



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

**CASE OF ŞAHİN AND OTHERS v. TÜRKİYE**

*(Applications nos. 3785/16 and 8 others – see appended list)*

JUDGMENT

STRASBOURG

22 January 2026

*This judgment is final but it may be subject to editorial revision.*



**In the case of Şahin and Others v. Türkiye,**

The European Court of Human Rights (Second Section), sitting as a Committee composed of:

Stéphane Pisani, *President*,

Juha Lavapuro,

Hugh Mercer, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 18 December 2025,

Delivers the following judgment, which was adopted on that date:

## PROCEDURE

1. The case originated in applications against Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the various dates indicated in the appended table.

2. The Turkish Government (“the Government”) were given notice of the applications.

## THE FACTS

3. The list of applicants and the relevant details of the applications are set out in the appended table.

4. The applicants complained of the lack of access to a court with regard to decisions by the Council of Judges and Prosecutors (CJP). In applications nos. 24524/20 and 41237/20, the applicants also raised other complaints under the provisions of the Convention.

## THE LAW

### I. JOINDER OF THE APPLICATIONS

5. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

### II. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

6. The applicants complained of the lack of access to a court with regard to decisions by the CJP. They relied, expressly or in substance, on Article 6 § 1 of the Convention.

7. The Court reiterates that civil servants can only be excluded from the protection embodied in Article 6 if the State in its national law excluded access to a court for the category of staff in question and if this exclusion was justified on objective grounds in the State’s interest (see *Grzęda v. Poland* [GC], no. 43572/18, § 261, 15 March 2022). The Court points out that it

concluded in *Bilgen v. Turkey* (no. 1571/07, §§ 76-81, 9 March 2021) that Article 6 was applicable to the decision of the CJP to transfer the applicant judge to another court in a lower-ranking judicial district against his will, as the second condition laid down in *Vilho Eskelinen and Others v. Finland* ([GC], no. 63235/00, ECHR 2007-II) was not met. The Court came to the same conclusion in *Eminağaoğlu v. Turkey* (no. 76521/12, § 125, 9 March 2021), regarding the disciplinary sanction imposed by the CJP on the applicant prosecutor. Likewise, in the case of *Oktay Alkan v. Türkiye*, (no. 24492/21, § 58, 20 June 2023), the Court found Article 6 to be applicable to the CJP's decision not to confirm the appointment of a judicial candidate into office despite him having met the statutory eligibility requirements.

8. In the light of the guarantees for safeguarding the independence of the judiciary, the Court found that it would not be justified to exclude members of the judiciary, or judicial candidates, from the protection of Article 6 of the Convention in matters concerning their appointment and the conditions of their employment on the basis of the special bond of loyalty and trust to the State. In reaching that finding, the Court stated that, while the employment relationship between a civil servant and the State can traditionally be defined as one based on trust and loyalty to the executive branch in so far as employees of the State are required to implement government policies, the same does not hold true for the members of the judiciary, who play a different and more independent role because of their duty to provide checks on government wrongdoing and abuse of power (see, *Bilgen*, § 79; *Eminağaoğlu* § 76, and *Oktay Alkan*, §§ 57-58, all cited above). It therefore found a violation of Article 6 § 1 in respect of the absence of judicial review of the CJP's decisions in those applicants' cases.

9. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the merits of the present complaints. It notes that, taking into account the strong public interest in upholding the independence of the judiciary and the rule of law, the impugned absence of a judicial review of the decisions of the CJP in the present applicants' cases did not pursue any legitimate aim and that, accordingly, the very essence of the applicants' right of access to a court was impaired.

10. These complaints are therefore admissible and disclose a breach of Article 6 § 1 of the Convention.

### III. OTHER ALLEGED VIOLATIONS UNDER WELL-ESTABLISHED CASE-LAW

11. The applicants in applications nos. 24524/20 and 41237/20 further raised additional complaints under Article 6 § 2 of the Convention. The Court considers that it has examined the main legal questions raised in the present case, and that there is no need to give a separate ruling on the admissibility and merits of the applicants' remaining complaints (see *Centre for Legal*

*Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

#### IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

12. Regard being had to the documents in its possession and to its case-law (see, in particular, *Gülcü and Others v. Türkiye* [Committee], nos. 37013/15 and 42 others, § 27-28, 23 April 2024), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the complaints under Article 6 § 1 of the Convention concerning the lack of access to a court with regard to decisions by the Council of Judges and Prosecutors (CJP) admissible and *finds* that there is no need to examine the applicants' remaining complaints;
3. *Holds* that these applications disclose a breach of Article 6 § 1 of the Convention concerning the lack of access to a court with regard to decisions by the Council of Judges and Prosecutors (CJP);
4. *Holds*
  - (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
  - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 22 January 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina  
Acting Deputy Registrar

Stéphane Pisani  
President

ŞAHİN AND OTHERS v. TÜRKİYE JUDGMENT

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention  
(lack of access to a court with regard to decisions by the Council of Judges and Prosecutors (CJP))

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of the CJP decision that was not amenable to judicial review	Date of notification of the decision	Subject matter of the CJP's decision	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1</sup>	Amount awarded for costs and expenses per application (in euros) <sup>2</sup>
1.	3785/16 30/12/2015	<b>İbrahim ŞAHİN</b> 1980	Ömer Faruk Ergün Ankara	24/06/2015	30/06/2015	unilateral transfer	2,000	250
2.	3932/16 22/12/2015	<b>Zeki YALÇIN</b> 1974	Mehmet Yalçın Konya	23/06/2015	24/06/2015	unilateral transfer	2,000	250
3.	37370/16 09/06/2016	<b>Durmuş Ali GENÇ</b> 1970	Rukiye Coşgun Karaman	17/02/2016	n/a	unilateral transfer	2,000	250
4.	24524/20 15/05/2020	<b>Hamit Ali KANDİL</b> 1979		19/02/2020	n/a	disciplinary sanction	2,000	-
5.	41237/20 27/07/2020	<b>Şevki DAVUT</b> 1980	Mustafa Soylu Ankara	07/02/2019	14/05/2020	disciplinary sanction	2,000	250
6.	855/23 12/12/2022	<b>Fatih ARSLAN</b> 1980	Nezaket Arslan Tokat	19/10/2022	16/11/2022	disciplinary sanction	2,000	250
7.	28245/23 13/07/2023	<b>Suat ÖZCANLI</b> 1971	Tarık Said Güldibi İstanbul	15/03/2023	05/04/2023	disciplinary sanction	2,000	250

<sup>1</sup> Plus any tax that may be chargeable to the applicants.

<sup>2</sup> Plus any tax that may be chargeable to the applicants.

ŞAHİN AND OTHERS v. TÜRKİYE JUDGMENT

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of the CJP decision that was not amenable to judicial review	Date of notification of the decision	Subject matter of the CJP's decision	Amount awarded for non-pecuniary damage per applicant (in euros) <sup>1</sup>	Amount awarded for costs and expenses per application (in euros) <sup>2</sup>
8.	32344/23 12/07/2023	<b>Fatih ARSLAN</b> 1980	Nezaket Arslan Tokat	24/05/2023	16/06/2023	disciplinary sanction	2,000	250
9.	9376/24 23/03/2024	<b>Seher Gülnur SARIKAYA</b> 1984		21/11/2023	10/01/2024	disciplinary sanction	2,000	-