SECOND SECTION CASE A.A.K. v. TÜRKÍYE (Application No. 56578/11) JUDGMENT Art 8 • Private life • Placement under judicial guardianship of the applicant, following a procedure which concluded that she was suffering from a mental disorder impeding her ability to act • Existence of effective safeguards in the internal procedure to prevent abuses by ensuring that the applicant's rights and interests are taken into account • Participation of the applicant in the decision-making process at all stages of the procedure • Judicial mechanism having proceeded with the necessary fairness and diligence and having gathered sufficient elements to assess the applicant's abilities and to prevent possible injustices • Limitation of the scope of the procedure
• Restriction of the measure in time and in its object • Possibility of periodic review for two years, for the purpose of lifting the guardianship measure • Action withdrawn by a court in accordance with the conclusions of a new psychiatric expert STRASBOURG 3 October 2023 This judgment will become final under the conditions laid down in Article 44 § 2 of the Convention. He may undergo formal alterations. JUDGMENT A.A.K. v. TÜRKIYE 1In A.A.K. v. Türkiye, The European Court of Human Rights (second section), sitting in a chamber composed of: Arnfinn Bårdsen, Chairman, Jovan Ilievski, Egidijus K■ris, Saadet Yüksel,
The European Court of Human Rights (second section), sitting in a chamber composed of: Arnfinn Bårdsen, President, Jovan Ilievski, Egidijus K■ris, Saadet Yüksel, Lorraine Schembri Orland, Diana Sârcu, Davor Deren■inovi■, Judges, and Hasan Bak■rc■, Section Registrar, Having regard to: the application (No. 56578/11) against the Republic of Türkiye, of which a national of that State, Mrs A.A.K. ("the applicant") applied to the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 17 June 2011, the decision to bring the application to the attention of the Turkish Government ("the Government"), the observations of the parties, After having deliberated in the Chamber of Council on 5 September 2023,
3. The Government was represented by its co-agent Ms. Aysun, after having deliberated in the Chamber of Counsel on 5 September 2023, renders the following judgment, adopted on that date: INTRODUCTION 1. The present case concerns the judicial guardianship of the applicant, following a procedure in which it was concluded that she was suffering from a mental disorder hindering her ability to act. It raises questions under Articles 6 and 8 of the Convention, taken in isolation and combined with Article 13.
2. The complainant was born in 1955 and resides in Yenipazar, Ayd■n. She was represented by Mr. S. Cengiz, a lawyer in Izmir. 3. The Government was represented by her co-agent, Ms. Aysun Akceviz, Acting Head of the Human Rights Department of the Ministry of Justice of the Republic of Türkiye. I. THE GENESIA OF THE CASE 4. On 18 and 21 January 2002, the complainant, a professional architect and private lecturer, was examined at the Forensic Institute for the purpose of establishing her psychiatric picture. A neurotic disorder accompanied by a mild schizoid state was diagnosed.
On 13 October 2004, she was re-examined by the doctors of the Forensic Institute, and according to the report rendered accordingly, she suffered from ordinary schizophrenia. 6. In December 2007, one of her female students in private school informed the complainant that the teacher N.E. of her class had disclosed to the students a large part of the questions prepared for the purposes of a departmental competition. The complainant transmitted this denunciation to the competent authorities. On the occasion of N.E.'s attempt to speak to her, she exclaimed: "a kind of indignity, why did you steal the questions (...), I will disclose all your scams". 7. On 14 May 2008, a public action was brought by the Yenipazar prosecutor ("the prosecutor") against the applicant for insulting a lawyer who had been arrested by the complainant.
7. On 14 May 2008, a public suit was brought by the Yenipazar prosecutor ("the prosecutor") against the complainant for insulting an official, namely, N.E. In her submission of 27 May 2008, filed during her trial, the complainant accused the clerk H.C. of having been recruited by illegal means. At the hearing on 23 October 2008, she explained that she had been taken to H.C. because he had disturbed her "by dazzling her eyes." 8. By a judgment of 6 November 2008, the Yenipazar court ("the court") sentenced the complainant to 10 months' suspended imprisonment. 9. On 7 July 2008, the prosecutor again sued the complainant before the court for insulting a State official, H.C. On 27 November 2008, the complainant was sentenced to 10 months' imprisonment.

9. On 7 July 2008, the prosecutor again brought the complainant before the court for insulting a State official, H.C. On 27 November 2008, she was also sentenced to two months and fifteen days' suspended imprisonment. 10. On 26 December 2008, the prosecutor appealed against the latter judgement, considering that the complainant's behaviour, as well as the confused statements and writings, would have required a preliminary assessment of her mental capacity. 11. On 11 February 2009, the teacher N.E. was given a reprimand following a disciplinary procedure for obstructing the fairness of a public competition.
12. On 10 April 2009, the Ayd■n Prosecutor's Office instructed the Prosecutor to investigate whether the applicant should be placed under guardianship under article 405 § 1 of Civil Code No. 4721 ("CC" - paragraph 40 below). On 4 May 2009, the Prosecutor requested a copy of the files of the criminal cases involving the applicant. After examination, on 12 May 2009, he referred the matter to the Court under article 405 § 2 of the CC (ibidem). 13. The proceedings were opened before the Court on 13 May 2009. The Judge decided to examine the applicant's medical examination at the university hospital in Adnan.
13. The proceedings were opened before the court on 13 May 2009. The judge decided on the applicant's medical examination at the university hospital of Adnan Menders ("the hospital") and on the establishment of a list of persons JUDGMENT A.A.K. v. TÜRKIYE 3 qualified to be her legal guardian and an inventory of her assets. According to the information provided to the court, the applicant did not have any real estate or bank savings. 14. At an unspecified date, the applicant requested in writing from the bar of Ayd■n to appoint her a lawyer assigned to her office as legal aid. 15. The court held its first hearing on 4 June 2009. It became clear that the applicant had opposed her medical examination at the hospital.
15. The Court held its first hearing on 4 June 2009 and found that the complainant had objected to her medical examination at the hospital. The judge ordered the local security authority to carry out this measure. 16. By a decision of 11 June 2009, the Ayd■n bar withdrew the complainant's request for legal assistance on the ground that she had a monthly income of between 600 and 1,000 Turkish pounds, which was considered sufficient to appoint counsel. 17. On 10 June 2009, the court was informed that the guardian most able to protect the complainant's interests would be H.K., namely her husband. 18. On 29 June 2009, the complainant filed an objection against the decision of the Ayd■n bar (para. 16 above).
