diritti fondamentali.it

La CEDU sulla violazione degli artt. 6 e 8 della Convenzione.
(CEDU, sez. II, sent. 6 gennaio 2026, ric. n. 9570/23)

I giudici di Strasburgo sono stati chiamati a pronunciarsi sulla presunta violazione del diritto della ricorrente a un equo processo ai sensi dell'art. 6 CEDU, nonché su una lamentata ingerenza nella sua vita privata ai sensi dell'art. 8 CEDU. Il caso trae origine dal diniego opposto da una federazione sportiva nazionale all'approvazione della nomina della ricorrente quale arbitro per due competizioni sportive internazionali. Avverso tale decisione, la ricorrente aveva proposto ricorso dinanzi al Consiglio del Ministero della Gioventù e dello Sport, chiedendo la revoca dell'esclusione dall'elenco degli arbitri idonei. Il ricorso veniva tuttavia respinto, sul presupposto che la decisione rientrasse nella discrezionalità tecnica della federazione sportiva.

Con riferimento ai profili relativi all'indipendenza e imparzialità del giudice, la Corte ha escluso la violazione dell'art. 6 CEDU, rilevando che i membri del Collegio arbitrale sportivo erano nominati dal Ministero tra candidati in possesso di specifici requisiti e che nulla nel fascicolo lasciava presumere indebite influenze politiche, pressioni esterne o squilibri strutturali nella rappresentanza degli interessi all'interno dell'organo giudicante.

Diversamente, la Corte ha ravvisato una violazione dell'art. 6 § 1 CEDU per carenza di motivazione della decisione del Collegio arbitrale sportivo. Pur non essendo contestato il carattere discrezionale del potere esercitato dalla federazione, il Collegio si era limitato ad affermare che quest'ultima non avesse ecceduto i limiti della propria discrezionalità, senza chiarire gli elementi fattuali e giuridici posti a fondamento di tale conclusione. In tale contesto, sarebbe stato invece necessario accertare i criteri concretamente adottati nella selezione degli arbitri e verificarne la coerenza con la normativa e i regolamenti applicabili. Ne è derivato un controllo giurisdizionale meramente formale, insufficiente a garantire un'effettiva tutela dei diritti della ricorrente. La Corte ha pertanto concluso per la violazione dell'art. 6 § 1 della Convenzione.

Infine, quanto all'art. 8 CEDU, la Corte ha dichiarato il ricorso inammissibile, ritenendo che l'esclusione contestata non avesse inciso in modo sufficientemente grave sulla vita privata e professionale della ricorrente, la quale aveva mantenuto il proprio status di arbitro e continuato a svolgere attività arbitrale a livello nazionale.

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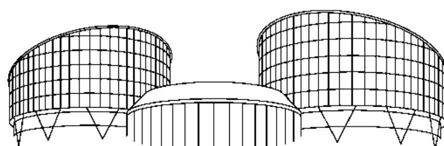

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

CASE OF XXX v. TÜRKİYE

(Application no. 9570/23)

JUDGMENT
STRASBOURG
6 January 2026

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of XXX v. Türkiye,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Arnfinn Bårdsen*, President*,
Saadet Yüksel,
Jovan Ilievski,
Péter Paczolay,
Gediminas Sagatys,
Juha Lavapuro,
Hugh Mercer*, judges*,
and Dorothee von Arnim, *Deputy Section Registrar,*

Having regard to:

the application (no. 9570/23) against the Republic of Türkiye lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by a Turkish national, Ms XXX ("the applicant"), on 22 February 2023;

the decision to give notice to the Turkish Government ("the Government") of the complaints concerning Articles 6 and 8 of the Convention and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 2 December 2025,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The case concerns compulsory sports arbitration proceedings in which the applicant alleged a breach of her right to a fair hearing by an independent and impartial tribunal as well as an unjustified interference with her professional life.

THE FACTS

2. The applicant was born in "Omissis" and lives in "Omissis". She was represented by "Omissis", a lawyer practising in Ankara.

3. The Government were represented by their Co-Agent, Mr Abdullah Aydın, Head of the Department of Human Rights of the Ministry of Justice of the Republic of Türkiye.

4. The facts of the case may be summarised as follows.

5. The applicant is a professional beach-volleyball referee who has been registered with Turkish Volleyball Federation ("the TVF") since 2003 and has refereed national and international matches during her career. In particular, being Türkiye's first female international beach volleyball referee, she refereed 707 international matches between 2009 and 2021, including matches assigned to her by the European Volleyball Confederation ("the CEV") and the International Volleyball Federation ("the FIVB") in the European and World Championship semi-finals and finals. She has been a registered international beach-volleyball referee with the CEV and the FIVB since 2010.

I. the first set of proceedings

6. On 25 October 2021 the applicant was invited by the beach-volleyball division of FIVB to referee matches in the Beach Volleyball World Championship that would take place in Phuket, Thailand between 6 and 11 December 2021 for players under the age of 19 and between 14 and 19 December 2021 for players under the age of 21. She accepted the invitation.

7. However, on 10 December 2021 the beach-volley division of the FIVB informed the applicant by email that the invitations sent to her for the tournaments in Phuket had had to be cancelled because the TVF had not approved her appointment.

