

20 Years After Ünal Tekeli v. Türkiye: Struggle for a Name of One's Own

Ünal Tekeli v. Türkiye Kararından 20 Yıl Sonra: Kadınların Kendi Soyadını Kullanma Mücadelesi

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ABSTRACT

Objective: This article examines the legacy of *Ünal Tekeli v. Türkiye* and its impact on women's right to retain their own surnames upon marriage in Türkiye. It aims to trace long term effects of *Tekeli* and analyze how judicial interventions at the supranational and domestic levels have shaped legal reform processes concerning gender equality and personal autonomy.

Methods: The study adopts a qualitative legal analysis based on European Court of Human Rights (ECtHR) jurisprudence, Turkish Constitutional Court decisions, legislative developments, and strategic human rights litigation. Relevant legal texts, court judgments, and policy debates are examined through a socio-legal and feminist lens to assess both normative change and implementation practices.

Results: The findings demonstrate that while the *Ünal Tekeli* judgment constituted a landmark international victory for gender equality in Türkiye, its domestic implementation remained delayed and inconsistent for many years. Persistent patriarchal norms, legislative inertia, and administrative resistance limited the transformative potential of the ruling. Although the annulment of Article 187 of the Turkish Civil Code in 2023 marked a significant advancement, subsequent legislative proposals and political discourse reveal continuing resistance and uncertainty in fully recognizing women's independent legal identity.

Conclusion: The article concludes that judicial victories alone are insufficient to secure substantive gender equality. The Turkish experience illustrates the complex interaction between supranational courts, domestic institutions, and political power in translating legal norms into structural and societal change. The legacy of *Ünal Tekeli* underscores the importance of sustained legal mobilization and political will in achieving meaningful and lasting reform.

Keywords: Gender equality, maiden name, strategic litigation, Ünal Tekeli v. Türkiye, women's rights

ÖZ

Amaç: Bu makale, *Ünal Tekeli v. Türkiye* kararının mirasını ve Türkiye'de kadınların evlilik sonrasında kendi soyadlarını koruma hakkı üzerindeki etkisini incelemektedir. Çalışma, *Tekeli* kararının uzun vadeli etkilerini izlemeyi ve ulusalüstü ve ulusal düzeydeki yargısal müdahalelerin toplumsal cinsiyet eşitliği ve kişisel özerklik bağlamında hukuki reform süreçlerini nasıl şekillendirdiğini analiz etmeyi amaçlamaktadır.

Yöntemler: Çalışma, Avrupa İnsan Hakları Mahkemesi (AİHM) içtihadı, Türkiye Cumhuriyeti Anayasa Mahkemesi kararları, yasama gelişmeleri ve stratejik insan hakları davacılığına dayanan nitel bir hukuki analiz yöntemi benimsemektedir. İlgili hukuki metinler, yargı kararları ve politika tartışmaları, normatif değişim ile kararların uygulanması pratiklerini değerlendirmek üzere sosyo-hukuki ve feminist bir bakış açısıyla incelenmiştir.

Bulgular: Bulgular, *Ünal Tekeli* kararının Türkiye'de toplumsal cinsiyet eşitliği açısından önemli bir uluslararası kazanım oluşturduğunu; ancak kararın iç hukuktaki uygulanmasının uzun yıllar geciktiğini ve tutarsız kaldığını ortaya koymaktadır. Ataerkil normlar, yasama organının hareketsizliği ve siyasi direnç, kararın dönüştürücü potansiyelini sınırlamıştır. Türk Medeni Kanunu'nun 187. maddesinin 2023 yılında iptal edilmesi önemli bir ilerleme sağlamakla birlikte, sonraki yasama tasarıları ve siyasi söylemler, kadınların bağımsız hukuki kimliğinin tam olarak tanınmasına yönelik süregiden direnci ve belirsizliği ortaya koymaktadır.

Sonuç: Makale, yargısal kazanımların tek başına maddi (gerçek) toplumsal cinsiyet eşitliğini sağlamaya yeterli olmadığını ortaya koymaktadır. Türkiye örneği, ulusalüstü mahkemeler, ulusal kurumlar ve siyasal iktidar arasındaki etkileşimin, hukuki normların yapısal ve toplumsal değişime dönüştürülmesinde belirleyici olduğunu göstermektedir. *Ünal Tekeli* kararının mirası, anlamlı ve kalıcı reformlar için sürekli hukuki mobilizasyonun ve güçlü bir siyasi iradenin gerekliliğini vurgulamaktadır.