18. On 29 June 2009, the complainant filed an objection against the decision of the Ayd■n Bar (paragraph 16 above). 19. On 9 July 2009, the Ayd■n Bar accepted the applicant's opposition and instructed Ms. M.A. to represent her ex gratia. 20. The second hearing was held on 16 July 2009, in the presence of the complainant, who informed the court that a lawyer from the Ayd■n Bar would represent her and that she had passed the required medical examination. The Court took note that the relevant medical report was being made public. 21. On 14 August 2009, the hospital health board issued her psychiatric assessment report, after examining the complainant: it was there that the complainant was being examined.
21. On 14 August 2009, the hospital health board issued its psychiatric assessment report, after examining the complainant, stating that she suffered from "paranoid personality disorders" and, although she was no longer in a position to assess the reality of the events, firmly denied her mental condition. According to the doctors, this justified her being placed under guardianship; if it was possible for the applicant to heal this condition with appropriate treatment, she had, however, refused the treatment proposed for that purpose. According to the complainant, the doctors would have decided in the absence of a consultation which did not meet the appropriate criteria for that medical act.
22. On 27 August 2009, Mr. M.A. informed the Ayd■n Bar that he had resigned, arguing that he was in deep disagreement with the complainant, who had required her to challenge the judge of the court on the grounds of bias, on the basis of purely personal reasons, without any objectivity, i.e. contrary to the law. 23. It appears from the case file that on 19 September 2009, the applicant underwent further tests and psychological interview, it appears, at the service of ARRET A.A.K. v. TÜRKIYE 4psychiatry of the Faculty of Forensic Medicine of the Istanbul University Hospital.
24. At the hearing on 17 September 2009, Mr. M.A. stated that she had been dismissed from her duties (para. 22 above) and that the applicant should be informed thereof. The Court read out a telecopied memorandum sent by the applicant. 25. By a decision of 24 September 2009, the Bar Association of

Ayd■n considered the excuse of Mr. M.A. and then annulled the legal aid granted to the applicant. 26. At the following hearing on 1 October 2009, the applicant explained that it had asked the Bar Association of Istanbul to appoint her a new one.
26. At the next hearing on 1 October 2009, the applicant explained that she had asked the Istanbul bar to appoint a new counsel, as well as to request the Istanbul University Hospital for further expertise (paragraph 23 above). 27. On 20 October 2009, the Ayd■n bar informed the court that the legal aid granted to the applicant had been revoked and that no other counsel would be assigned ex officio. 28. At the hearing on 22 October 2009, the minutes were read out as a result of the change of judge. The applicant was again heard. She challenged the expert report of 14 August 2009 (paragraph 21 above) and recalled that she had already been addressed to the university hospital.
She challenged the expert report of 14 August 2009 (para. 21 above) and recalled that she had already addressed herself to Istanbul University Hospital for a further assessment (para. 26 above). The Court appointed the complainant's husband to appear and, welcoming the opposition she had raised against the first expert's opinion, decided to apply to the Forensic Institute for a determination as to whether the complainant still suffered from problems justifying his guardianship. 29. At the hearing on 24 November 2009, the complainant was present, accompanied by her husband H.K.; the latter stated that, if he were appointed, he would assume the guardianship mission with all the responsibilities that it would entail. 30. On 23 December 2009, the complainant was taken to the Forensic Institute and examined by the Council of Specialists No. 4 under consultation number 2009/605. The psychogram drawn up at the end of the interviews revealed a psychotic state. However, according to the complainant, she would not have passed any real examinations at the Forensic Institute and everything would have been decided on the basis of her previous case. 31. On 21 January 2010, the court, with the consent of the complainant, decided to wait until the report of the Forensic Institute was finalized.
31. On 21 January 2010, the Court, with the complainant's agreement, decided to wait until the report of the Forensic Institute was finalized. 32. This report was placed on the file on 29 January 2010. Noting the complainant's psychiatric history (paragraphs 4 and 5 above) and reconsidering the new elements of the file, the Forensic Institute confirmed that the complainant had "paranoid disorders" and thus had no capacity to act, it was appropriate to appoint a guardian.
33. On 2 March 2010, H.K., supported by the complainant, challenged the second report and requested its revision by the Plenary of the Istanbul Forensic Institute. The court dismissed the application, on the ground that the report was not contradictory and was therefore sufficient to establish a judgment. By judgment delivered on the same day, the applicant was placed under the jurisdiction of the Court of Justice of the Republic of Bulgaria, which had not been given the power to determine whether the applicant was entitled to the right to determine and to act accordingly, as well as the ability to analyse the events in order to draw sound conclusions.
By a judgment delivered on the same day, the applicant was placed under the supervision of her husband H.K. The latter was required to perform this duty for an initial period of two years, which could be extended for the same period, if the court had received an application to that effect. It is clear from the scheme that the measure essentially concerned the management of the applicant's assets, that H.K. had been ordered to report annually on the management of the inventory of the property on file and that the land management and the banks had been prohibited from concluding with the applicant any act without the court's approval.
34. On 25 March 2010, the applicant filed a cassation, including the exclusion of a lawyer during the proceedings, the partial attitude of the judge of the court whom she had sought in vain to challenge and the non-substantial nature of the report of the Forensic Institute established for her (paragraphs 30 and 32 above). By a judgment of 6 December 2010, the Court of Cassation dismissed the applicant, finding the judgment under appeal to be in conformity with the law and procedure. The judgment was notified to the guardian H.K. on 14 January 2011.
By a judgment of 6 December 2010, the Court of Cassation dismissed the complainant's appeal, finding that the judgment under appeal was in conformity with the law and procedure. The judgment was notified to the guardian H.K. on 14 January 2011. 35. The applicant filed an appeal for a correction of the judgment. By a decision of 14 March 2011, the Court of Cassation rejected this appeal, on the ground that this remedy was closed against the judgments in the guardianship cases. III. THE

APPLICATION FOR MAINTENANCE OF THE TUTELLE MEASUREMENT 36. On 9 July 2014, approximately four years and four months later, the guardian H.K. referred the case to the Nazilli court for the lifting of the guardianship measure. Recalling that the hospital had previously specified that a re-establishment of his wife was possible under appropriate treatment.