8. On 31 December 2021 the applicant wrote a letter to the TVF asking why they had refused to approve her appointment and what the legal basis for that decision had been. In the same letter, the applicant also asked to be informed of the reasons why they had systematically refused to assign her to any competitions organised by the TVF since 2019.

9. The TVF replied to the applicant on 8 February 2022. It referred to section 9 of the Directive on Referees and Observers (see paragraph 43 below) and observed that it was within the discretion and remit of the Central Referee and Observer Committee ("the CROC") to appoint referees and observers to participate in international and special competitions as well as special and official competitions held at the national level by the TVF. It went on to add that it was also entirely within the discretion of the TVF to give the FIVB and CEV a list of the referees it considered eligible to referee international competitions, and that appointments to specific competitions could only be made from that list. Beach and snow volleyball were being restructured, and the applicant had not been included in the lists sent to the CEV for the periods 1 October 2020 to 30 September 2021 and 1 October 2021 to 30 September 2022.

10. On 16 February 2022 the applicant lodged a claim with the Arbitration Board of the Ministry of Youth and Sports ("the Sports Arbitration Board") against the TVF, seeking the revocation of the CROC's decision not to include her in the list of eligible referees for national and international competitions and also seeking compensation for loss of earnings for the tournaments in Phuket

and for moral damage. In her petition she argued that despite the independent and autonomous status of sports federations, their decisions that affected athletes, coaches and referees should be treated as "administrative acts". They should be subject to the principles of administrative law and to the Constitution, which provided that all acts and actions of the administration were subject to judicial review. In support of her argument that administrative law was applicable to sports federations, the applicant observed that those involved in federation activities were considered public officials for the purposes of criminal liability and that federation property was treated as public property as it could not be seized by the authorities (see Additional Article 9 of Law no. 3289 as in force at the time). Lastly, referring to the Council of Europe Committee of Ministers Resolution 77 (31) on the protection of the individual in relation to the acts of administrative authorities, the applicant argued that the TVF did not comply with the principles of good administration, including the requirement to give the reasons on which an administrative decision is based.

11. In an interim decision of 28 February 2022, the Sports Arbitration Board ruled that it could not decide on the applicant's claim without a decision by the Board of Directors of the TVF. It therefore gave the Board of Directors fifteen days to reply to the applicant.

12. In its response to the Sports Arbitration Board, the Board of Directors reiterated that the appointment of referees was within the discretion of the CROC of the TVF and that without being on the list approved by the national federation, no referee could take part in international competitions. It confirmed that the applicant had not been on the list covering the periods between 1 October 2019 to 30 September 2022. The Board of Directors further noted that under the current regulations, there was no obligation to appoint all referees. It further noted that the national federation did not have to approve a referee for an international competition on the sole basis that an international sports body had offered a game to that particular referee. The final decision, according to the Board of Directors, always rested with the national bodies. Accordingly, the Board considered that the refusal to appoint the applicant had not been contrary to the regulations.

13. On 10 October 2022 the Sports Arbitration Board dismissed the applicant's claim concerning the CROC's decision to exclude her from the list of referees for the periods in question, observing that the decision was within the discretion of the authority and the limits of that discretion had not been exceeded. The Sports Arbitration Board also rejected her claim for compensation on the basis of lack of jurisdiction, referring to section 5 § 3 of the Regulations on the Sports Arbitration Board and pointing out that the civil courts had jurisdiction in that matter.

II. the second set of proceedings

14. The applicant was invited by the FIVB to referee an international beach volleyball tournament which was to take place from 19 May to 22 May 2022 and 21 July to 24 July 2022 in Kuşadası, Türkiye and Morocco, respectively. The applicant accepted the invitation.

15. On 6 May 2022 the applicant was informed by the FIVB that her appointment had to be cancelled because the TVF had intentionally omitted her name from the list of referees for 2022.

The FIVB further observed that their regulations required the national federation to put referees forward for inclusion in the referee list for nomination.

16. In the meantime, on 7 May 2022 the TVF had announced on its website that an online seminar would be held for the referees assigned to snow and beach volleyball competitions in the 2021-2022 season. The applicant was not included in the list of referees attending the seminar.

17. On 9 May 2022 the applicant asked the TVF to include her in the list of referees that could attend the online seminar and to approve her FIVB assignment to referee the international beach volleyball competitions taking place in Kuşadası, Türkiye and Morocco (see paragraph 14 above).

18. The TVF Board of Directors dismissed the applicant's request on the grounds that she was not included in the list of eligible referees. The applicant therefore brought a case before the Sports Arbitration Board, seeking the retraction of the TVF's decision and compensation for loss and damage.

19. On 10 October 2022 the Sports Arbitration Board dismissed the applicant's case, repeating the reasons it had given in the first set of proceedings (see paragraph 13 above).

20. The applicant was notified of both decisions on 8 November 2022.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

I. General remarks

21. Under Article 59 § 3 of the Turkish Constitution, the decisions of sports federations relating to the administration of and discipline in sporting activities may be challenged only through compulsory arbitration. Decisions of arbitration committees are final and are not subject to judicial review.

22. Article 125 of the Constitution provides that all administrative acts and decisions are subject to judicial review.

23. Except for those relating to football, all sports federation disputes are decided by the Sports Arbitration Board of the Ministry of Sports. In the case of football, decisions are taken by the Arbitration Committee of the Turkish Football Federation, which is governed under separate regulations (see *Ali Rıza and Others v. Turkey*, nos. 30226/10 and 4 others, §§ 87-91, 28 January 2020).