Anahtar Kelimeler: Evlenmeden önceki soyadı, kadın hakları, stratejik davalama, toplumsal cinsiyet eşitliği Ünal Tekeli v. Türkiye

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Introduction

What is in a name? That which we call a rose
By any other name would smell just as sweet¹

The surname is more than just a legal identifier; it is a marker of identity, familial lineage, and social status. However, for women, surnames have historically been a battleground for legal equality. In Türkiye, the legal framework traditionally required women to adopt their husband's surname upon marriage, reflecting broader patriarchal structures embedded in civil law. The 2023 Constitutional Court decision annulling Article 187 of the Turkish Civil Code marked a significant legal victory for gender equality. This essay examines the factors that contributed to this landmark legal shift, focusing on the long-term domestic impacts of the European Court of Human Rights' (ECtHR) decision, *Ünal Tekeli v. Türkiye*. It is argued that while the case symbolized a significant win at the international level, its domestic implementation has been patchy, delayed, and marked by a cycle of one step forward, two steps back between progressive jurisprudence and regressive political currents. The study adopts case law review as its method and situates the case within the broader framework of legal mobilization and strategic litigation, assessing its success in catalyzing structural transformation in Turkish law, policy, and society.

Historical Context: Legal and Cultural Constraints on Women's Surnames in Türkiye

The legal obligation for Turkish women to adopt their husband's surname upon marriage was rooted in Article 153 of the Turkish Civil Code No. 743 which originally required a woman to take her husband's surname upon marriage. In 1997, an amendment allowed a married woman to retain her maiden name before her husband's surname by submitting a written request to the civil registry office. This provision was later incorporated unchanged into Article 187 of its successor: the Turkish Civil Code No. 4721. The law in general positioned the husband as the head of the family and reinforced the notion that a woman's identity became legally and socially subordinated to her husbands after marriage.

The constitutionality of this provision had been challenged in abstract for three times before the Turkish Constitutional Court (TCC) in 1998, 2011 and finally in 2023. The court found in first two applications that the provision was in line with the Constitution (Constitutional Court of Türkiye, E.1997/61, K.1998/59, 1998; Constitutional Court of Türkiye, E.2009/85, K.2011/49, 2011). In its reasonings, the Court emphasized the

legislature's intent to institutionalize long-standing traditions, invoking the notion of family unity and arguing that differences between men and women required the protection of women, the strengthening of family bonds, and the prevention of dual authority within the household. Passing down a family name through generations was portrayed as a means of preserving social harmony, and giving precedence to the husband's surname was justified as serving public order and the public interest. In doing so, the Court effectively elevated "tradition" to a source of legal legitimacy, allowing cultural norms to outweigh constitutional guarantees of equality.

Yet, what is called tradition often reflects not collective memory or cultural continuity, but entrenched prejudice, power relations and political motives (Anthony, 2018). This "false tradition" continues to shape women's identities today, as seen in the persistence of maiden-name restrictions. Moreover, from a constitutional and socio-legal perspective, legal legitimacy cannot rest solely on custom or social convention, particularly where historical practices of unequal treatment violate fundamental rights. Dissenting opinions within the Court have echoed this view, emphasizing that law is a rational construct bound by constitutional principles, which must prevail when customs conflict with equality. Nevertheless, tradition remains a relevant force in social relations, not as a fixed or monolithic entity, but as a dynamic construct continually renegotiated by each generation in response to changing societal norms (Picq, 2012, p. 10). Indeed, comparative legal approaches in Germany, Switzerland, France, England, and Canada affirm that the regulation of surnames can reflect principles of gender equality and individual autonomy, underscoring that patriarchal constraints are neither universal nor inevitable. (Çakmak, 2024, p. 487).

Legal Mobilization and the Path to Reform

The path to reforming women's right to their own surname in Türkiye was shaped by legal mobilization. International human rights law and global feminist movements played a significant role in shaping the legal and cultural discourse. The principle of vernacularization, the adaptation of international human rights norms to local contexts, was evident in the framing of surname rights as a fundamental gender equality issue. Key international influences included the role of European Union (EU) accession processes, Convention on the Elimination of Discrimination against Women (CEDAW) and European Convention on Human Rights (ECHR).

