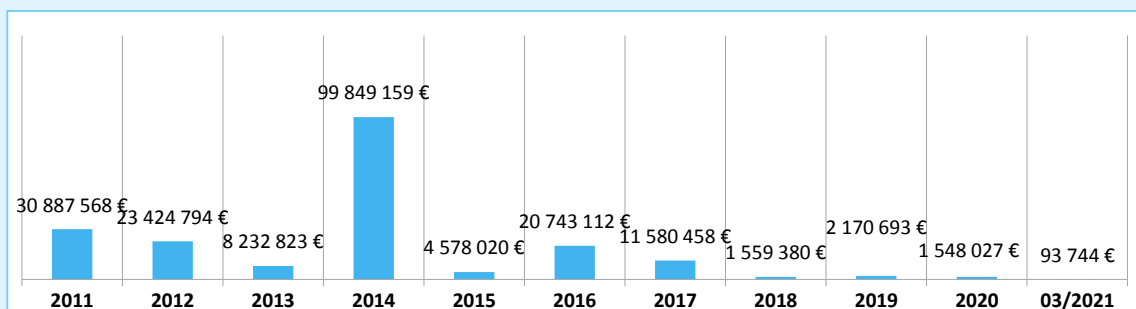


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

### Cases closed by final resolution



### Just satisfaction awarded by the European Court



\*\*\* Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.