Recalling that the hospital had previously specified that a re-establishment of his wife was possible under appropriate treatment (para. 21 above), he argued that the complainant no longer showed any frank symptoms of illness. H.K. therefore requested that two university hospitals be charged with carrying out a new psychiatric examination. JUDGMENT A.A.K. v. TÜRKIYE 637. On 11 July 2014, the court allowed this request and ordered the applicant to be examined by the forensic services of Istanbul University Hospital as well as by those of the university hospital of Dokuz Eylül d-Izmir. 38. The first hospital rendered its report circumstantiated on 27 February 2015.
38. The first hospital rendered its report circumstantiated on 27 February 2015. Convinced that the applicant's "obsessive-compulsive-narcissistic" personality no longer reached a threshold sufficiently serious to compromise her mental health, the doctors concluded that there was no longer a need to keep the person concerned under guardianship. 39. By a judgment of 19 March 2015, the court upheld that conclusion and lifted the measure under appeal.
Article 405 §§ 1 and 2 of the Civil Code No. 4721 ("CC") reads as follows: "1. Any adult person who, because of a mental illness or disability, is unable to provide for him or her, or who requires permanent assistance for his or her needs and protection, or who endangers the safety of others, shall be placed under guardianship. 2. Administrative bodies, notaries and courts which, in the performance of their duties, find that a situation requiring guardianship exists shall immediately inform the competent guardianship authority thereof." 41. Article 409 of the CC provides, for its part, that no decision may be taken on an application for guardianship on grounds of mental illness or mental illness.
41. Article 409 of the CC provides, for its part, that a decision may be taken on an application for guardianship on the grounds of mental illness or mental insufficiency only on the basis of a medical report. According to this article, the judge may hear the person concerned before deciding, if he considers it necessary in view of the content of the medical report. 42 Under Article 414 of the CC, the principle is to entrust the guardianship mission to the spouse or wife of the person concerned, except in exceptional circumstances. Under Articles 472 and 474, any decision on guardianship may be lifted if it is no longer justified in the light of medical expertise. The request for removal may be made by both the person under guardianship and his guardian.
43. According to article 382 of the Code of Civil Procedure No. 6100, which was promulgated on 12 January 2011, matters relating to guardianship are dealt with in a non-contested procedure. This is a simplified and inquisitorial procedure, in which it is for the judge to administer the evidence ex officio and conduct all the necessary investigations on his own account before a decision is taken. The same was true before the Code entered into force, but on the basis of the provisions laid down in other laws, since the application for leave to leave the court may be withdrawn if it is no longer justified in the light of medical expertise.
This was exactly the same before the entry into force of the Code, but on the basis of the provisions stipulated in other laws, since the old Code did not expressly govern non-controversial proceedings. JUDGMENT A.A.K. v. TÜRKIYE 744. Article 36 of the Constitution enshrines the right of any person, plaintiff or defendant, to use all legitimate means and means to defend his case, to ensure his defence and to have a fair trial before the courts.
Under the Code of Civil Procedure, which is subject to the jurisdiction of the courts, the appointment of a lawyer appointed by the court under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the

Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania under the law of the Republic of Lithuania.
(Article 178) If the application is granted, the office shall appoint a lawyer appointed by the Bar Board, who shall carry out all the duties of the profession; if the lawyer appointed by the Office requested to be excused from his duties, he shall pay the bar an amount equivalent to the fees provided for him (Article 179), unless the resignation is justified. III. THE TEXTS OF THE COUNCIL OF EUROPE 46. Recommendation No. R(99)4 adopted on 23 February 1999 of the Committee
46. Recommendation No. R(99)4 adopted on 23 February 1999 by the Committee of Ministers to the Member States on the principles concerning the legal protection of incapable adults ("Principles") provides in Part II: "Principle 1 – Respect for human rights With regard to the protection of incapable adults, the fundamental principle underlying those laid down in this text is respect for the dignity of each person as a human being. Laws, procedures and practices concerning the protection of incapable adults must be based on respect for human rights and freedoms.
2. Appropriate procedural safeguards should be provided to protect the human rights of the person concerned and to prevent possible abuses.
JUDGMENT A.A.K. v. TÜRKIYE 8Principle 8 – Preeminence of the interests and well-being of the person concerned 1. When introducing or implementing a measure of protection of an incapable major, the interests and well-being of the person concerned must be taken into account in a preeminent manner. 2. This principle implies, inter alia, that the choice of a person to represent or assist the incapable major must be governed first and foremost by the person's ability to protect and promote the interests and well-being of the major concerned. 3. This principle also implies that the assets of the incapable major must be managed and used for his or her benefit and to ensure his or her well-being.
3. This principle also implies that the assets of the incapable adult are managed and used for his or her benefit and in order to ensure his or her well-being. Principle 9 – Respect for the wishes and feelings of the person concerned 1. When introducing or implementing a measure of protection of an incapable adult, it is necessary, to the extent possible, to seek, take into account and duly respect the prior and present wishes and feelings of the person concerned. 2. This principle implies in particular that the wishes of the adult concerned relating to the choice of a person to represent or assist him or her must be taken into account and, to the extent possible, duly respected. 3. It also implies that a person representing or assisting a major must be taken into account and, to the extent possible, duly respected.
3. It also follows that a person representing or assisting an incapable adult must provide him or her with adequate information, wherever possible and appropriate, in particular with regard to any important decision affecting the adult, so that the adult may express his or her opinion."47. With regard to the relevant procedural regime, the recommendation states: "Principle 12 – Investigation and evaluation 1. Appropriate procedures should be provided for the investigation and evaluation of the adult's personal faculties.
2. No protective measure having the effect of restricting the legal capacity of an incapable adult should be taken unless the person taking the measure has seen the person concerned or become aware of his or her situation and a recent report, drawn up by at least one qualified expert, has been produced. The report should be written or recorded. Principle 13 – Right to be heard personally The person concerned should have the right to be heard personally in any proceedings which may affect his or her legal capacity. Principle 14 – Duration, review and appeal 1.
Principle 14 – Duration, review and appeal 1. Protection measures should, to the extent possible and appropriate, be of a limited duration. Periodic reviews should be considered. (...) 3. Appropriate remedies should be provided for." JUDGMENT A.A.K. v. TÜRKIYE 9EN LAW ON THE ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION A. Subject-matter of the dispute and admissibility
48. The applicant, regretting that her legal incapacity was pronounced without just cause and in the absence of the assistance of counsel, complained, inter alia, that the domestic courts would not have taken the necessary steps to provide her with a lawyer assigned to her office and to respond to her challenges to the medical reports which had been founded.