First, Türkiye has felt a strong pressure to align with international human rights standards during EU accession process. Between 2001 and 2010, Türkiye made significant legal

¹ William Shakespeare, *Romeo and Juliet* Act II Scene ii.

reforms to promote gender equality as part of its EU accession process. To name a few, in 2001, constitutional amendments reinforced equality within the family. The 2002 Civil Code granted women equal rights in marriage, divorce, and property ownership. In 2004, further constitutional changes mandated the state to ensure gender equality. The 2005 Penal Code criminalized marital rape and classified honor killings as aggravated crimes. Finally, in 2010, a constitutional amendment explicitly allowed positive discrimination in favor of women, marking a major step toward substantive equality. Although Türkiye's EU accession negotiations have stalled and the use of maiden surnames for women was not one of those successful reforms, compliance with gender equality norms remained an important context for further feminist reforms.

Secondly, Article 16/1/g of CEDAW states that men and women should have the same rights and responsibilities in matters related to marriage and family relations, including the right to choose a family name, profession, and occupation. This provision aims to ensure gender equality in marital and family life by preventing discriminatory practices that limit women's autonomy in making personal and professional decisions. Even though Türkiye has ratified CEDAW in 1985, it did not show its effects on the State to permit married women to maintain their own surname right away. Women NGOs had to hand in several shadow reports on Türkiye's Periodic Report to the Committee on the Elimination of Discrimination Against Women, for example one in 2010 and one in 2022 (Kadın ve İnsan Hakları Derneği, 2018 and 2022). CEDAW in its Concluding observations on the seventh periodic report of Türkiye also has given the issue a consideration in its principal areas of concern (CEDAW, 2022).

ECHR and the case law of ECtHR provide the final international push for use of maiden surnames in Türkiye. According to the ECtHR, a person's name is closely tied to their private and family life, serving as a means of personal identification and connection to their family. The interests of society and the state in regulating names align with the concept of private life, which includes, to some extent, the right to form and nurture relationships with others, both in professional and personal contexts (ECtHR, *Burghartz v. Switzerland*, 1994). One of the earliest legal challenges to the surname restriction for Türkiye was the case of *Ünal Tekeli v. Türkiye* before the ECtHR in 2004.

Ünal Tekeli v. Türkiye

Ünal Tekeli v. Türkiye concerns a female Turkish national practicing as a lawyer who has taken her husband's surname upon marriage in accordance with then-Article 153 of the Turkish Civil Code (ECtHR, *Ünal Tekeli v. Türkiye*, 2004). She claimed a violation of her rights under Article 8 (right to private life) and Article 14 (prohibition of discrimination) of the ECHR, as men

were not subject to the same obligation.

The Turkish government raised the preliminary objections arguing she was not a victim since she became a lawyer only after marriage and thus experienced no professional harm, and that the six-month time limit had expired. The ECtHR rejected both objections emphasizing that a surname is essential not only for personal identity but also for interacting and forming connections with others. The Court further clarified that although the domestic procedures were ineffective in providing a remedy, the applicant's pursuit of these remedies could justifiably extend the six-month time limit.

On the merits of the case, the government, while acknowledging the difference of treatment on the ground of sex, submitted that this was justified as it served the protection of the family unity and was in line with Turkish traditions and realities. The ECtHR, however, was not persuaded for the existence of compelling reasons justifying the difference in treatment of men and women. The Court called upon the relevant European and international instruments determining sex equality as a major goal. Noting that Türkiye is the only country with such legislation, the Court referred to a European consensus in favor of equal rights in choosing a family name. The Court dismissed the imposition of outdated traditions on married women that deem women's role as secondary in the family and highlighted that the family unity can still be sustained where even married couples do not have a common family name. Finally, acknowledging the repercussions of changing the registry system, The Court underlined that it is reasonable to expect society to accept a certain level of inconvenience if it enables individuals to live with dignity and according to their chosen identity. Thus, the ECtHR finds a violation of Article 14 in conjunction with Article 8 and deems the finding of a violation as just satisfaction.

Contextualizing and Conceptualizing *Ünal Tekeli* within Strategic Litigation Frame

Notably, the arguments of the Turkish government, in this case, are deeply rooted in the enduring public-private divide, which relegates women to the domestic sphere and treats the human rights violations they experience as private matters unworthy of public or legal intervention. The government's objections concerning victim status, admissibility, public interest, and the traditional role of women within the family reflect this patriarchal mindset.

The Court, however, missed an opportunity to explicitly confront and critique these regressive notions. Although it rightly dismissed the preliminary objection concerning the six-month rule, its reasoning lacked a gender-sensitive perspective and failed to center the applicant's lived experience. Rather than engaging in a rigid calculation of deadlines, the Court could have

recognized the continuing nature of the violation. In practice, once Turkish women marry, they are legally and socially bound to carry their husband's surname indefinitely. While the act of marriage marks the origin of the violation, its consequences persist throughout the duration of the marriage, amounting to a continued infringement of rights.