II. Law no. 3289 on youth and sports

24. The main legislation concerning the composition and functioning of the Sports Arbitration Board is set out in Law no. 3289, which has been in force since 21 May 1986. Details of the duties and responsibilities of the Sports Arbitration Board, their working methods, remuneration and other related matters are set out further in a regulation of 28 January 2012 issued by the Ministry of Sports and published in the Official Gazette (no. 28187).

25. Under Law no. 3289, the Sports Arbitration Board is constituted by seven general and seven substitute members, of whom five must be lawyers and two must be executives who have carried out scientific studies in the field of sports or who have held managerial, technical and similar other

positions in sports. Persons who have roles on the boards of sports federations and sports clubs or who have received a disciplinary sanction other than a warning or who have been convicted of certain offences may not be members. Judges and prosecutors may be appointed as members without losing their judicial position or their judicial immunities. Members are appointed with the approval of the Ministry of Youth and Sports for a period of four years. The members elect a chairman from among themselves.

26. The Sports Arbitration Board has jurisdiction over any disputes brought against sports federations by clubs, athletes, referees, technical directors or coaches as well as disputes between clubs or against clubs brought by athletes, referees, technical directors or coaches. It is also authorised to review the decisions of federations and of their disciplinary committees if an interested party objects to a decision. Lastly, it is authorised to conduct the final review of decisions of the Central Disciplinary Committee in disciplinary proceedings brought by the Sports Minister against the president of a sports federation or members of its governing bodies.

27. Law no. 3289 further specifies that the Sports Arbitration Board must carry out its duties in an independent and impartial manner. Unless its members resign, or are deemed to have withdrawn, they may not be replaced. The relevant legislation does not contain any prohibition preventing the reappointment of members of the Sports Arbitration Board for a further term.

28. Applications to the Sports Arbitration Board for the review of a decision must be made in writing. The Sports Arbitration Board first examines whether the written application meets the formal requirements and, if it does, serves it on the relevant parties with a request for a reply. Following the exchange of written submissions, the case is sent to the Sports Arbitration Board together with the opinion of the member who has examined the case. If the chairman finds it necessary, he may also appoint an expert to deliver an opinion on the case. As a general rule, the Board examines the case on the basis of written submissions, but where necessary, it may invite the parties to present their arguments orally. However, the regulation of 28 January 2012 specifies that Sports Arbitration Board hearings are not open to the public.

29. The quorum of the Sports Arbitration Board is five members and decisions are taken by the majority of members present. Where the votes are equal, the chairman has the casting vote.

30. The Board examines the case-file, including witness statements, expert opinions and any other evidence and takes its decision on the basis of domestic law and the rules of the national and international sports federations.

31. The Sports Arbitration Board must give reasons for its decisions and dissenting members may write separate opinions. The operative part of the decision is notified immediately to the parties and to the secretariat of the federation concerned and a reasoned decision must follow later.

32. Law no. 3289 further states that decisions of the Sports Arbitration Board are treated as "a decision of a court" within the meaning of the execution of judgments and other similar legislation having binding force.

33. It is possible to apply to the Sports Arbitration Board for it to reconsider its own decision. However, unless the issue concerns the rectification of material errors, or the reopening of the proceedings within the meaning of the Code of Civil Procedure, the Sports Arbitration Board is prohibited from deciding the same matter again.

III. the constitutional court's decision of 2 july 2009

34. At the time of the events in that case, the provision making decisions of the Sports Arbitration Board final was set out in only in Law no. 3289. The constitutionality of that provision was challenged in the Constitutional Court in proceedings concerning a decision to transfer a basketball player. On 2 July 2009 the Constitutional Court held that the provision was unconstitutional. It observed that the Sports Arbitration Board, which was part of the Ministry, had to be treated as an administrative body. Even though the legislature could require parties to apply to an administrative body for decisions on sports-related disputes, the parties could not be deprived of their constitutional right of access to an independent and impartial court. Moreover, the provision that the decisions of Sports Arbitration Board were final also contradicted the principle that all official acts must be subject to judicial oversight.

35. Following the Constitutional Court's decision, the Constitution was amended on 17 March 2011 to state that decisions of sports federations relating to the administration and discipline of sporting activities could be challenged only through compulsory arbitration (see paragraph 21 above).

36. Law No. 7405 provides a definition of a sports federation as an entity established by law or a presidential decree with the objective of conducting activities related to a specific sport. These federations are characterised by administrative and financial autonomy. Their governing bodies are elected.

37. Sports federations are governed by their main Statute, which is published in the Official Gazette with the approval of the Ministry of Sports. The Turkish Volleyball Federation's main Statute has been amended several times. The latest Statute was adopted on 6 March 2025. At the time of the events giving rise to the present application, the law in force was the Statute of 22 April 2012 as amended on 29 January 2018 (hereinafter "the Statute").

38. The Turkish Volleyball Federation ("the TVF") is the highest authority regulating and overseeing all aspects of professional and amateur volleyball in the country. The federation is responsible for, among other things, ensuring the implementation of international rules and of regulations made and enforced by the European Volleyball Confederation ("the CEV") and the International Volleyball Federation ("the FIVB"). It also represents Türkiye in international volleyball-related activities. In addition, the federation also registers, licenses, and appoints referees.

