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

SECOND SECTION

DECISION

Application no. 31936/10
Tamay Alpin FİNCİ
against Turkey

The European Court of Human Rights (Second Section), sitting on 29 September 2015 as a Committee composed of:

Nebojša Vučinić, *President,*
Egidijus Kūris,
Stéphanie Mourou-Vikström, *judges,*

and Abel Campos, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 May 2010,

Having regard to the observations submitted by the Government

Having deliberated, decides as follows:

THE FACTS

1. The applicant, Ms. Tamay Alpin Finci, is a Turkish national, who was born in 1968 and lives in Istanbul. She was represented before the Court by Mr M. Uzunkaya, a lawyer practising in Istanbul.

2. The Turkish Government ("the Government") were represented by their Agent.

3. The facts of the case, as submitted by the parties, may be summarised as follows.

4. On 13 April 2009, the applicant, who is an anesthetist, got married and took her husband's surname pursuant to Article 187 of the Civil Code. She, however, kept her maiden name in front of her husband's surname as provided for by the same provision.

5. On 16 September 2009, the applicant brought proceedings before the Küçükçekmece Civil Court of General Jurisdiction for permission to use only her maiden name, "Finci".

6. On 10 December 2009 the Küçükçekmece Civil Court of General Jurisdiction dismissed the applicant's request on the ground that, under

Article 187 of the Civil Code, married women had to bear their husband's name throughout their marriage and were not entitled to use their maiden name alone. The court further stated that the said provision was not contrary to the judgments of the Court.

7. The applicant did not appeal against this decision because of the established case-law of the Court of Cassation and alleged ineffectiveness of this remedy.

8. Subsequently, on 6 June 2010 the applicant brought a new set of proceedings for the rectification of her surname before the Küçükçekmece Family Court. On 25 November 2010 the Küçükçekmece Family Court ordered that the applicant should use her maiden name alone as her surname. This judgement became final on 29 November 2010. On the same day, the applicant's surname was changed from "Finci Bektaş" to "Finci" in the civil registry. Accordingly the applicant has been using her maiden name since 29 November 2010.

COMPLAINTS

9. The applicant complained that the national authorities' refusal to allow her to bear only her maiden name after her marriage had amounted to a breach of Article 8 of the Convention. She further claimed that the fact that Turkish law allowed married men to bear their own surname after marriage and not married women constituted discrimination on grounds of sex and is incompatible with Article 14 of the Convention.

THE LAW

10. The applicant complained under Articles 8 and 14 of the Convention about the refusal of the domestic authorities to allow her to bear solely her maiden name.

11. In their preliminary objections, the Government stated that the situation had been remedied before the national authorities and that therefore the applicant could not be considered as a victim of the alleged violations. In this connection, they pointed out that as a result of the new set of proceedings instated by the applicant before the Family Court, the applicant was allowed to bear solely her maiden name. Accordingly, the records of the civil registry had been amended and the applicant has been using "Finci" as her surname since 29 November 2010.

12. The Court notes that in view of the recent developments regarding the applicant's surname, it is satisfied that the applicant can no longer be

considered as a victim of an alleged violation of Articles 8 and 14 of the Convention.

13. Upholding the Government's preliminary objection, the Court concludes that the application is incompatible *ratione personae* with the provisions of the Convention and must be declared inadmissible in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 22 October 2015.

Abel Campos
Deputy Registrar

Nebojša Vučinić
President