Moreover, the Court underestimated the deeply entrenched patriarchy in Türkiye and the state's persistent resistance to meaningful legal reform. Despite the 2001 legislative amendments abolishing the legal status of the man as the head of the family, the underlying ideology has remained largely intact. Although the ECtHR ultimately found a violation, its reasoning lacked the strength and depth needed to challenge systemic discrimination. The decision to consider the finding of a violation as sufficient just satisfaction under Article 41 further weakened the impact of the judgment. On the part of the Turkish government, this has had no immediate deterrent effect, and the lack of meaningful consequences or enforcement has rendered the judgment unconvincing in terms of implementation. As a result, the weak stance of the Court has contributed to decades of lost time and a proliferation of clone cases.

As Helen Duffy suggests, understanding the impact of strategic human rights litigation requires looking through multiple 'lenses': a high-definition lens to capture detail, a long lens to trace developments over time, and a wide-angled lens to situate litigation within its broader social and political context (Duffy, 2018, p. 38). In order to fully monitor and measure the impacts of *Ünal Tekeli*, a multi-dimensional, "wide-angled," long-term lens needs to be worn. Seen through such lenses, the potential impacts of strategic human rights litigation extend well beyond the courtroom, encompassing transformative effects on policy, societal attitudes and culture, institutional practices, democratic governance, and the rule of law itself and cannot be limited to the "champagne" or "whisky" moments when a litigation is won or lost (Duffy, 2018). With that lens, revisiting *Ünal Tekeli v. Türkiye* is vital not only to recall the core issues of identity and equality at stake, but also to critically engage with the pending legislative challenges following the annulment of the infamous Article 187 of the Turkish Civil Code in 2023, which denied women the right to retain their own surnames after marriage.

For over a decade, the implementation of *Ünal Tekeli* was delayed resulting in many clone cases before the ECtHR (ECtHR, *Leventoğlu Abdulkadiroğlu v. Türkiye*, 2013; Tuncer Güneş v. Türkiye, 2013; Tanbay Tüten v. Türkiye, 2013). A turning point came with the 2013 *Sevim Akat Eşki* decision, where TCC held that requiring women to adopt their husbands' surname upon marriage was in violation of the constitutional principle of equality and the right to private life protected under Article 20 of the Constitution. Despite the years between, the win in *Eşki* is

attributed to *Ünal Tekeli* case as the TCC's reasoning held that Article 187 conflicted with international human rights treaties, particularly ECHR and the case law of the ECtHR including *Tekeli*, which should take precedence over conflicting domestic laws pursuant to Article 90 of the Constitution. The Court emphasized that the lower courts failed to apply the relevant international norms, which guarantee equal rights for men and women violating right to protect and develop her personal identity, safeguarded under Article 17 of the Turkish Constitution.

The TCC's reasoning in *Sevim Akat Eşki* illustrates how international human rights judgments can be strategically instrumentalized within national legal systems. Türkiye had long resisted compliance with *Ünal Tekeli*, yet the reasoning of the eventual finding of a violation of human rights in *Eşki* echoed the ECtHR's core reasoning. Çalı explains the reasons behind this "third time luck" as reputational cost benefit (Çalı, 2014). According to Çalı, the TCC, facing repetitive and clear-cut violations of the ECtHR's case law, could no longer afford to ignore Strasbourg without undermining its credibility as an effective domestic remedy and risking further reputational damage.

Notably, this strategic use of international jurisprudence by the government serves as a source of external legitimacy and political insulation rather than as a genuine commitment to immediate compliance or respect for the rule of law. In politically sensitive areas such as gender equality, where direct legislative reform may be contested or unpopular, courts can act as intermediaries by drawing on supranational frameworks. In this sense, the TCC's reasoning echoes a broader pattern in "juristocracies", where politically "dodgy" or contested reforms are often offloaded to the judiciary (Hirschl, 2004, p. 6-11). Here, rather than resisting Strasbourg, the domestic court effectively delegates the normative weight of the decision to the ECtHR, thereby externalizing responsibility while facilitating incremental legal change. This both affirms the symbolic power of supranational courts and reveals the tactical ways in which their authority is domesticated.