39. Under the Statute, the TVF is an independent entity, governed by private-law principles. Its headquarters are in Ankara and it has the following main bodies: the Congress (*Genel Kurul*); the Board of Directors (*Yönetim Kurulu*); the Audit Committee (*Denetim Kurulu*); the Disciplinary Commitee (*Disiplin Kurulu*); and the Secretariat (*Genel Sekreterlik*).

40. The Congress is the highest body of the federation. It has the power to amend the Statute and also elects the president of the federation as well as the members of the Board of Directors, the Audit Committee and the Disciplinary Committee. It is composed of at least 150 but no more than 300 delegates. The number of delegates appointed by sports clubs and sports companies may not be less than 60% of the total number of delegates. Under Article 9 of the Statute, the following are eligible to become delegates of the Congress and participate and vote in the general assembly, which takes place every four years:

(a) Delegates representing sports clubs and sports joint-stock companies from among those entities that have participated in and duly completed the activities of the relevant Sports Federation within the two seasons immediately preceding the date of the General Assembly. Delegates shall be appointed in accordance with the following criteria:

1. Three delegates shall be appointed from each sports club and sports company that participated at the highest level of the national volleyball leagues during the last season completed prior to the General Assembly.

2. One delegate shall be appointed from each sports club and sports company that ranked within the top six positions in its group in the first-level volleyball leagues during the last season completed prior to the General Assembly.

3. One delegate shall be appointed from each sports club and sports joint-stock company that ranked within the top two positions in its group in the final stage of the second-level volleyball leagues during the last season completed prior to the General Assembly.

4. One delegate shall be appointed from each sports club and sports company that participated in the National Youth Volleyball Championship in the junior and youth categories and was declared the national champion in the last season completed prior to the General Assembly.

5. One delegate shall be appointed from each sports club and sports company that reached the final of the National Championship in the discipline of volleyball for the hearing-impaired in the last season completed prior to the General Assembly.

6. One delegate shall be appointed from each sports club and sports company that reached the final stage of the Sitting Volleyball Super League in the last season completed prior to the General Assembly.

(b) Two delegates shall be appointed by the Turkish National Olympic Committee.

(c) Former presidents of the Sports Federation who served in that capacity with full authority in their discipline, provided that their term of office was not terminated as a result of judicial or administrative proceedings, shall be entitled to participate as delegates with voting rights.

(ç) Delegates representing the Ministry of Sports shall be appointed in a number equivalent to ten percent of the total number of delegates to the General Assembly.

(d) Two delegates shall be appointed by the Turkish Confederation of Amateur Sports Clubs.

(e) A maximum of five delegates may be appointed, in order of priority, from among those individuals who, prior to the date of the General Assembly, served as members of the executive boards of international sports federations of which the national Sports Federation is a member, representing the Republic of Turkey.

(f) Five former national athletes in the disciplines governed by the Sports Federation, provided they have ceased active sporting activity at least one (1) year prior to the date of the General Assembly, shall be designated as delegates.

(g) Five delegates shall be appointed by lot from among those who formerly served as international referees in disciplines governed by the Sports Federation, provided that they have ceased active refereeing at least one year prior to the date of the General Assembly.

(ğ) Five delegates shall be appointed by lot from among Turkish citizens who, in disciplines governed by the Sports Federation, formerly served as head coaches of the national team in the senior category, provided that they have ceased active coaching at least one year prior to the date of the General Assembly.

(h) Club representatives to the general assembly shall be appointed by the club's board of directors from among club members, based on the following principles, in such a way that a maximum of 50% are from the top league, a maximum of 30% from other leagues governed by the Federation, and a minimum of 20% from clubs participating in local or regional leagues:

1. Three members for each team in the top leagues as of the date of the general assembly,
2. One member for each team in the 1st leagues, which ranked in the top six of their group in the most recently completed season,
3. One member for each team in the 2nd leagues, which ranked in the top two of their group in the most recently completed season,
4. One member for each team participating in the 1st leagues of beach volleyball as of the date of the general assembly,
5. Members appointed for each team in the regional away leagues, based on their final ranking at the end of the season, so that they constitute no less than 20% of the total club representatives. Additionally, for each team that has won a national championship in the Youth, Junior, Cadet, or Mini categories by participating in the National Infrastructure Championship, and for each team in the regional away leagues, one member shall be selected based on their final group ranking at the end of the season, so that these members together constitute no less than 20% of the total club representatives.

41. The Board of Directors is the TVF's executive body. It consists of the President and 14 regular and substitute members, all of whom are elected by the Congress. The President serves for a four-year term and acts as the chairman of the Board of Directors. Among the powers of the Board of Directors is that of training referees and also that of establishing the rules and procedures for their activities and deciding their applications and requests.

42. The Central Referee and Observer Committee ("the CROC") is a standing committee of the TVF whose main duty is to appoint referees and observers for official and private volleyball matches, including those that take place internationally. It is also the CROC's responsibility to decide on the number and ranking of the referees that will be required each year. The CROC has the power to promote referees to the next level of function. There are seven levels: candidate referee; provincial (local) referee; national candidate referee; national referee; international candidate referee; international referee; and FIVB certified referee.

