

With the decision of the Constitutional Court 26/07/2023, file numbered 2023/37, decision numbered 2023/140;

20/10/2023

With the decision of the Constitutional Court 26/07/2023, file numbered 2023/37, decision numbered 2023/140; the 1st subsection of Article 286 of the Turkish Civil Code No. 4721 which states that “*The husband can refute the presumption of paternity by filing a lawsuit for denial of lineage. This lawsuit is filed against the mother and child.*” was annulled unanimously as it was found to be contrary to Articles 20 and 40 of the Constitution, on the grounds that the existence of a lineage between the child and the husband, who is not the biological father of the child, would violate the right to effective application in the context of the mother’s right to demand respect for her private life.

The decision will enter into force nine months after its promulgation in the Official Gazette.

You can access the full text of the decision at <https://www.resmigazete.gov.tr/eskiler/2023/10/20231020-4.pdf>.