

# A NOTE ON THE RIGHT TO FAIR TRIAL OF FOREIGNERS IN TURKEY WITH A TOURIST VISA OR RESIDENCE PERMIT



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# OBJECTIVE

This note provides information on the right to fair trial of foreigners in Turkey with a tourist visa or residence permit.

# BENEFICIARY

The beneficiaries of this note are foreigners, primarily LGBTQA+ people who are not Turkish citizens but who have a Turkish tourist visa or residence permit.



# WHAT IS THE RIGHT TO A FAIR TRIAL?



The right to a fair trial is articulated under Article 6 of the European Convention on Human Rights, to which Turkey is a party, as follows:

Everyone has the right to have his or her case heard in public and within a reasonable time by an independent and impartial tribunal established by law, which will decide on the merits of any civil rights or obligations or criminal charges against him.

The right to a fair trial is stipulated under Article 36 of the Turkish Constitution, which states, "Everyone has the right of litigation either as plaintiff or defendant and the right to a fair trial before the courts through legitimate means and procedures." The right to a fair trial is among the fundamental rights and freedoms, and it is possible for foreigners to be

limited by law only in accordance with international law.

There is no regulation preventing foreigners from filing lawsuits in Turkish courts. In addition, foreign real and legal persons who file a lawsuit, or who participate in the lawsuit or follow enforcement proceedings in a Turkish court must show a guarantee to be determined by the court to cover the costs of the trial and follow-up proceedings, and the loss and damage of the other party. Exceptions to the obligation to provide collateral are regulated through international agreements. Accordingly, in accordance with the Hague Convention on Civil Procedure, foreigners holding a residence permit in one of the contracting states are exempt from the obligation to provide collateral.

# WHAT IS LEGAL AID SERVICE?

Legal aid service, which is a continuation of the right of access to justice, refers to the use of attorneyship services by those who cannot afford attorney fees and other legal expenses, and it is carried out by bar associations.

The Union of Turkish Bar Associations prepared the Legal Aid Regulation to determine the procedures and principles in the provision of legal aid services, and detailed regulations are included in this regulation.

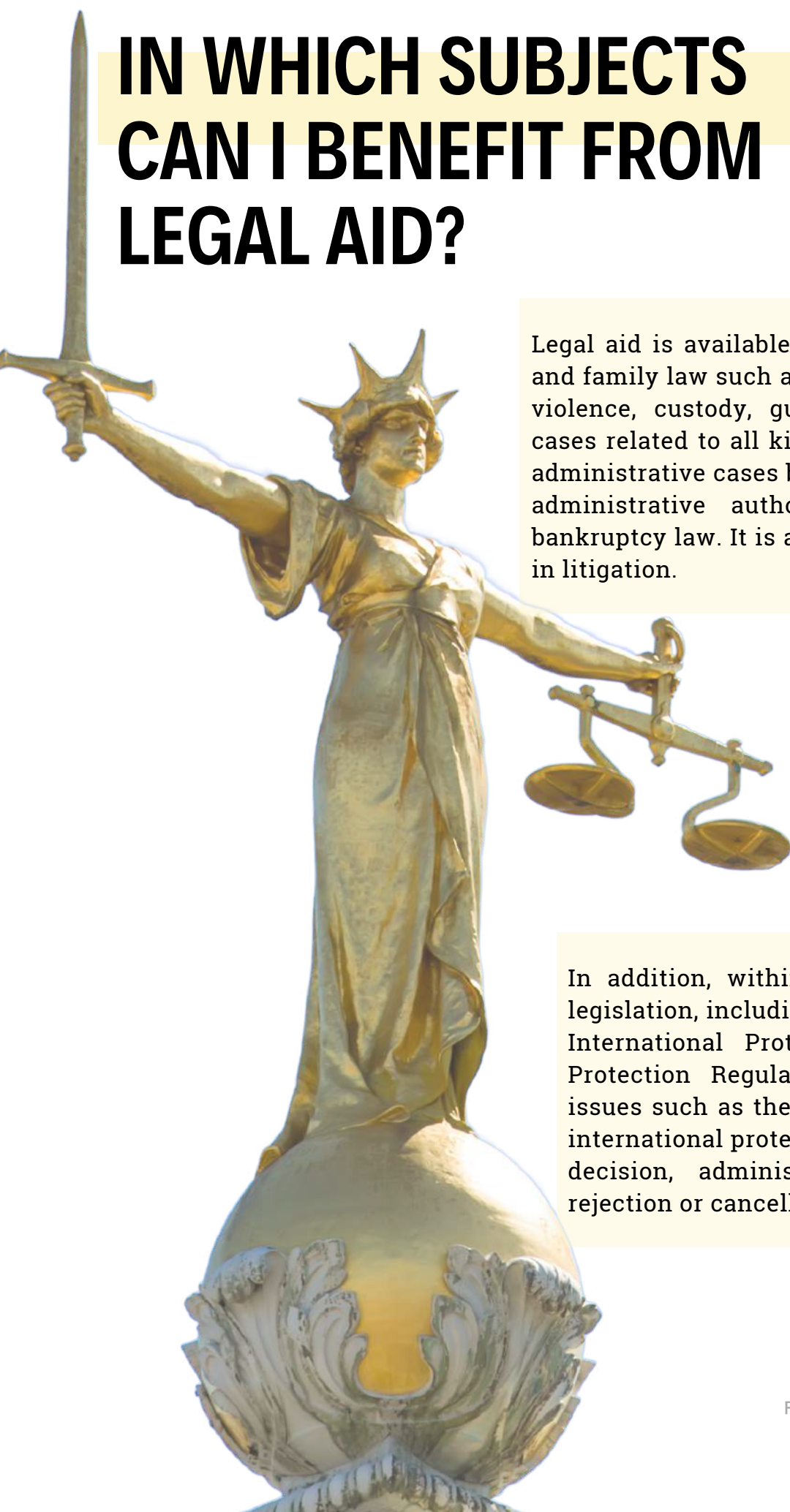


# HOW CAN I BENEFIT FROM LEGAL AID SERVICE?

The basic rule for accessing legal aid is to apply to legal aid offices in person. However, a significant portion of bar associations in Turkey also consider the notices and notifications made by third parties such as family members or representatives of nongovernmental organizations, and can assign legal aid if the necessary conditions are met.



# IN WHICH SUBJECTS CAN I BENEFIT FROM LEGAL AID?



Legal aid is available in cases related to personal and family law such as marriage, divorce, domestic violence, custody, guardianship, civil and labor cases related to all kinds of receivables and debts, administrative cases brought against the actions of administrative authorities, and follow-up and bankruptcy law. It is a service that can be provided in litigation.

In addition, within the scope of immigration legislation, including the Law on Foreigners and International Protection and the Temporary Protection Regulation, legal aid also covers issues such as the refusal or cancellation of an international protection application, deportation decision, administrative detention and the rejection or cancellation of a residence permit.

# REFERENCES

## Regulations



Law on Foreigners and International Protection No. 6458  
International Workforce Law No. 6735  
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