

SUPPORTING THE EFFECTIVE IMPLEMENTATION OF TURKISH CONSTITUTIONAL COURT JUDGMENTS IN THE FIELD OF FUNDAMENTAL RIGHTS



48 months (17 September 2021 – 16 September 2025)



€ 5,500,000

European Union (90%) and Council of Europe (10%)

MAIN OBJECTIVE

- To contribute to the effective implementation of European standards in the field of human rights, including gender equality.
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EXPECTED OUTPUTS AND RESULTS

1. The monitoring mechanism for execution of judgments of the TCC is strengthened in line with the EU best practices, and the stakeholder platform has improved monitoring;
 2. Judges, prosecutors, relevant public officers and lawyers are aware of the caselaw of the ECtHR and the TCC, and are able to implement those judgments in similar cases;
 3. Inadequate implementation of the TCC judgments and serious human rights lacunas detected via the TCC's case-law are effectively addressed;
 4. The transfer of EU expertise and cooperation between Turkish courts and relevant stakeholders with the European and Member States institutions/courts, and the European Court of Human Rights are enhanced;
 5. Awareness of the general public and public institutions on the role of the TCC in the protection of fundamental rights through its judgments is increased.
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KEY ACTIVITIES

- ❖ Preparation of a **roadmap** to ensure that the first instance courts and public authorities render decisions in line with the TCC caselaw regarding the protection of fundamental rights based on the comparative assessment of other countries;
- ❖ Development of a **monitoring mechanism model** including strengthening of a specific monitoring unit in the TCC, as well as the **establishment of an IT platform** in coordination with the Court of Cassation (CoC) and the Council of State (CoSt), the Courts of Appeals and other relevant stakeholders (including the CSOs) to improve the monitoring of execution of the TCC judgments, including the data collection mechanism regarding references made to the TCC judgments by ordinary courts;
- ❖ Development of **stock-taking methods** on results of the established monitoring system to assess the developments in the individual application system and conducting a qualitative impact assessment of the TCC case-law on prevention of human rights violations;

- ❖ **Training** for judges, prosecutors, lawyers, courts, bar associations and other stakeholders on different human rights categories, including gender equality, with a focus on the human rights issues identified in the case-law of the ECtHR and the TCC;
 - ❖ Development of a **training of trainers programme**;
 - ❖ Preparation of **publications, studies, recommendations on good practices** of applying individual application system in constitutional justice and mechanisms for execution and implementation of judgments of constitutional courts by other public bodies;
 - ❖ Development of **alternative communication and visibility channels** for lawyers to inform them about recent judgments of the TCC;
 - ❖ **Regular meetings with lawyers of the ECtHR** Registry;
 - ❖ **Placements and study visits** to European institutions and peer courts in the EU Member States to improve the TCC's capacity to apply the ECHR and for its effective functioning;
 - ❖ **Round table meetings** with high courts and Regional Courts of Appeals on specific topics of individual applications judgments.
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PARTNERS AND BENEFICIARIES

The Turkish Constitutional Court (TCC), The Human Rights and Equality Institution of Turkey (HREI), The Ombudsman Institution of Turkey, The Civil Society Organisations (CSOs), The Grand National Assembly of Turkey (GNA), all courts of the Turkish justice system, The Union of Turkish Bar Associations (UTBA), Bar Associations (Bas), The Justice Academy (TJA), The Council of Judges and Prosecutors (CoJP), ministries, law enforcement bodies, judges and legal advisors of the Turkish Constitutional Court, judges and legal clerks of courts of general jurisdiction, lawyers and the general public.