One significant point of attention here is that the same TCC upheld the constitutionality of Article 187 of the Civil Code through abstract norm review in 2011 (and earlier in 1998). Yet, only two years later, in an individual application, *Eşki*, the Court reversed its position, marking a striking transformation in its jurisprudence. This abrupt transformation in the Court's stance over a relatively short period can be better understood through an analysis of the legal and socio-political factors that shaped the period between 2011 and 2013. One of the key factors behind this change was the introduction of individual application to the TCC in 2010 which became effective in 2012. This procedural innovation profoundly altered the Court's institutional role enabling the Court to move beyond formalist normative

interpretations in abstract constitutionality reviews and consider the substantive impact of state's actions or omissions on individual rights.

As the individual application was introduced to the Turkish legal system with a duty to filter the human right complaints before the ECtHR, the TCC adopted a more pronounced human rights framework. This is clearly expressed in the preamble of Law No. 6216 on Establishment and Rules of Procedures of the Constitutional Court. Law on the Establishment and Rules of Procedure of the Constitutional Court of Türkiye (Law No. 6216, dated 30 March 2011). This evolution is evident when comparing the Court's reasoning in its 2011 and 2023 abstract norm reviews, the latter of which resulted in the annulment of the Article 187. In 2011, the interference with a woman's surname was not explicitly framed as a human rights issue. This was raised only in Judge Engin Yıldırım's dissenting opinion, where he argued that the issue should be treated as a violation of human rights in its own right, rather than merely as a derivative of gender discrimination (Constitutional Court of Türkiye, E.2009/85, K.2011/49, 2011). Tirosh explains courts' unwillingness to recognize names as a right in themselves by pointing to their failure to attribute any specific meaning to a name (Tirosh, 2010, p. 255). In contrast, the TCC's 2023 ruling clearly situated the right to a surname within the ambit of the right to private life, enshrined in Article 20 of the Constitution, recognizing names and surnames as integral to personal identity (Constitutional Court of Türkiye, E.2022/155, K.2023/38, 2023).

The Court highlighted in its reasoning how 'the obligation' to carry a surname in Article 1 of Law No. 2525 is not merely an obligation but also a fundamental right protected under Article 20 of the Constitution. Article 20 of the Constitution affirms the right of individuals to demand respect for their private life. A person's name and surname, which are integral to their identity and closely linked to their personality, are considered an essential aspect of private life. As such, the right to a name and surname alongside rights related to birth registration falls within the scope of Article 20 of the Constitution. The change in the Court's framing from an obligation to human rights is very striking at this point. The change in framing was also from an issue of gender inequality to a right in itself which was also foreshadowed in the dissenting opinion written by Engin Yıldırım in the court's 2011 decision. He argued that the interference with a person's surname is situated at the intersection of the private and the public sphere as it shapes one's identity and sense of self. Therefore, it "...can be regarded not merely as a derivative

violation of rights stemming from gender inequality and discrimination but as a human rights violation in its own right." (Constitutional Court of Türkiye, E.2009/85, K.2011/49, 2011). Tirosh explains that courts do not consider names as a right in itself because they do not attribute a meaning to a name. However, as he critically argues if names hold no significance, applicants should be allowed to modify them as they wish (Tirosh, 2010, p. 255). The fact that law regulates names so strictly suggests that they hold profound social and legal significance.

Finally, the shift in judicial stance also reflects the broader advancements in women's human rights in Türkiye witnessed between 2010 and 2012. A pivotal moment occurred in 2010 when a constitutional amendment explicitly authorized affirmative action measures to promote gender equality, clarifying that such initiatives would not be considered discriminatory. Building upon this foundation, Türkiye played a leading role in the development of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). Opened for signature in Istanbul in 2011, the Convention aimed to prevent violence, protect victims, and prosecute perpetrators, while also addressing the root causes of gender inequality, such as socially constructed gender roles and honor-based crimes. Türkiye became the first country to sign and ratify the Convention, demonstrating its commitment to comprehensive measures against gender-based violence.² To align national legislation with the Convention, Türkiye enacted Law No. 6284 in 2012, introducing a range of protective and preventive measures.

On the other hand, the practical implications of *Sevim Akat Eşki* were very limited. The decision arose from an individual constitutional complaint and, as such, had only inter partes effect, that is, it produced legal consequences solely for the applicant. This procedural limitation meant that the right to retain one's maiden surname became, in practice, accessible only to women with the financial means, legal knowledge, and persistence to navigate Türkiye's complex judicial system rather than eradicating structural gender discrimination embedded in Article 187 of the Civil Code.