In this regard, the applicant alleges a violation of her right to a fair trial guaranteed by Article 6 § 1 of the Convention, as well as a breach of her right to privacy in violation of Article 8, two provisions which she

invokes in isolation and in conjunction with Article 13. 49. The Court observes that the main issues raised in this case are undoubtedly within the sphere of private and family life of the State party.
The Court observes that the main issues raised in the present case are undoubtedly within the sphere of the applicant's private and family life, since they are closely related to identity and personal development and to the right to establish and develop relations with others and the outside world; the Court does not see in this case any particular reasons for departing from its general tendency to place itself under Article 8 in relation to such matters (see, for example, Bensaid v. United Kingdom, No. 44599/98, § 47, ECHR 2001 I, H.F. v. Slovakia, No. 54797/00, § 47, 8 November 2005, and A.N. v. Lithuania, No. 17280/08, § 107, 31 May 2016). 50. In the present case, the difference between the aim pursued by the applicants and their family members and their family members is a matter which is clearly linked to the applicant's personal identity and development and to the right to establish and develop relations with others and the outside world.
50. In the present case, the difference between the aim of the guarantees of Article 6 § 1 and that pursued by the guarantees of Article 8 does not necessarily justify the examination of the facts under each of these two provisions (see, for example, Golder v. United Kingdom, 21 February 1975, §§ 41 to 45, Series A No. 18, Bianchi v. Switzerland, No. 7548/04, § 113, 22 June 2006, and Macready v. Czech Republic, Nos. 4824/06 and 15512/08, § 41, 22 April 2010), all the less so since, in the present case, the proceedings at issue were governed by the inquisitorial principle, according to which it is for the court to ex officio seek the truth (paragraph 43 above); the situation of the parties in the proceedings Inquisitorial principle, according to which it is for the court to ex officio seek the truth (paragraph 43 above); the situation of the parties in proceedings based on the inquisitorial principle is different from those based on the principle of adversariality, on the understanding that in the present case the active role of the judge is an element which could pass in order to compensate for a certain inequality of the parties to the proceedings, so as to diminish the importance of a separate examination in the light of Article 6 § 1. JUDGMENT A.A.K. v. TÜRKIYE 1051. Master of the legal qualification of the facts of the case (see, Radomilja et al. v. Croatia [GC], Nos. 37685/10 and 22768/12, § 126, 20 March 2018, S.M. v. Croatia [GC], No. 60561/14, § 243, 25 June 2020, and more
Radomilja et al. v. Croatia [GC], Nos. 37685/10 and 22768/12, § 126, 20 March 2018, S.M. v. Croatia [GC], No. 60561/14, § 243, 25 June 2020, and more recently, Telek et al. v. Türkiye, Nos. 66763/17 and 2 others, § 76, 21 March 2023, and Calvi et C.G. v. Italy, No. 46412/21, § 73, 6 July 2023), the Court therefore considers that, in the present case, the objections raised under Articles 6 § 1 and/or 13 are absorbed by those arising from Article 8, under its procedural aspects (see, for example, Kutzner v. Germany, No. 46544/99, §§ 56 and 57, ECHR 2002 I, Diamante and Pelliccioni v. San Marino, No. 32250/08, § 151, 27 September 2011, Anghel v. Italy, No. 5968/09, § 69, 25 June 2013, G.B. v. Lithuania, No. 361377/13, § 113, 19 January 2016, and S.
No. 32250/08, § 151, 27 September 2011, Anghel v. Italy, No. 5968/09, § 69, 25 June 2013, G.B. v. Lithuania, No. 36137/13, § 113, 19 January 2016, and S.W. v. United Kingdom, No. 87/18, § 78, 22 June 2021), which covers not only judicial proceedings but also the administrative processes at stake (paragraph 65 below), will therefore consider the present case in the light of Article 8 of the Convention, which reads as follows: "1. Every person has the right to respect his or her private and family life (...). 2. There may be interference by a public authority in the exercise of this right only to the extent that such interference is provided for by law and that it constitutes a measure which,
2. There may be interference by a public authority in the exercise of this right only to the extent that such interference is provided for by law and that it constitutes a measure which, in a democratic society, is necessary (...), for public security, (...), for the prevention of criminal offences, for the protection of health or morals, or for the protection of the rights and freedoms of others." 52. In the absence of preliminary exceptions made by the Government, the Court finds that, within the framework defined above, the application is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention and that it does not otherwise encounter any other ground of inadmissibility.
(a) The applicant submits that she was simply subjected to a civil sanction as unfair as it was draconian, without being duly associated with the proceedings by the assistance of a lawyer, in disregard of the relevant case-law of the Court (Jucius and Juciuvien■ v. Lithuania, No 14414/03, 25 November 2008) and despite the seriousness of the issue for her. In short, the court did not take any

measures to ensure that she was represented effectively during this procedure, which ultimately led to the restriction of her capacity to act.
54. In addition, the applicant states that, even in the second proceedings leading to the lifting of the guardianship measure, the judge never assessed his need for legal assistance (Artico v. Italy, 13 May 1980, § 33, JUDGMENT A.A.K. v. TÜRKIYE 11series A No 37, Granger v. United Kingdom, 28 March 1990, § 47, Series A No 174, and Timeragaliyev v. Russia, No. 40631/02, § 59, 14 October 2008). 55. Returning to the facts of the case, the applicant points out the following factors, in her view, crucial for assessing the fairness of the proceedings at issue: – Yenipazar, a district in which the court was sitting, is a small agglomeration and the two judges and two prosecutors in office at the time were of connivance;
The court never considered the granting of new legal aid, contrary to its obligations under Article 36 of the Treaty, and the Court never considered the granting of new legal aid, contrary to its obligations under Article 36 of the Treaty.
- The court never considered the granting of new legal aid, contrary to its obligations under article 36 of the Constitution (para. 44 above), nor did it ensure that the complainant undergoes thorough psychiatric examinations before deciding to place her under guardianship. 56. Beyond this procedural aspect, the complainant complains that she was declared incapable on the basis of insufficient reports which the doctors and the forensic institute had drawn up on the basis of her distant medical history, without duly examining her; in this regard, she martifies that her challenges to these reports have never been taken into account by the court.