43. The regulations set out in the Referee and Observer Directive of 26 July 2013 as amended on 10 September 2020 provides in so far as relevant as follows:

Section 27 - Assignment of Referees

...

27.1.4 International Candidate referees, international referees, and FIVB-level international referees may officiate in all types of matches, in any capacity.

...

Section 29 – Guidelines for the Assignment of Referees to International Matches

International referees are assigned to matches by the Central Referee and Observer Committee (CROC) and the Provincial Referee Committee. Referees are assigned to international duties based on their performance in domestic matches, as determined by the CROC. Each year, the CROC creates a ranking list based on the performance criteria outlined in Article 41.4. This list is submitted to the Federation and reported to the CEV.

If referees fail to fulfil their domestic duties without a valid excuse or are penalised for their behaviour, the Federation may request the cancellation of their CEV or FIVB assignments—if those assignments were made without the Federation's knowledge—by notifying the relevant organisations (the CEV and the FIVB).

...

Section 30

Referees who are abroad for any reason are required to obtain prior authorisation from the Federation before officiating in the country in which they are present.

Section 41 – Promotion of Referees and their ranking

41.4 – Nomination for International Refereeing

When the FIVB announces that an International Candidate Referee course will be held, the CROC must select its nominees from among those national referees who have officiated in top-league matches for at least 5 years and have been registered with the FIVB for at least 3 years, in accordance with the quota for the country concerned.

In addition to the FIVB requirements, candidates must possess the following qualifications:

41.4.1

Must possess the qualities necessary to best represent our country in international events.

41.4.2

Must know at least one of the languages specified by the FIVB and pass a foreign language exam administered by the MHGK.

41.4.3

Must meet the age requirements set by the International Federation (that is, they must be at least 25 years old and not older than 41 when they apply).

Referees who meet the above requirements and are selected based on merit and quota are sent to take the international course. Those who complete the course successfully are recognised as FIVB International Candidate Referees. If they also pass the on-court evaluations in international matches organised by the CEV on behalf of the FIVB, they will be promoted to FIVB International Referee status.

...

Section 42 – FIVB INTERNATIONAL REFEREES

FIVB International Referees are referees selected by the FIVB for a period of 4 years from among the International Referees, based on criteria set by the FIVB for officiating in its own events. These referees are granted the title of "FIVB International Referee."

Referees included on the FIVB International Referee list may either be removed from the list or continue to remain on it at the end of their 4-year term, depending on their performance as evaluated by the FIVB."

V. CEV and FIVB regulations

44. In so far as relevant, Article 40.1 of the CEV Volleyball Competitions Regulations adopted by the CEV Board of Administration on 21 May 2022 sets out the refereeing requirements in the following manner:

"§1 A referee of a match has the following profile:

a. An International referee candidate or an International referee,

b. Complies with the requirements mentioned in chapter 11 of the FIVB Sports Regulations.

§2 A referee is appointed by the CEV European Refereeing Commission or the CEV Referee Delegate. A referee is eligible for an appointment to a match when the four following requirements are fulfilled:

a. Such referee complies with article 40.1,

b. Such referee is mentioned in the annual International Volleyball and Candidate International Referees list of a National Federation,

c. Such referee was declared fit to fulfil his/her duties,

d. Such referee successfully completed the E-Learning educational programme.

..."

45. In so far as relevant, the FIVB Event Regulations provide:

40.1 CATEGORIES RECOGNIZED BY THE FIVB

The following categories of referees are recognized by the FIVB:

a. National Referees;

b. International Referee Candidates (course made at continental level);

c. International Referees (continental/regional level);

d. FIVB International Referees; and

e. Challenge Referees.

40.4.4 The International Referee's title is valid for four (4) years.

40.4.5 During this period, his or her National Federation must register him or her in the FIVB VIS system by no later than 1st November of each year providing an official activity report sheet of the number of national and international matches at which the International Referee officiated.

40.4.6 On the basis of these yearly reports, the FIVB Rules of the Game and Refereeing Commission will decide whether or not to prolong his or her title as International Referee, when he or she has reached the fourth (4th) year of service.

40.4.7 In the case of a lack of national or international activity of a referee, the FIVB Rules of the Game and Refereeing Commission can refuse to prolong the title and oblige him or her to participate in an additional International Refereeing Course or a refresher (theory and practical) examination, conducted by an FIVB Refereeing Instructor/Coach. If the referee passes, his or her title will be renewed for an additional four (4) years.

40.4.8 The age limit for an International Referee is sixty (60) years.

...

40.5.1 FIVB International Referees are those International Referees, as stated in Article 40.4.1 above, who are selected from the pool of Confederation International Referees to participate in a special FIVB International Referee course focused on issues that are specific to FIVB events.

40.7.3 The number of FIVB International Referees per country is limited based on the categories of national federations as follows:

a. Group A: twenty (20) referees;

b. Group B: fifteen (15) referees;

c. Group C: ten (10) referees; and

d. Group D: five (5) referees.

