

II. CONSTITUTIONAL JURISDICTION RESEARCH CENTRE (AYAM)

OVERVIEW

AYAM was founded in 2018 so as to conduct research activities in the field of constitutional jurisdiction, perform comparative law studies on the relevant issues, compile the outstanding principal decisions/judgments of the Court, issue annual reports pertaining to the Court's activities, issue periodicals and non-periodicals in the field of constitutional jurisdiction, organise summer and winter trainings for students studying law, and hold national and international congresses, symposiums, workshops, round-table meetings and similar scientific activities. As a bridge between theory and practice, AYAM aims at ensuring contribution by and between these two fields.

The primary publication activity performed by AYAM is the Journal of "*Constitutional Jurisdiction*". This Journal is a publication which has been initially issued on a regular basis since 1984 and including the presentations delivered during the symposium organised on the occasion of the foundation anniversary of the Constitutional Court. Since 2019, it has become a scientific pre-reviewed journal, published semi-annually, following its issue no. 36(1). Thereby, whereas an issue of the Journal embodies merely the peer-reviewed articles, the other issue published within the same year includes both such articles and the presentations delivered in the symposium. The Journal includes theoretical and comparative studies, case-law and practices on the constitutional law and human rights law, as well as other studies in the other branches of law related to these fields. The issues of the Journal published in 2021 are no. 38(1) and 38(2). The issue no. 38(2) is titled "*Right to Respect for Private Life within the scope of Professional Life*".

AYAM compiles the Court's leading decisions/judgments in the individual application mechanism in a book titled "*Selected Judgments*". This book published in two volumes every year includes the Court's decisions/judgments that are significant for the development of case-law and stand as a precedent as well as are related to matters of public concern. Besides, AYAM publishes the press releases of the decisions/judgments on individual applications upon classifying them by their subject-matters in order to make the Court's case-law more accessible and easier to follow. The "*Constitutional Court's Annual Report*" issued by AYAM embodies statistical information on the Court's affairs and national and international activities of the Court, along with the press releases of outstanding decisions/judgments on constitutionality review and individual application.

Apart from such kind of publishing activities, AYAM has also organised scientific meetings on the constitutional jurisdiction and human rights. In 2021, several events were organised in cooperation with faculties of law, human rights centres of the universities and public institutions. A symposium was also held under the auspices of the Constitutional Court. Such events and meetings were usually held online also in 2021 due to the ongoing Covid-19 pandemic and relevant precautions. On the other hand,

meetings that could be held in-person thanks to the decrease in the extent of precautions by the second half of the year were broadcast live for ensuring broad and easy access by the persons concerned. The winter and summer training programs for the students of faculty of law could not be organised in 2021 due to the pandemic.

Online and face-to-face meetings and events held within the year are chronologically as follows:

A. Online programs held jointly by the Constitutional Jurisdiction Research Centre and Ankara University Research and Practice Centre on Human Rights

1. Online Program on “Right to Appeal a Court Decision”

The online program was held on 16 February 2021 by the joint initiatives of the Constitutional Jurisdiction Research Centre (AYAM) and the Ankara University, Research and Practice Centre on Human Rights (İHUAM). Dr. Hülya Çoştan, Rapporteur-Judge at the Constitutional Court, delivered a presentation during the program.

2. Online Program on “Right to Respect for Private and Family Life”

Mr. Fatih Alkan, Coordinator Rapporteur-Judge at the Constitutional Court, made a presentation during the online program held on 16 March 2021 by the joint initiatives of AYAM and İHUAM.

3. Online Program on “Prohibition of Torture and Ill-Treatment (General Scope and Matter of Impunity)”

Ms. Gökçe Gültekin Yılmaz, Rapporteur-Judge at the Constitutional Court, made a presentation during the online program held on 12 April 2021 by the joint initiatives of AYAM and İHUAM. The program was moderated by Assoc. Prof. Dr. H. Gökçe Zabunoğlu, lecturer at the Faculty of Law, Kırıkkale University.