The complainant adds that the fact that she was declared incapable following such proceedings on the basis of false allegations by a prosecutor destroyed her future, whereas she was an architect with a degree from a reputable university. She concluded that in no case could her guardianship be of any interest which could justify the disproportionate measure she had been subjected to for about four years. 57. Moreover, the latest expert report from Istanbul University Hospital (paragraph 38 above) would have shown that the complainant had not been able to take any action against her.
57. Moreover, the last expert report of the Istanbul University Hospital (paragraph 38 above) would have shown that the diagnosis underlying the declaration of incapacity was incorrect. According to the complainant, if H.K., her husband and guardian, had not requested the lifting of this measure, she would have been sentenced to live in incapacity to act, which would demonstrate that the national system does not offer any protection to vulnerable persons. (b) The Government recalls from the outset that the proceedings in dispute were governed by the inquisitorial principle, according to which it was for the court to collect all the evidence of its own motion, which it did not fail to do.
60. In the course of the proceedings, the applicant was able to appear at the hearings, to express herself, to challenge the evidence, which was governed by the inquisitorial principle, according to which it was for the court to collect all the evidence, ex officio, which he did not fail to do. JUDGMENT A.A.K. v. TÜRKIYE 1259. As regards the assignment of a lawyer appointed by the court, the Government points out that the applicant's application was initially accepted by the bar, but that the bar subsequently set aside her decision because of the unacceptable conduct of the person concerned. In any event, this decision would not have resulted in a significant disadvantage for the person concerned.
60. Throughout the proceedings, the applicant was able to appear at the hearings, to express herself, to challenge the evidence.
60. Indeed, throughout the proceedings, the complainant was able to appear at the hearings, to express her views, to challenge the medical elements concerning her, to be heard by the judge and to seek judicial review. 61. In the light of these elements, the Government considers that the complainant has been given all the necessary guarantees of an inquisitorial procedure and that, if she was finally placed under guardianship, this decision was based on objective medical assessments and had without dispute a solid legal basis, namely Article 405 of the CC. As to the question of "legitimate aim", the Government refers to the two medical assessments carried out by specialists, and
62. Finally, the Government recalls that the measure in question was in fact well founded, namely Article 405 of the CC. As to the question of "legitimate purpose", the Government refers to the two medical assessments carried out by specialists, the findings of which would not give rise to any criticism. According to the latter, the complainant – who had refused to receive treatment – was not in a

position to understand and protect her interests and the contested measure was intended precisely to protect them. Moreover, the interference at issue would not have resulted in any significant repercussions on the complainant's privacy, since she had never suggested that she had suffered any concrete harm or that she had suffered disproportionate harm for the purpose pursued.
62. Finally, the Government recalls that the measure in question was indeed lifted under a new medical report of 27 February 2015, which shows that the regime in place in Türkiye is based on guarantees fully aligned with the relevant principles laid down both by the Court and by the Committee of Ministers of the Council of Europe (paragraphs 46 and 47 above). 2. Assessment of the Court (a) General principles and considerations 63. There is no dispute that the decision to place the applicant under guardianship constituted interference in the exercise of her right to privacy. This interference was provided for by law – Article 405 CC
This interference was provided for by law – Article 405 of the CC (paragraph 40 above) – and it pursued a legitimate purpose, namely the protection of a person unable to provide himself or herself for his or her own interests because of a mental disorder. Indeed, these points are not controversial (see Ümit Bilgiç v. Turkey, No. 22398/05, § 112, 3 September 2013). 64. As to the need for interference in a democratic society in question, the Court recalls that for such a complex issue as ARCONST A.A.K. v. TÜRKIYE 13the determination of an individual's mental abilities, the authorities must generally enjoy wide discretion;
65. While Article 8 does not contain any explicit procedural conditions, the Court must generally have a broad margin of appreciation in determining the mental capacity of an individual, but it does go hand in hand with the Court's duty to exercise more rigorous control over the deprivation of legal capacity, which undoubtedly constitutes a serious interference in the exercise by the individual concerned of the right to respect for his or her privacy guaranteed by Article 8 of the Convention. Thus, in cases where persons with mental disorders have been deprived of legal capacity, the Court attaches particular importance to the quality of the decision-making process.
65. While Article 8 does not contain any explicit procedural requirements, the Court has defined the procedural requirements necessary for the enforcement of the rights resulting therefrom, which it often examines in conjunction with the principles set out, inter alia, in Article 6, in the sense that the decision-making process leading to measures of interference must be fair and capable of fully respecting the interests protected by that provision (see, for example, Jucius and Juciuvien■, supra, § 30, Soares de Melo v. Portugal, No. 72850/14, § 65, 16 February 2016, and Mehmet Ulusoy et al. v. Turkey, No. 54969/09, § 109, 25 June 2019). This requirement thus covers procedures.