VI. Committee of ministers resolution 77(31) on the protection of the individual in relation to the acts of administrative authorities

46. This Resolution, which was adopted by the Committee of Ministers on 28 September 1977, established the principles for the protection of physical and legal persons in administrative procedures with regard to any individual measures or decisions which are taken in the exercise of public authority and which are of such nature as directly to affect their rights, liberties or interests. The relevant parts read as follows:

"I

Right to be heard

1. In respect of any administrative act of such nature as is likely to affect adversely his rights, liberties or interests, the person concerned may put forward facts and arguments and, in appropriate cases, call evidence which will be taken into account by the administrative authority.

2. In appropriate cases the person concerned is informed, in due time and in a manner appropriate to the case, of the rights stated in the preceding paragraph.

II

Access to information

At his request, the person concerned is informed, before an administrative act is taken, by appropriate means, of all available factors relevant to the taking of that act.

...

IV

Statement of reasons

Where an administrative act is of such nature as adversely to affect his rights, liberties or interests, the person concerned is informed of the reasons on which it is based. This is done either by stating the reasons in the act, or by communicating them, at his request, to the person concerned in writing within a reasonable time."

47. The Appendix specifies that the implementation of the principles established in the Resolution must take into account the requirements of good and efficient administration, as well as the interests of third parties and major public interests. The interests referred to can therefore justify the variation or exclusion of the principles established in the Resolution, either in particular cases or in specific areas of public administration. However, any variation or derogation should be in keeping with the fundamental aim of the Resolution, which is the achievement of the highest possible degree of fairness.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 OF THE CONVENTION

48. The applicant complained that the Sports Arbitration Board had not had the qualities of independence and impartiality required under Article 6 § 1 of the Convention. Under the same provision, she further complained that the Board had not given adequate reasons for its decision and that she had had no access to a judicial review of how the CROC had exercised its discretion. The relevant part of Article 6 § 1 of the Convention reads as follows:

"In the determination of his civil rights and obligations ... everyone is entitled to a fair ... hearing ... by an independent and impartial tribunal established by law."

A. Admissibility

49. The Government argued that Article 6 § 1 of the Convention did not apply to the proceedings before the Sports Arbitration Board. They submitted that the dispute in question had not involved the determination of the applicant's civil rights and obligations. The Government also made a number of arguments concerning the nature of Sports Arbitration Board proceedings. The Court considers that these arguments do not pertain to the applicability of Article 6 § 1 and will therefore examine them in connection with the merits.

50. The applicant drew a parallel between herself and the situation of the fifth applicant in the case of *Ali Rıza and Others v. Turkey* (nos. 30226/10 and 4 others, § 160, 28 January 2020), who had been downgraded from the rank of national to that of provincial referee. She noted that the Court had found that Article 6 was applicable in that applicant's case and that her situation was even more severe than the situation of that fifth applicant, since the CROC's decision to cancel her assignments in the international competitions had effectively terminated her refereeing career. In this connection, she noted that the FIVB had stopped assigning her to tournaments, which had resulted in her being deprived of the earnings that she could have expected had she been able to continue with her career.

51. The Court observes that the applicant brought two separate claims before the Sports Arbitration Board. The first claim related to the lawfulness the CROC's decision not to confirm her assignment to referee the tournaments in question and the second claim concerned her alleged loss of earnings as a result of not being assigned to any matches. The Court considers it appropriate to clarify at the outset that the scope of the complaint before it is limited to the CROC's decision not to confirm her assignments in question and does not concern the compensation claim, in so far as the latter which had been raised in the context of another complaint was declared inadmissible at the stage of communication of the application by the President of the Section acting as a single judge.

52. Having clarified the scope of the complaint, the Court must next examine whether Article 6 § 1 of the Convention applied to the dispute arising out of the CROC's discretionary decision not to confirm the applicant's participation in the international tournaments, despite her being an FIVB-level international referee and having received official invitations from the organisers of

those events. In that connection, the Court will have to determine whether, in the circumstances of the present case, the applicant had a "civil right" which can be said, at least to an arguable extent, to have been recognised under domestic law.

53. Article 6 § 1 does not guarantee any particular content of "civil rights and obligations" in the substantive law of the Contracting States: the Court may not create through the interpretation of Article 6 § 1 a substantive right which has no legal basis in the State concerned (see, for example, *Grzęda v. Poland* [GC], no. 43572/18, § 258, 15 March 2022).

54. In order to decide whether the "right" in question has a basis in domestic law, the starting-point must be the provisions of the relevant domestic law and their interpretation by the domestic courts. The Court reiterates that it is primarily for the national authorities, in particular the courts, to resolve problems of interpretation of domestic legislation. Unless the interpretation is arbitrary or manifestly unreasonable, the Court's role is confined to ascertaining whether the effects of that interpretation are compatible with the Convention. Thus, where the superior national courts have analysed in a comprehensive and convincing manner the precise nature of the impugned restriction of access to a court, on the basis of the relevant Convention case-law and principles drawn therefrom, the Court would need strong reasons to differ from the conclusion reached by those courts by substituting its own views for theirs on a question of interpretation of domestic law and by finding, unlike them, that the person concerned arguably had a right recognised by domestic law (see *Grzęda*, cited above, § 259, with further references).

55. In carrying out this assessment, it is necessary to look beyond appearances and the language used and to concentrate on the realities of the situation (see *Roche v. the United Kingdom* [GC], no. 32555/96, § 121, ECHR 2005-X, and *Boulois v. Luxembourg* [GC], no. 37575/04, § 92, ECHR 2012, with further reference).