In this context, the Constitutional Court's 2023 annulment of Article 187 through abstract norm review marked a turning point. When compared to individual applications, which offer justice mainly for those who litigate, abstract review decisions have greater erga omnes effect, striking down the norm itself and producing binding consequences for all. By eliminating the statutory requirement for married women to adopt their

² In 2021, Türkiye withdrew from the Istanbul Convention, citing concerns over interpretations of the Convention's provisions. This decision sparked domestic and international criticism, as a setback for women's rights and

gender equality in the country. Nevertheless, Law No. 6284 remains in effect, serving as the primary legal framework for protecting individuals against domestic violence in Türkiye.

husband's surname, the Court removed a deeply entrenched legal barrier in Türkiye. This shift not only strengthened the accessibility of justice but also reinforced the constitutional commitment to gender equality and human dignity as collective, not merely individual, guarantees.

From Legal Victory to Political Backlash

Nevertheless, the progressive implications of the 2023 annulment have been met with subsequent challenges. A series of institutional and political setbacks. Although the Court explicitly granted Parliament a nine-month period to introduce a new legal framework following the annulment of Article 187 of the Civil Code, this legislative window expired on 28 January 2024 without any reform being enacted. The absence of parliamentary action has effectively created a legal vacuum in which the unconstitutional provision continues to be applied in practice.

The consequences of this legislative inaction became visible almost immediately. Across several provinces, women affiliated with the EŞİK (Platform of Women for Equality) submitted formal requests to local population directorates to obtain identity cards bearing only their pre-marital surnames. Applicants such as Süheyla Doğan (Ayvacı/Balıkesir), Av. Sema Yurtbilir (Nevşehir), and Av. Esra Gençer (Antalya) reported that their petitions were initially met with prolonged silence. When responses eventually arrived, population directorates rejected the applications on the grounds that, despite the Constitutional Court's annulment, "the provision will continue to be applied until the completion of legislative work in the Grand National Assembly and the finalization of the necessary amendments in the legal framework." (EŞİK, 2024). This administrative stance not only contradicts the binding nature of the Court's judgment but also illustrates how bureaucratic discretion can be mobilized to resist gender-equality reforms even after a constitutional victory.

Eventually, a draft legislative proposal was introduced in Parliament that appeared to disregard the spirit of the ruling by effectively reintroducing the same patriarchal limitation. Under the proposed amendment, women would once again be required to take their husband's surname upon marriage and could use their maiden name only alongside it, never on its own (Medyascope, 2024). Although this proposal was ultimately withdrawn, its introduction underscores the fragile nature of gender-related legal reforms in Türkiye and the state's persistent reluctance to fully recognize women's independent legal and social identity.

This regression cannot be viewed in isolation. Returning to the essay's opening question, "What's in a name?", the struggle over women's surnames in Türkiye goes far beyond a matter of bureaucratic procedure; it symbolizes a broader contest over women's existence and self-determination. Recent political initiatives, such as declaring 2025 the "Year of the Family,"

providing financial incentives for childbirth and marriage, and promoting vaginal birth as the "natural" norm, reveal a wider state agenda that seeks to regulate women's bodies and identities under the guise of protecting traditional family values. (T.C. Sağlık Bakanlığı, 2025). From the surname a woman may carry to the way she is expected to give birth, the same patriarchal logic persists: one that subordinates female autonomy to ideals of family, morality, and nation. In this broader context, *Ünal Tekeli* legacy serves as a reminder that legal equality in name must also translate into equality in life, lest the promise of the Court's judgment remain purely symbolic.

Conclusion

In conclusion, while *Ünal Tekeli* fostered the dialogue on gender equality and identity, it did not meaningfully penetrate the deeper layers of impact but stayed on the level of victims and legal change. The aftermath of Tekeli, in Türkiye, highlights a troubling disconnect between legal commitments to gender equality and prevailing political discourses that reinforce heteronormative, patriarchal ideals. At the same time, the Turkish Constitutional Court's evolving stance, shaped by its procedural innovations, strategic engagement with ECtHR jurisprudence, and concern for institutional legitimacy, illustrates how supranational and domestic courts can interact in complex, politically charged ways. While legal victories like the annulment of Article 187 represent significant strides toward gender equality, they remain vulnerable to ideological pushback unless supported by sustained institutional safeguards and a genuine cultural shift toward recognizing women as autonomous rights-bearing individuals. Yet, as history often shows, a step backward can prompt renewed mobilization, deeper public engagement, and ultimately, two steps forward on the path toward equality and justice.

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