No. 72850/14, § 65, 16 February 2016, and Mehmet Ulusoy et al. v. Turkey, No. 54969/09, § 109, 25 June 2019). This requirement thus covers administrative and judicial proceedings, but also goes hand in hand with the broader objective of ensuring due respect, inter alia, for privacy, which lies at the heart of the present dispute (see among others, Golder, supra, § 36, McMichael v. United Kingdom, 24 February 1995, § 91, Series A No. 307-B, Bianchi, supra, § 112, and Tapia Gasca et D. v. Spain, No. 20272/06, §§ 111-113, 22 December 2009). 66. The extent of the discretion enjoyed by the authorities in this area will therefore depend on the quality of the decision-making process: if the
No 20272/06, §§ 111-113, 22 December 2009). 66. The extent of the margin of discretion enjoyed by the authorities in this area will therefore depend on the quality of the decision-making process: if the procedure has been seriously deficient for one reason or another, the conclusions of the internal authorities are more subject to bail (see Principle 1 – paragraph 46 above; Görgülü v. Germany, No 74969/01, § 52, 26 February 2004, Chtoukatourov v. Russia, No 44009/05, §§ 87-89, ECHR 2008, Berková v. Slovakia, No 67149/01, § 165, 24 March 2009, Salontaji-Drobnjak v. Serbia, No 36500/05, §§ 141-143, 13 October 2009, Ümit Bilgiç, supra, § 113, Lashin v. Russia, No 33117/02, § § 79 and 80, 22 January 2013, Ivinovi■ v. Croatia, No 13006/13, §§ 36 and 37, 18 September
Ümit Bilgiç, cited above, § 113, Lashin v. Russia, No. 33117/02, §§ 79 and 80, 22 January 2013, Ivinovi■ v. Croatia, No. 13006/13, §§ 36 and 37, 18 September 2014, and A.N., cited above, §§ 116-118). (b) Application of these principles to the case in question i. As to the alleged exclusion from the benefit of counsel assigned to the Office 67. As regards the decision-making aspect and as far as the applicant denounces her exclusion from the benefit of counsel assigned to the Office, it should be pointed out that the Convention does not imply that the State must provide free legal aid in any dispute

relating to a "civil right". However, the Court admits, as in the case of the A.A.K. v. TÜRKIYE 14applicant Part (paragraphs 53 to 57 above), that the proceedings in this case
However, the Court admits, as in the case of the JUDGMENT A.A.K. v. TÜRKIYE 14applicant (paragraphs 53 to 57 above), that the proceedings in this case, which presented a very serious issue, should be accompanied by appropriate procedural guarantees to protect the applicant's rights and to take into account her interests (see, for example, H.F. v. Slovakia, No. 54797/00, § 44, 8 November 2005). Under such guarantees, Article 8 may oblige the authorities to provide the assistance of a lawyer when this proves indispensable for effective access to the judge (mutatis mutandis, Airey v. Ireland, 9 October 1979, § 26, Series A No. 32, and Romanov v. Russia, No. 63993/00, § 108, 20 October
68. In the present case, if on 9 July 2009 the bar of Ayd■n had finally appointed Me M.A. to represent the applicant (paragraphs 19 and 20 above), she resigned on 27 August - without ever taking part in the proceedings - on the ground that the applicant had required her to challenge the judge of the Court of First Instance (mutatis mutandis, Airey v. Ireland, 9 October 1979, § 26, Series A No. 32, and Romanov v. Russia, No. 63993/00, § 108, 20 October 2005), having regard precisely to the seriousness of the matter at stake for the applicant (P., C. and S. v. United Kingdom, No. 56547/00, § 100, ECHR 2002-VI, Steel and Morris v. United Kingdom, No. 68416/01, § 61, ECHR 2005-II, cited above, § 37, and Ivinovi■, cited above, § 45, in fine).
On 27 August, she resigned – without ever taking part in the proceedings – on the ground that the complainant had required her to challenge the judge of the court on unacceptable grounds (paragraphs 22 and 25 above); therefore, there had been contact between the two protagonists (comparing mutatis mutandis with Salontaji-Drobnjak, supra, § 127). Subsequently, the Ayd■n Bar indicated that no other lawyer was going to be appointed (paragraph 27 above) and the Istanbul Bar also seemed to have refused to comply with the applicant's request for legal assistance (paragraph 26 above). The Court also did not react ex officio, on the understanding that the file did not contain any evidence of a request for legal assistance.
69. As to the question whether the conduct of Mr. M.A. resigns may constitute a special circumstance liable to the State under the Convention (Tuzi■ski v. Poland (Dec.), No. 40140/98, 30 March 1999) and/or under Article 36 of the Constitution – as the applicant suggests (paragraph 55, in fine, above) – and, therefore, whether the court – notified of the situation – should, of its own motion, replace that lawyer in order to ensure that the applicant is not deprived in practice of effective assistance (Bertuzzi v. France, No. 36378/97, § 30,
70. In this context, it should be recalled that, in many cases, the fact that an individual must be placed under guardianship because he would not have the capacity to administer his affairs – as in the present case – does not mean that he is incapable of deciding on his situation; in such cases, it is essential that the person concerned has access to a court and has the possibility of being given access to a court.
In such cases, it is essential that the person concerned has access to a court and has the opportunity to be heard in person (see Jucius and Juciuvien■, supra, § 30 and A.N., supra, § 90). JUDGMENT A.A.K. v. TÜRKIYE 15The Court must therefore determine whether, having regard to the particularities of the case and in particular to the gravity of the decisions to be taken, the applicant has been sufficiently involved in the decision-making process, considered as a whole, to ensure the necessary protection of her interests, failing which she would have been deprived of her privacy, since interference cannot be considered "necessary" within the meaning of Article 8 (see ibidem and W. v. United Kingdom, 8 July 1987, § 64, Series A No. 121).
(ii) As to the applicant's participation in the decision-making process 71. Returning to the facts of the case, the Court observes that, notwithstanding her psychic picture, the applicant was fully aware of the request for a declaration of incapacity made by the Public Prosecutor's Office (comparing with Chtoukatourov, cited above, § 69) and of a sufficient capacity to present her case (McVicar v. United Kingdom, No. 46311/99, §§ 48-62, ECHR 2002-III, and Steel and Morris, cited above, § 61); moreover, she did participate in the process throughout the ensuing hearings, where the court enjoyed a direct relationship with the person concerned (comparing with the Court of First Instance and the Court of First Instance).
The complainant informed the Court that she wished to continue the proceedings through her lawyer and, following her resignation, she often appeared at the consecutive hearings and heard her

statements; on 16 July 2009, she explained her examination at Adnan Menders University Hospital; on 17 September 2009, she sent an e-mail submission, the reading of which was given; on 1 October 2009, she sent a letter to the Court of First Instance.
On 1 October 2009, she informed the court of her request for review at Istanbul University Hospital; on 22 October 2009, she was heard by the new judge and challenged the expert report of 14 August 2009 requesting her transfer to the Forensic Institute, and this request was granted (comparing mutatis mutandis with Salontaji-Drobnjak, supra, § 127); on 24 November 2009, the complainant appeared with her husband H.K.; on 21 January 2010, she was heard again by the judge; on 2 March 2010, she supported the challenge brought by her husband against the report of the Forensic Institute; on 2 March 2010,
On 2 March 2010, she supported the challenge brought by her husband against the report of the Forensic Institute; on 2 March 2010, the previous opposition was rejected and the proceedings closed in her presence (compare, ibidem). 72. Thus, with regard to the first instance procedure, even if the exact content of all the appellant's statements does not appear in the documents she placed on the file, the latter should pass by for having been sufficiently involved in the decision-making process so as to enable her to defend her case, but also to enable the court to form its own opinion on her mental abilities, as required by article 409 of the CC (paragraph 41).