ANKARA ÜNİVERSİTESİ
İNSAN HAKLARI UYGULAMA VE
ARAŞTIRMA MERKEZİ

ANAYASA MAHKEMESİ
ANAYASA YARGISI ARAŞTIRMALARI
MERKEZİ

ANAYASA MAHKEMESİ
RAPORTÖRLERİ KONUŞMALARI
IV

İŞKENCE VE KÖTÜ MUAMELE YASAĞI
(GENEL KAPSAM VE CEZASIZLIK SORUNU)

TARİH – SAAT
12 NİSAN 2021, PAZARTESİ - 19:00

SUNUŞ
Gökçe Gültekin YILMAZ
Anayasa Mahkemesi Raportörü

MODERATÖR
Öğr. Gör. Hatice Kurt
Doç. Dr. H. Gökçe ZABUNOĞLU

KAYIT FORMU
ayam.anayasa.gov.tr

* Etkinlik Zoom üzerinden
gerçekleştirilecektir.

Online Program on “Prohibition of Torture and Ill-Treatment (General Scope and Matter of Impunity)”

B. Training Seminar by the Constitutional Court for the Assistant Specialists of the Human Rights and Equality Institution of Turkey

A training seminar was held in the Grand Tribunal Hall of the Constitutional Court for the assistant specialists holding office at the Human Rights and Equality Institution of Turkey ("TİHEK"). The seminar started with the opening speeches delivered by President of the Constitutional Court Mr. Zühtü Arslan and Chairman of TİHEK Mr. Süleyman Arslan.

In his speech, President Zühtü Arslan noted that he was attaching importance to such training activities that would contribute to the improvement of human rights and also dwelled upon the intellectual foundations of the notions such as human rights, justice and equality. Chairman Süleyman Arslan, expressing his gratitude for the training provided by the rapporteur-judges of the Constitutional Court for the TİHEK assistant specialists, touched upon the works and activities performed by TİHEK.

Chief Rapporteur-Judge of the Constitutional Court Mr. Murat Azaklı provided general information on the examination of individual application and admissibility criteria during the seminar. Then, Rapporteur-Judge Ms. Elif Çelikdemir Ankıtcı delivered a presentation on the prohibitions of ill-treatment and discrimination. Coordinator Rapporteur-Judge Mr. Fatih Alkan touched upon the right to respect for private life and assessed the issue within the context of penitentiary institutions. Rapporteur-Judge Mr. Kamber Ozan Tural delivered a presentation on the right to property. At the afternoon sessions, Rapporteur-Judges Ms. Derya Atakul and Ms. Ceren Sedef Eren made presentations on the freedom of expression within the context of internet applications and penitentiary institutions. The seminar ended with the closing remarks by Vice-President of the Constitutional Court Mr. Hasan Tahsin Gökcan



Training seminar for the Assistant Specialists of the Human Rights and Equality Institution of Turkey

ANAYASA YARGISI ARAŞTIRMALARI MERKEZİ
VE
GLOBAL HUKUK PROGRAMLARI DİREKTÖRLÜĞÜ (IGUL)
İŞ BİRLİĞİNDE

Anayasa Mahkemesi ve Yargıtayın Güncel Kararları

(Basit Yargılama Usulüne İlişkin Kararlar)

Moderatör: Doç. Dr. Didem Yılmaz

Konuşmacılar:
Özkan Balcı, Yargıtay Cumhuriyet Savcısı
Aydın Aygün, Anayasa Mahkemesi Raportörü

Değerlendirme:
Prof. Dr. Feridun Yenisey

9 Nisan 2021 Cuma, 19.00
Meeting ID: 842 4701 8162
Şifre: 761441



Online Program on “Most Recent Decisions of the Constitutional Court and the Court of Cassation”

C. Online Program on “Most Recent Decisions of the Constitutional Court and the Court of Cassation (Decisions concerning the Simplified Trial Procedure)”

The online program was held on 9 April 2021 with the joint initiatives of AYAM and Bahçeşehir University Global Law Programs Directorate (IGUL). During the program, Prosecutor at the Court of Cassation Mr. Özkan Balcı and Rapporteur-Judge of the Constitutional Court Mr. Aydın Aygün made a presentation. The program, moderated by the lecturer at the Faculty of Law of Bahçeşehir University Assoc. Prof. Dr. Didem Yılmaz, ended with the closing remarks of Director of IGUL Prof. Dr. Feridun Yenisey.

D. Online Program on “Reflections on Human Rights”

An online program themed “*Reflections on Human Rights*” was held with the collaboration and joint initiatives between AYAM and IGUL as well as the United Nations Institute for Training and Research. The opening remarks of the program were delivered by Prof. Dr. Feridun Yenisey, Dr. Ahmet Aydemir and Dr. Mücahit Aydın on behalf of the institutions organising the program.