56. It is the right as asserted by the applicant in the domestic proceedings that must be taken into account in order to assess whether Article 6 § 1 is applicable. Where there was a genuine and serious dispute about the existence of that right, a decision by the domestic courts that there was no such right does not remove, retrospectively, the arguability of the claim (see *Károly Nagy v. Hungary* [GC], no. 56665/09, § 63, 14 September 2017, with further references).

57. The rights conferred by the domestic legislation can be substantive, or procedural, or, alternatively, a combination of both (see *Regner v. the Czech Republic* [GC], no. 35289/11, § 101, 19 September 2017, with further references).

58. There can be no doubt about the existence of a "right" within the meaning of Article 6 § 1 where a substantive right recognised in domestic law is accompanied by a procedural right to have that right enforced through the courts. The mere fact that the wording of a legal provision affords an element of discretion does not in itself rule out the existence of a right. Article 6 therefore applies where the judicial proceedings concern a discretionary decision resulting in interference in an applicant's rights (ibid., § 102, with further references).

59. However, Article 6 is not applicable where the domestic legislation, without conferring a right, grants a certain advantage which it is not possible to have recognised in the courts. The same

situation arises where a person's rights under the domestic legislation are limited to a mere hope of being granted a right, while the actual grant of that right depends on an entirely discretionary and unreasoned decision of the authorities (ibid., § 103, with further references).

60. There are also cases where the domestic legislation recognises that a person has a substantive right without at the same time, for one reason or another, there being a legal means of asserting or enforcing the right through the courts. This is the case, for example, of jurisdictional immunities provided for in the domestic law. Immunity is to be seen here not as qualifying a substantive right but as a procedural bar on the national courts' power to determine the right (ibid., § 104, with further references).

61. Finally, in some cases, national law, while not necessarily recognising that a person has an individual right, does confer the right to a lawful procedure for examination of his or her claim, involving, for example, a ruling by a competent court as to whether a decision was arbitrary or *ultra vires* or whether there were procedural irregularities. This is true of certain decisions where the authorities have a purely discretionary power to grant or refuse an advantage or privilege, and where the law confers on the person concerned the right to apply to the courts, which may set the decision aside if they find that it was unlawful. In such a case Article 6 § 1 of the Convention is applicable, on condition that the advantage or privilege, once granted, gives rise to a civil right (ibid., § 105, with further references).

62. Turning to the circumstances of the present case, although the applicant drew a parallel between her situation and that of the fifth applicant in the aforementioned case of *Ali Rıza and Others* (cited above, § 160) namely Mr. Serkan Akal, who had been downgraded from a top-level referee to a provincial referee, the Court is not convinced that the conclusion that Article 6 was engaged in Mr Akal's case can be transposed directly to the applicant's dispute. The CROC's decision in the present case not to confirm the applicant's assignment to several international matches did not affect the applicant's standing as an international referee or her rank or ability to referee matches in the national leagues. Nevertheless, it is clear that the CROC's decision resulted in the applicant not being able to referee matches at the international level, at least for two years, which affected her ability to practise her profession to a certain extent.

63. In the present case, the question is therefore whether the applicant had an arguable basis for claiming that she had a right to referee international matches when invited to do so, or whether this was a mere privilege entirely at the discretion of the national federation - or, alternatively, whether the decision, despite its discretionary nature, was still subject to review.

64. The Court does not consider that an invitation from an international sports body to referee a match automatically confers on an international referee a right to participate in that match. Although the FIVB regulations do not contain an express provision dealing with that issue, the CEV regulations require the approval of the appropriate national federations for their international referees to be assigned to events. Moreover, it appears from the correspondence between the FIVB officials and the applicant that, at least in practice, the FIVB did require the national federation to approve assignments (see paragraph 15 above and also paragraph 45 where the FIVB regulations requires the national federation to register referees on its VIS system). The domestic regulations in

turn give the CROC discretion to decide which referees are put on the list and can therefore be assigned to the matches. However, that discretion does not appear to be entirely unlimited and so does not preclude the engagement of Article 6 § 1 of the Convention. Section 29 of the Referee and Observer Directive requires the CROC to take a number of criteria for the performance of referees into account in coming to its decision (see paragraph 43 above). It has not been argued by the Government that the applicant failed to fulfil any of the criteria. In fact, the Government underlined that the decision in question was not based on the applicant's performance at all. That being the case, the Court observes that the CROC gave very limited reasons as to why the applicant, Türkiye's first female international beach volleyball referee and one with a strong performance record, was excluded from the list. Furthermore, the reasoning provided by the CROC lacked the individualised assessment specified in the regulations.

65. Lastly, the Court reiterates that Article 6 applies to disputes arising from discretionary decisions made by the authorities, when domestic law allows the parties affected to challenge the decision in court on the grounds of arbitrariness or procedural impropriety. The Court further reiterates that the mere fact that the wording of a legal provision allows an element of discretion does not in itself rule out the existence of a right (see *Regner*, cited above, § 102, with further references).