Case, but also in order to enable the court to form its own opinion on its mental capacities, as required by Article 409 CC (paragraph 41 above), the case law of the Court (see, mutatis mutandis, Kovalev v. Russia, No 78145/01, §§ 35-37, 10 May 2007 – compare with JUDGMENT A.A.K. v. TÜRKIYE 16Chtoukatourov, supra, §§ 72, 73 and 91, and A.N., supra, § 120) and Principle 13 (paragraph 47 above). 73. It should also be pointed out that, in the present case, the contested procedure was governed by the inquisitorial principle that it was for the court to seek the truth of its own motion.
The right of Turkish civil procedure (paragraph 43 above) requires the court ruling on the legal capacity of an individual to gather all the necessary evidence, whether or not the parties have proposed it (for a comparable situation, see H.F., cited above, § 38). iii. As to the fairness of the decision-making process 74. Before considering the examination undertaken by the court, it is necessary first to respond to the arguments which the applicant derives from her lack of impartiality and the connivance which would have united the four judges of the small town of Yenipazar, including the prosecutor who would have requested her placement under guardianship, because of the complaints she had lodged (paragraph 55 above).
75. First, the Court observes that, in the present case, Mr. M.A. did not submit to the court the applicant's application for challenge (paragraph 22 above) and there is no indication that the applicant personally challenged the judge who had originally served or his substitute (paragraph 28 above) or took any action against the prosecutor whom she accused of having applied for guardianship by animosity. 76. Moreover, it must be recalled that "the personal impartiality of a magistrate is presumed until the proof to the contrary" (see, for example,
76. Moreover, it should be recalled that "the personal impartiality of a magistrate is presumed until the proof to the contrary" (see, for example, Micallef v. Malta [GC], No. 17056/06, § 94, ECHR 2009), the determining element of whether the complainant's apprehensions can be considered objectively justified (ibidem, § 96, Wettstein v. Switzerland, No. 33958/96, § 44, ECHR 2000-XII, and Pabla Ky v. Finland, No. 47221/99, § 30, ECHR 2004-V). However, the fact that the four judges of Yenipazar know each other as confreres is certainly not sufficient in themselves to consider objectively justified doubts as to their impartiality (see, for example, Steck-Risch and others v. Liechtenstein,
77. That being said, the Court recalls that, if the first diagnoses were to be considered objectively justified by doubts as to their impartiality (see, for example, Steck-Risch et al. v. Liechtenstein, No. 63151/00, § 48, 19 May 2005), on the understanding that claims arising from bias should not be capable of paralyzing the legal system of a respondent State and that in small local courts, such as Yenipazar, the administration of justice might be unduly hampered by the application of too strict standards in this respect (see, mutatis mutandis, A.K. v. Liechtenstein, No. 38191/12, § 82, 9 July 2015, Nicholas v. Cyprus, No. 6346/10, § 63, 9 January 2018, and Koulias v. Cyprus, No. 48781/12, § 62, 26 May 2020). 77.

77. Having said this, the Court recalls that, if the applicant's first psychiatric diagnoses date back to 2002 and 2004 (paragraphs 5 and 6 above), further examinations took place after the opening of the JUDGMENT A.A.K. v. TÜRKIYE 17procedure of guardianship on 10 April 2009 (paragraph 14 above) and the Court had decided on the basis of those examinations, the applicant being fully aware of the subject matter (comparing, Chtoukatourov, cited above, § 69). In fact, on 14 August 2009, the health board of the university hospital of Adnan Menders concluded that the "paranoid personality disorders" In fact, on 14 August 2009, the health board of the university hospital of Adnan Menders concluded that the "paranoid personality disorders" observed in the applicant were of such a nature as to justify her being placed under guardianship (para. 21 above); if the applicant claims that she was not duly examined on that occasion (para. 56 in limine above), this is contradicted by the content of the said report; in any event, after further testing and psychological interview at Istanbul University Hospital (para. 23 above), the applicant challenged the results of the said report and, contrary to what it suggests (para. 56 in fine above), the Court allowed that request (para. 28 above); the Court of First Instance held that the Court of First Instance's decision to the effect that the applicant had failed to fulfil its obligations under the Convention on the Rights of the Child (para.
and, contrary to what it suggests (para. 56 in fine above), the Court allowed this request (para. 28 above); on 23 December 2009, a counter-expertise was thus carried out by the Council of Specialists No. 4 at the Forensic Institute (para. 30 above), whose neutrality was never called into question (Lashin, supra, para. 87), and whose conclusions on file on 29 January 2010 were sufficiently clear (para. 32 above) as to the possible consequences of the applicant's disturbances on her material interests (compare, Chtoukatourov, supra, para. 93), so that the rejection of the second opposition against the latter report (para. 33 above) cannot give rise to any consequence.
78. The last medical examination mentioned above, carried out by qualified experts on 23 December 2009, three months and one week before the adoption of the first instance judgment and less than one year before the judgment of cassation, must therefore be regarded as "recent" (comparing with H.F., cited above, §§ 41 and 42, Lashin, cited above, §§ 83 to 86, Nikolyan v. Armenia,
79. Furthermore, this procedure has undergone two stages of jurisdiction (comparing with A.N., supra, § 120); the applicant herself has been brought before the Court of Cassation, the role of which could be decisive in order to eliminate an initial violation of the Convention (De Haan v. The Netherlands, 26 August 1997, § 54, Reports of Judgments and Decisions 1997-IV).
80. In the light of the foregoing, the judicial mechanism of Türkiye must pass for having proceeded with the necessary fairness and due diligence and for having gathered sufficient evidence to assess the applicant's faculties and to prevent any injustices (see Principle 7 – paragraph 46 above; compare, H.F., cited above, § 44). JUDGMENT A.A.K. v. TÜRKIYE 18iv. The reasons for the measure imposed on the applicant 81. In this respect, it must be pointed out that, according to the judgment of 2 March 2010 (paragraph 33 above), the restriction of legal capacity
81. In this connection, it is important to point out that, according to the judgment of 2 March 2010 (paragraph 33 above), the restriction of legal capacity imposed on the applicant was not total, was limited in time and could be challenged by the applicant herself (comparing, for example, Chtoukatourov, supra, §§ 90 and 94, Stanev, supra, §§ 239 and 240, Lashin, supra, § 90, A.N., supra, § 111, 123 and 126, and Nikolyan, supra, § 122). In the present case, the contested measure concerned the management of the applicant's assets by her husband and guardian H.K. – the designation of which was undoubtedly appropriate for the applicant (see Principles 8 and 9 – paragraph 46 above) – on the basis of an inventory of the assets, and it was accompanied by a prohibition of
82. Moreover, it should be noted that this measure had been imposed for an initial period of two years, which could be extended for the same period; it follows that in the present case, in accordance with domestic law, it was imposed for an initial period of two years, which could be extended for the same period.
