

February 2010

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## ***Kemal Taşkın and Others v. Turkey - 30206/04***

Judgment 2.2.2010 [Section II]

### **Article 8**

#### **Article 8-1**

##### **Respect for private life**

Requirement for first names in official documents to be spelt only with letters from official Turkish alphabet: *no violation*

*Facts* – The applicants, who are of Kurdish origin, brought proceedings before a district court seeking to have their forenames changed. Their requests were refused on the grounds that the names they had chosen contained characters other than the twenty-nine letters of the official alphabet set out in the Law on the Adoption and Application of the Turkish alphabet. The Court of Cassation upheld the first-instance judgments.

*Law* – Article 8: The refusal to allow the applicants to spell the names they had requested using letters not contained in the Turkish alphabet had amounted to interference with the exercise of their right to respect for their private life. The interference had been based on the Law requiring the Turkish alphabet to be used in all official documents. Provided they respected the rights protected by the Convention, the Contracting States were free to require their official language or languages to be used in identity papers and other official documents and to lay down rules for that purpose. Consequently, the interference had been aimed at preventing disorder and protecting the rights of others. As to the allegation made by two of the applicants that the refusal in question had been damaging to their ethnic identity, the Court noted at the outset that the persons concerned were allowed to use Kurdish forenames and surnames. Furthermore, it did not appear from the explanations provided that, when the forenames in question were spelt using the letters of the Turkish alphabet, they had a vulgar or ridiculous meaning which might have caused the applicants inconvenience socially or made it in any way difficult to identify them personally. Under the Turkish system, it was also possible to have names containing sounds which had no precise equivalent in the Turkish alphabet transcribed phonetically in the civil register. In that regard, Convention No. 14 of the International Commission on Civil Status (ICCS)\*, which was aimed at ensuring some degree of uniformity in the matter, provided for several systems for transposing surnames and forenames, including phonetic transposition. However, it was clear from the case file that, with one exception, the applicants had not opted for that approach. Admittedly, the transposition of the forenames requested by the applicants using the letters of the Turkish alphabet could cause phonetic difficulties. However, similar difficulties existed in other languages. In that connection, both the choice of a national alphabet and the difficulty of transcribing names in order to reproduce the desired sound were areas where differences between countries were particularly marked and where there was virtually no common ground between the systems used by the Contracting States. Furthermore, it could not be said that such difficulties arose very frequently or were any more significant than those experienced by a large number of people in modern-day Europe, where movement of people between

countries and language areas was becoming more and more commonplace. In addition, with regard to the recording in the civil register of surnames and forenames of persons whose papers had been drawn up by other States in accordance with their own rules, using characters which did not feature in the Turkish alphabet, this practice was based on the above-mentioned ICCS Convention, which required names to be recorded literally, that is to say, with all the letters which made up the name being reproduced without any alteration. In that regard it did not appear, either, that the conditions of implementation of the international instruments concerned were contrary to the requirements of the European Convention. Accordingly, the Turkish authorities had not overstepped their margin of appreciation in the matter.

*Conclusion:* no violation (unanimously).

Article 14 in conjunction with Article 8: At the relevant time there had been no legal obstacle to choosing a Kurdish forename or surname, provided they were spelt in accordance with the rules of the Turkish alphabet. Furthermore, there was nothing to suggest that the Turkish authorities would have ruled differently had the requests been made by persons of non-Kurdish origin. The Court had already found reasoning based on linguistic uniformity in dealings with the administrative authorities and public services to be objective and reasonable. Lastly, the recording in the civil registers of the surnames and forenames of persons whose civil-status papers had been drawn up by other States in accordance with their own rules, using characters not contained in the Turkish alphabet, was based on an international convention aimed at ensuring some degree of uniformity in the matter. Such an aim could not be said to be unreasonable. In addition, the Court was not convinced that the applicants, as individuals wishing to change their forenames, were in a comparable situation to persons whose civil status papers had been drawn up by other States in accordance with their own rules.

*Conclusion:* no violation (unanimously).

\* Convention No. 14 of 13 September 1973 on the recording of surnames and forenames in civil status registers.