

GÖKÇE ALTINEL

Selcuk University, Turkey

MURAT TUMAY

Selcuk University, Turkey

THE ANALYSIS OF GUNES V. TURKEY DECISION OF EUROPEAN COURT OF HUMAN RIGHTS IN TERMS OF TURKISH LAW

Abstract:

This study aims to explore matters about procedures followed up at the stages of national case law Tuncer Gunes v Turkey dated September 2013 of ECHR and compare the national and international approaches. We aim to look at the matter before it was carried on to European Court of Human Rights and be analyze the stages of court of appeals and the supporting decisions and the effects on Turkish Laws. Tuncer Gunes lawsuit was decreed upon the request of lawsuit filed by the woman's demand for using her maiden's surname and it is the last of many lawsuits ruled by the court. By means of this study, we will on one hand analyze the applicable Turkish law arrangements in this regard and on the other hand, we will analyze the proceedings of European Court of Human Rights on the other hand. We will also have the opportunity to analyze discourses within domestic law regarding the applications for use of a woman's maiden's surname including Turkish public, domestic law, non government organizations and similar fields and the discourses brought forward starting from the first applications made. This is because, under the domestic law, the proceedings which started in 1995 were followed by Unal Tekeli vs. Turkey case filed before European Court of Human Rights which was filed, then adjudicated in 2004 and from 1995 until recently, it enabled means to Turkish courts and the public to discuss this matter including different opinions and suggestions of solution. During this process, the stage of involving the legislative packages being submitted before the parliament were on the agenda and different decisions were adopted which were different from the previous decisions. Furthermore the doctrinal matters were also considered and many articles analyzed the subject and from the solutions envisaged by Turkish laws.

Keywords:

Maiden's name, Woman's Surname, Equality among the

JEL Classification: K36