



The authorities failed in their obligation to protect the life of a woman who had been genuinely and seriously threatened by her husband

In today's **Chamber** judgment¹ in the case of **Civek v. Turkey** (application no. 55354/11) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 2 (right to life) of the European Convention on Human Rights.

The case concerned the murder of the applicants' mother, Selma Civek, by their father.

The Court found, in particular, that even though the Turkish authorities had been informed of the genuine and serious threat to Ms Civek's life and despite her continued complaints of threats and harassment, they had failed to take the measures reasonably available to them in order to prevent her being murdered by her husband.

Principal facts

The applicants, Hayriye Pinar Civek, Rabia Merve Civek and Yaşar Civek, are Turkish nationals who were born in 1989, 2000 and 1999 respectively and live in İzmir (Turkey).

In 1987 their mother, Selma Civek, married H.C. The couple's relationship subsequently deteriorated.

In 2009, having lived for some time in a reception centre for abused women in Ankara, Ms Civek went back home with her children. She was subjected to renewed domestic violence, and lodged a complaint on 14 October 2010. Her husband was remanded in custody and ordered by the court to refrain from any violent or threatening behaviour *vis-à-vis* his wife, and to leave the marital home. Ms Civek instigated parallel divorce proceedings, but withdrew her complaint.

On 12 November 2010 H.C. was released under judicial supervision. On 23 November Ms Civek once again complained to the security forces that her husband was continuing to harass her and threatening to kill her. She lodged a fresh complaint on 17 December 2010. H.C. was then charged with making death threats and failing to comply with the requirements of the previous protection order. The security forces heard witness statements by the children, who confirmed their mother's submissions. The public prosecutor once again charged her husband.

On 14 January 2011 Ms Civek was murdered in the street by H.C., who stabbed her 22 times. He was subsequently sentenced to life imprisonment.

Complaints, procedure and composition of the Court

Relying on Article 2 (right to life), the applicants complained that the authorities had failed in their obligation to protect their mother's life. They further submitted that she had suffered discrimination on grounds of sex, in breach of Article 14 (prohibition of discrimination).

The application was lodged with the European Court of Human Rights on 5 July 2011.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Judgment was given by a Chamber of seven judges, composed as follows:

Julia Laffranque (Estonia), *President*,
Işıl Karakaş (Turkey),
Nebojša Vučinić (Montenegro),
Valeriu Griţco (the Republic of Moldova),
Ksenija Turković (Croatia),
Jon Fridrik Kjølbro (Denmark),
Stéphanie Mourou-Vikström (Monaco),

and also Abel Campos, *Deputy Section Registrar*.

Decision of the Court

Article 2 (right to life)

The Court noted that the security forces had been aware of the difficult relationship between the two spouses and the husband's violence against his wife. The security forces had, in particular, been apprised of the likelihood of the murder by Ms Civek's numerous complaints and her children's supporting statements. The Court also noted that the authorities had adopted a number of measures against Ms Civek's husband, including prosecuting him, remanding him in custody and then placing him under judicial supervision. However, the Court held that the authorities had not taken the appropriate practical action to prevent Ms Civek's murder as of 12 November 2010, when her husband had been released. The security forces had merely recorded a fresh complaint from the victim on 23 November 2010, without taking any further steps against her husband, who was continuing to harass her and threatening to kill her. Such renewed measures would have been required because Ms Civek's husband had already had dealings with the security forces. Moreover, the threats against Ms Civek had continued, and she had lodged a fresh complaint on 17 December 2010, leading to her husband being charged with threatening to kill her. Nevertheless, the State Prosecutor took no practical action to provide Ms Civek with effective protection, even though the husband could legitimately have been arrested for failing to comply with court orders, the victim's children having confirmed their mother's statements. The Court therefore found that the authorities had taken no effective action against Ms Civek's husband apart from preparing an indictment against him on 10 January 2011, whereas they ought by law to have acted of their own motion to protect Ms Civek's life. Ms Civek's husband, who had been released from custody, had therefore been free to murder her in the street on 14 January 2011.

Consequently, the Court found that the authorities had not reacted to prevent Ms Civek's murder despite knowing that she was under a genuine and serious threat, and found a violation of Article 2 of the Convention.

In view of the finding of a violation of Article 2, the Court did not consider it necessary to adjudicate on the violation of Article 14 of the Convention (prohibition of discrimination).

Article 41 (just satisfaction)

The Court held that Turkey was to pay the applicants 50,000 euros (EUR) in respect of non-pecuniary damage and EUR 3,000 in respect of costs and expenses.

The judgment is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.