Online Program on “Reflections on Human Rights”



İNSAN HAKLARI YARGISINA BAKIŞ

3 Mayıs 2021 Pazartesi - Saat : 21.00

ÇEVİRİMİÇİ PROGRAM

During the program, Senior Judge for the District of Arizona, Mr. David G. Campbell, dwelled on the historical process of human rights jurisdiction and legal remedies concerning human rights. Justice of the European Court of Human Rights (ECHR), Assoc. Prof. Dr. Saadet Yüksel made a presentation on the subsidiary principle in the ECHR's practice. Dwelling on the historical and intellectual roots of the human rights jurisdiction during his speech, President of the Constitutional Court Mr. Zühtü Arslan assessed the role of individual application mechanism in the protection of human rights in Turkey.

The program followed by a large number of audiences ended with the Discussion Session moderated by Prof. Dr. Feridun Yenisey.

E. Symposium on “Right to Respect for Private Life in the scope of Professional Life”

Among those who attended the symposium, which was held on 28 June 2021 at the Grand Hall Tribunal of the Constitutional Court, were President of the Constitutional Court Mr. Zühtü Arslan, President of the Court of Cassation Mr. Mehmet Akarca, President of the Council of State Mr. Zeki Yiğit, Minister of Justice Mr. Abdülhamit Gül, justices of the Constitutional Court, officials from higher judicial bodies, academics and jurists.



President Mr. Zühtü Arslan, meeting with those delivering presentations during the symposium



Symposium on “Right to Respect for Private Life in the scope of Professional Life”

President Arslan, underlying during his speech that the maxim to be followed by judicial members liable to administer law and to secure justice, notably the judges, should be mind, morals and justice, stated that those who could not dare to use their own minds were doomed to be under tutelage, and the judicial mind under tutelage could not secure justice.

After President Arslan’s speech, the first session of the Symposium commenced. In the session themed “Right to Respect for Private Life within the scope of the Professional Relations under Private Law” chaired by Prof. Dr. M. Fatih Uşan, Founding Dean of Faculty of Law of the Ankara Yıldırım Beyazıt University; Dr. Seracettin Göktaş, Head of the 9th Civil Chamber of the Court of Cassation, Dr. Gülay Arslan Öncü, Lecturer at the Faculty of Law of the Istanbul University, and Dr. Hilal Yazıcı, Rapporteur-Judge of the Constitutional Court made presentations respectively titled “Duty of Respect by Employer to the Employees’ Private Life in the Turkish Labour Law”, “Applicability of the Right to Respect for Private Life in the Professional Relations under Private Law” and “Termination of Employment Contracts and Right to Respect for Private Life in the light of the Constitutional Court’s Judgments”.

In the second session of the Symposium, themed “Right to Respect for Private Life within the scope of Public Officials’ Professional Lives” chaired by Prof. Dr. Ece Göztepe Çelebi, Dean of the Faculty of Law of the Bilkent University; Mr. Fethi Aslan, Head of the 5th Chamber of the Council of State, Prof. Dr. Ali Dursun Ulusoy, Lecturer at the Faculty of Law of the Ankara University, and Mr. Fatih Alkan, Coordinator Rapporteur-Judge of the Constitutional Court made presentations which are respectively titled “Assessments of the 5th Chamber of the Council of State on the Case-Files of the Judges and Prosecutors Dismissed from Office for Their Alleged Relation and Connection with the FETÖ/PDY in terms of the Right to Respect for Private and Family Life”, “Right to Respect for Private Life in respect of Public Officials and Dismissal from Public Office” and “Discussion of Dismissal from Public Office in the context of Right to Respect for Private Life and Constitutional Court’s Approach”.

The Symposium ended following the question & answer session and President Arslan’s giving plaques to the chairpersons of the sessions as well as to the participants who made presentations.

The presentations delivered during the Symposium were published in Journal of Constitutional Jurisdiction no. 38(2).

F. Online Panel on “Procedural Developments in the Human Rights Jurisdiction”

The online panel was held by AYAM on 11 October 2021. At the panel moderated by AYAM Coordinator Rapporteur-Judge Dr. Mücahit Aydın, the admissibility criteria of the individual application were addressed. The Deputy Section Registrar at the ECHR Mr. Hasan Bakırcı delivered a speech on “ECHR’s Priority Policy and Summary Decision Procedure”. Chief Rapporteur Judge of the Constitutional Court, Research and Case-Law Department Dr. Abdullah Çelik touched upon the “Test of Unfounded Complaint in the Individual Application to the Constitutional Court”.

