



Last update: 31/12/2018

Turkey

Membership to the Council of Europe	13 April 1950
Entry into force of the European Convention on Human Rights	18 May 1954
First case under supervision of execution	Erdagöz (17128/90) Judgment final on 8 April 1993
Total number of cases transmitted for supervision since the entry into force of the Convention	3852
Total number of cases closed by final resolution	2621

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Action of security forces

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

Erdoğan 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

Life sentence without any possibility of conditional release or release on parole after a time period fixed by law (whilst the Convention does not prohibit the imposition of whole life sentences for particularly serious crimes, it does if those sentences are irreducible, that is without both the possibility of review of the prisoner's circumstances and a prospect of conditional release).

Öcalan (n°2) (24069/03)
Judgment final on 18/03/2014

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*

> Lawfulness of detention

Arbitrary arrests and placement in police custody on suspicion of belonging to a criminal organisation without any evidence of a link between the suspects and the organisation.

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

Status of execution
Enhanced supervision

> Domestic violence

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

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

Status of execution
Enhanced supervision

> Functioning of justice – Fairness of criminal proceedings

Convictions based on anonymous witness statements, who could not be questioned neither by the defendant nor the trial court at any stage of the proceedings.

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

Status of execution
Standard supervision

> 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.

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

Status of execution
Enhanced supervision

Rigid, indeed prohibitive, conditions imposed by legislation on the exercise of worship by 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

> 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



MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

Criminal convictions of journalists for expressing non-violent opinions inciting to conscientious objection.

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

Status of execution
Enhanced supervision

Convictions for publication of press articles containing declarations from illegal armed organisations, notwithstanding the fact that the articles did not incite to intolerance or hatred.

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

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 certain books.

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

Status of execution
Enhanced supervision

Court order blocking access to Google web sites and "host websites" in the context of criminal proceedings brought against a third person.

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 right and 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 and/or ineffective investigations into allegations of ill-treatment and lack of an effective remedy.

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

Status of execution
Enhanced supervision

> Electoral rights

Blanket ban on prisoners to vote while being detained in prison and after conditional release.

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

Status of execution
Enhanced supervision

> Discrimination

Education: Discrimination of a blind child on account of a refusal of a music academy to enrol her although she passed the competitive entrance examination.

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

Status of execution
Standard supervision

> Family life



MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

Shortcomings in proceedings for the return of children abducted by one parent (including as regards the implementation of the Hague Convention on 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

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**

> 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

> 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 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

> 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

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.

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

Final Resolution
CM/ResDH(2014)298

** 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****

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

> 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

> Freedom of expression

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).

**SUPERVISION CLOSED - MAIN REFORMS ADOPTED******> 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

> 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).

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

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).

Status of execution
Enhanced supervision

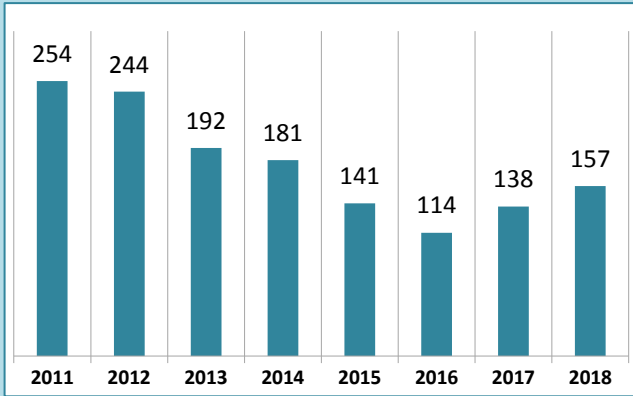
For details on the progress of execution with respect to outstanding issues - see the "Main Issues" part above.



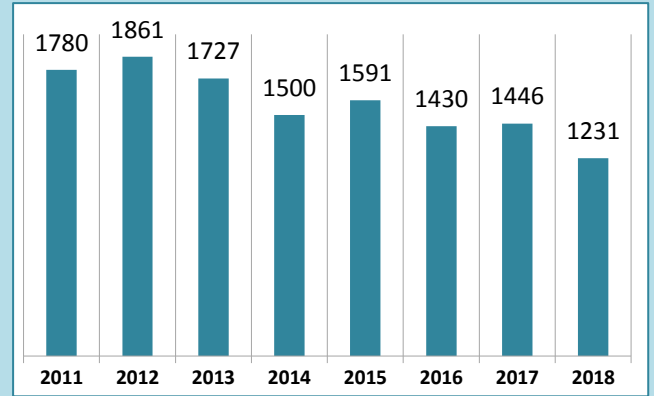
STATISTICS***

New cases

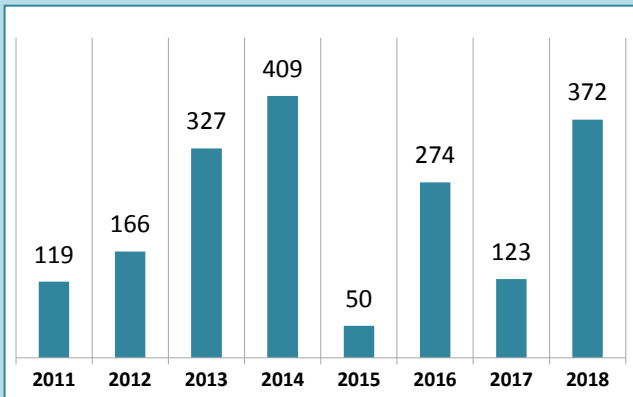
(cases transmitted for supervision of their execution during the year)



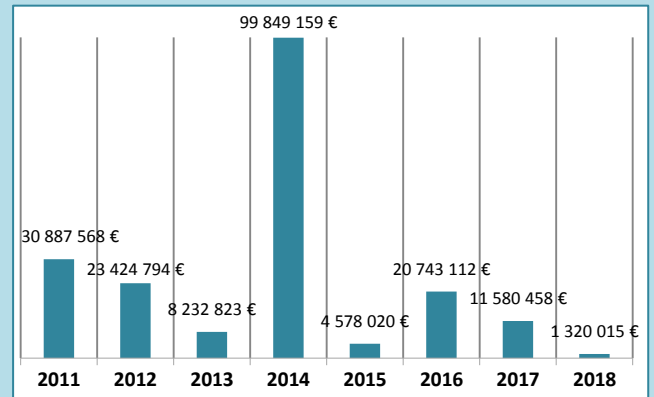
Total of pending cases



Cases closed by final resolution



Just satisfaction awarded



*** 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.