It follows that in the present case, in accordance with domestic law (paragraph 42 above), the applicant, like her husband, was entitled to periodic review for two years for the purpose of lifting the guardianship measure (see Principle 14 – Ümit Bilgiç, cited above, § 114; compare, Drobnjak, cited above, § 134, and Stanev, cited above, § 239). 83. This is a crucial guarantee: the right to request a court to review a declaration of incapacity is one of the most important for the individual concerned

since, once initiated, such a procedure is decisive for his rights and obligations of a civil nature (Stanev, cited above,
This right constitutes one of the procedural rights essential for the protection of persons declared partially incapable, such as the applicant (Stanev, cited above, § 241).
84. In the present case, the file and the applicant's observations do not contain an exact indication as to why no review was requested at the end of the initial two-year period, since the applicant was still under guardianship in March 2014 (paragraph 36 above).
JUDGMENT A.A.K. v. TÜRKIYE 19In any event, on 9 July 2014, H.K. filed such an application before the Nazilli Court of Appeal and, in accordance with the findings of a new psychiatric examination at Istanbul University Hospital, H.K. issued on 19 March 2015 the lifting of the contested guardianship measure (paragraphs 36 to 39 and 42 above). 85. Contrary to the applicant's suggestion (paragraph 57 above), the latter medical findings did not invalidate those at the origin of the guardianship, since no expert opinion had so far provided an incurable clinical picture; and finally, there was no need for any such evidence.
86. In the light of the above, the Court stresses the need for the internal authorities to strike a balance between respect for the dignity and self-determination of the individual, as well as the need to protect the individual and safeguard his interests, in particular in circumstances in which his/her capacity or specific case places him/her in a situation of vulnerability.
In this context, the Court considers that a fair balance was found in the present case: there were effective safeguards in the domestic procedure to prevent abuses – as required by the Convention and the relevant norms of international law – by ensuring that the applicant's rights and interests were taken into account. The latter was involved in all stages of the proceedings: it was heard in person and was able to make its arguments known. Interference was a matter for competent and impartial domestic courts, and the measure they took was consistent with the legitimate objective of protecting interests.
v. Conclusion 87. In the present case, the Court held that the partial incapacity initially pronounced in the applicant's head could be regarded as necessary in a democratic society and that, as a result, it did not lead to a violation of Article 8 of the Convention.
In accordance with Articles 45(2) of the Convention and 74(2) of the Rules of Procedure, the separate opinion of Judge A. Bårdsen. A.R.B. H.B.ARRÉT A.A.K. v. TÜRK■YE – OPINION SEPARATED 21OPINION CONCORDANT OF JUDGE BÅRDSEN 88.
A. Bårdsen. A.R.B. H.B. JUDGMENT A.A.K. v. TÜRKIYE – SÉPARÉ OPINION 21OPINION CONCORDANT DU J. BÅRDSEN 88. I agree with the conclusion of my colleagues that there was no violation of the Convention in the present case. I agreed with this conclusion with a little hesitation, and I would like to state the reasons for my questions. 89. Although the Court has chosen to examine the case from the sole point of view of Article 8 of the Convention, Article 6 § 1 is not without scope in the present case. Indeed, as regards access to legal aid in such a context, Article 8 must be interpreted and applied in the light of the principles developed on the ground of Article 6 § 1.
Article 8 must be interpreted and applied in the light of the principles developed in the field of Article 6 § 1. Since this perspective is not present in the judgment, and since the assistance of a lawyer may be required even in the context of an inquisitorial procedure, I would like to reinforce the following six elements. 90. First, I stress that persons involved in a guardianship procedure must in general be considered vulnerable. Special procedural safeguards may be necessary to protect the interests of persons who, because of their mental disorders, are not fully capable of acting on their own behalf.
91. Second, in guardianship proceedings, it is often necessary – and this was the case in this case – to examine not only legal issues, but also to make a thorough assessment of the mental health of the persons concerned and their interactions with others.
92. Thirdly, I note that the applicant did not have a guardian at the time of the facts, and that she could not herself bear the cost of legal assistance. If, at first, a lawyer had been appointed to assist the applicant, it was precisely because it had been deemed necessary to grant legal aid to the applicant.
93. Fourthly, the fact that the designated lawyer had withdrawn because of "unacceptable behaviour" on the part of the applicant cannot be regarded as a serious illness.
93. Fourthly, the fact that the designated lawyer withdrew from her employment because of "unacceptable behaviour" on the part of the applicant cannot be held against her. The conduct in

question reflected a lack of confidence in the applicant's position vis-à-vis the judge of the Administrative Court. As has already been pointed out, the applicant was supposed to suffer from very serious mental disorders, including paranoia. It is precisely for these reasons that the assistance of a lawyer would have been beneficial to her. 94. Fifthly, in view of the situation in which the applicant was before the Administrative Court when the designated lawyer was appointed
94. Fifthly, having regard to the situation in which the applicant was before the Administrative Court when the designated lawyer withdrew, and having regard to the foregoing considerations, the Court would have A.A.K. v. TÜRKIYE – SÉPARÉ OPINION 22eu des raisons solides pour évaluation d ■égard de ex officio if it were necessary to appoint another lawyer. 95. Sixthly, since it is recalled once again that the applicant was not in a position, according to the Government, to take informed decisions on her own behalf, the fact that she did not request the Court to appoint a new lawyer is not relevant. Furthermore, although the applicant has denounced in her appeal the lack of access to a lawyer,
9. Despite the arguments I have made above, I voted in favour of a finding of non-violation of Article 8 because I agree with the opinion of my colleagues that, having regard to all the facts of the case, in particular all the measures taken to safeguard the applicant's interests, there has been no crucial breach in the protection of the complainant's privacy as guaranteed by Article 8 of the Convention.