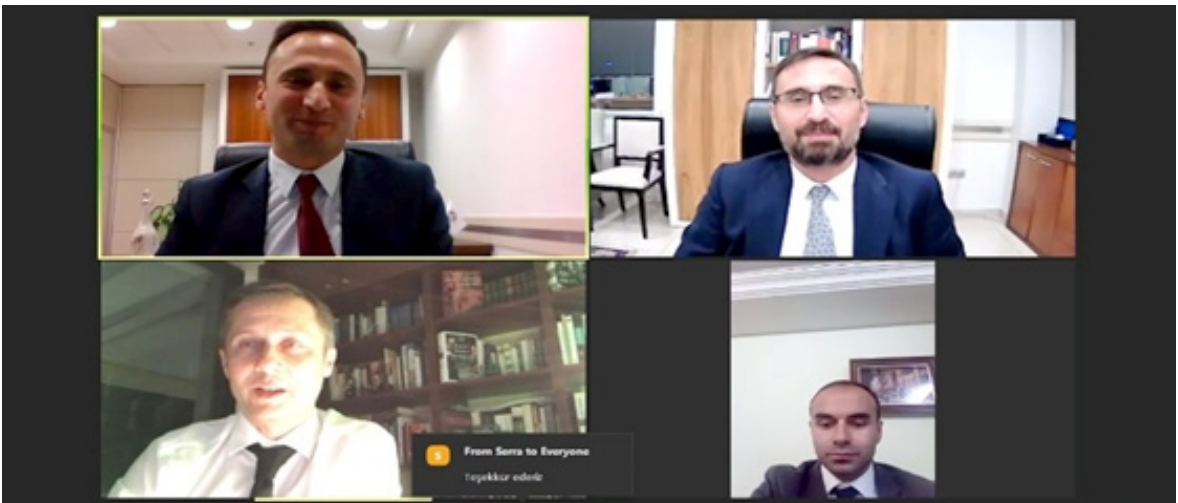


İNSAN HAKLARI YARGISINDA USULE İLİŞKİN GELİŞMELER

11 Ekim Pazartesi Saat 20.00 Çevrimiçi Panel (Zoom)
(İstanbul Saati, GMT+3)

Online Panel on “Procedural Developments in the Human Rights Jurisdiction”

Lecturer at the İzmir Bakırçay University, Faculty of Law Dr. iur. Ahmet Mert Duygun made a presentation on “Admissibility Criteria on the Merits in the Individual Application to the Federal Constitutional Court of Germany”. The panel where not only national and international practices but only the comparative law were addressed was followed by many academics, jurists and practitioners. The panel ended with questions&answers and overall assessment sessions.



Participants, making presentations during the Panel

G. Symposium on “Repercussions of Individual Application Judgments on Private Law”

The symposium on “*Repercussions of Individual Application Judgments on Private Law*”, organised by the Constitutional Jurisdiction Research Centre (AYAM) and TOBB Economy and Technology University (TOBB ETU) Faculty of Law on 30 November and 1 December 2021, was held at the premises of TOBB ETU.

Vice-President of the Constitutional Court Mr. Hasan Tahsin Gökcan noted during his opening remarks that individual application was not a venue of appeal but a remedy whereby the alleged violations of any right caused by a public authority were examined and constitutionality reviews were conducted. Following the opening remarks of Mr. Gökcan, TOBB ETU Rector Prof. Dr. Yusuf Sarıнай, Dean of the Faculty of Law Prof. Dr. Çiğdem Kırca and Deputy Chairman of the Board of Trustees Faiz Yavuz made presentations.

During the symposium lasting two days and comprised of four sessions, the academics and jurists including the rapporteur-judges of the Constitutional Court made presentations on the issues “*Repercussions of Individual Application Judgments of the Constitutional Court on Private Law*”, “*Individuals and Family Law*”, “*Positive Obligations of the State*”, “*Expropriation and Confiscation without Expropriation*”, “*Reconstruction, Cadastre and Title Deed Disputes*”.

Vice-President of the Constitutional Court Mr. Kadir Özkaya noted in his remarks at the end of the symposium that the adjudication of the violations allegedly sustained by individuals, without the need for applying to an international tribunal but within the country, made a significant contribution to the improvement of democratic state of law in Turkey.



Symposium on “Repercussions of Individual Application Judgments on Private Law”