66. In the present case, the domestic legal framework prevents review by ordinary courts of decisions taken by the sports federations in matters of administration and discipline, but allows such decisions to be challenged through compulsory arbitration. In the Court's view, the fact that disputes arising out of the administration and discipline of sports may only be resolved through compulsory arbitration cannot be taken to mean that such disputes are completely excluded from the protection of procedural safeguards or from the right to have a determination of a dispute with binding effect. Although the part of the complaint before the Court concerns whether the Sports Arbitration Board fulfilled the requirements of an independent and impartial tribunal - a question that may be examined provided that Article 6 applies - for the purposes of analysing of that provision, it suffices to note that the Sports Arbitration Board, which has the power to issue binding, final and enforceable decisions, examined the present dispute and did not reject it on the basis that it was outside its remit. The Court therefore finds that the applicant was entitled to judicial examination of her claim that she had been unjustifiably excluded from refereeing matches at the international level.

67. The Court lastly notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

68. In view of the applicant's separate complaints, the Court will first consider the allegation that the Sports Arbitration Board lacked independence and impartiality. It will then consider the complaint regarding the alleged breach of the right to a reasoned decision and to judicial review.

1. Preliminary considerations

69. The parties agree that the proceedings before the Sports Arbitration Board were compulsory arbitration proceedings. The Court notes that challenges to decisions of the TVF could only be brought before the Sports Arbitration Board, whose decisions were final and not amenable to appeal to a court.

70. The Court reiterates that Article 6 of the Convention does not preclude the establishment of arbitral tribunals. However, when arbitration is compulsory, in the sense of being required by law and parties having no option but to refer their dispute to an arbitral tribunal, as was the case here, the arbitral tribunal must afford the safeguards secured by Article 6 § 1 of the Convention (see *Ali Rıza* and *Others*, cited above, §§ 173-174 with further references and more recently, *Semenya v. Switzerland* [GC], no. 10934/21, § 198, 10 July 2025).

2. *Compliance with the principle of "an independent and impartial tribunal established by law`*

(a) The parties' submissions

(i) The applicant

71. The applicant referred to a Constitutional Court decision (see paragraph 34 above) and argued that Sports Arbitration Board was an administrative body and did not qualify as a tribunal under domestic law. She claimed that it did not have full jurisdiction to determine a dispute on the basis of legal rules. She presented two further arguments as to why the Sports Arbitration Board did not qualify as an independent and impartial tribunal within the meaning of Article 6 § 1 of the Convention. Firstly, the Sports Arbitration Board was not independent from the executive, as its members were appointed by the Ministry upon the proposal of the Ministry's General Director of Sports. The applicant underlined that apart from the members having to satisfy certain educational and professional requirements, there were no criteria for appointment to the Board. This meant that the Ministry had unfettered discretion as to whom to appoint, and even the Ministry staff or members or employees of sports federations could be appointed. The applicant observed that one of the members of the panel that had decided her case had previously been a staff director at the Ministry, and had since returned to work there as the Ministry's General Director of Legal Services. Another member who had sat on the panel deciding her case was a former member of a Board of Executives that represented several sports federations (Bocce bowling and Dart and skateboard, respectively). Secondly, the Sports Arbitration Board did not appear to be independent and impartial as the General Director at the Ministry appointed 10% of all members of the Congress of the TVF, which in turned elected members of the Board of Directors that had taken the final decision against her and had been her opponent in the disputed proceedings. The Ministry and its General Director had a significant influence on decision-making processes in many amateur and semi-professional sports federations in Türkiye, unlike the situation in football. There were therefore no safeguards to protecting the Sports Arbitration Board from outside pressures. The applicant referred to the Court's observations about the Turkish Football Federation's Arbitration Committee to the effect that its members were not immune from any action which might be brought against them in connection with their discharging their duties. They were not bound by any rules of professional conduct and did not have to swear an oath or make a solemn declaration before taking up their duties, and there was no procedure for dealing with challenges

to individual members of the Arbitration Committee. Those observations of the Court were just as valid for the Sports Arbitration Board, which similarly had no safeguards for its members (see *Ali Riza and Others*, cited above).

(ii) The Government

72. The Government disagreed with the applicant that the Court's conclusions in *Ali Riza and Others* (cited above) with respect to the TFF's Arbitration Committee could be transposed directly to the Sports Arbitration Board. They noted that the strong organisational and structural ties between the Board of Directors of the TFF on the one hand, which had always largely consisted of members of executives of football clubs, and the Arbitration Committee, on the other hand, whose members were appointed by the Board of Directors of the TFF with the legal framework not affording sufficient guarantees against influences were entirely absent in the case of the Sports Arbitration Board. Referring to separate regulations governing the appointment, retention and functions of the members of the Sports Arbitration Board, the Government observed that the most important guarantee of independence and impartiality was that the tenure of the appointed members was set out in law and that the Minister had no power to replace members before the end of their tenure. Furthermore, the Sports Arbitration Board's independence was further guaranteed by the fact that it had its own secretariat under its authority and that the financial remuneration of members was set out in law. In any event, unlike the TFF Arbitration Committee, which operated within the general structure of the Football Federation, the Sports Arbitration Board had no ties to any sports federation, not even the TVF. In terms of practical matters, the Sports Arbitration Board had no connection with the appointment and retention of the directors of the TVF and the federation did not contribute to their remuneration. The Government concluded therefore that there was no systemic link or financial relationship between the TVF and the Sports Arbitration Board that might call into question the Board's independence and impartiality.

(b) The Court's assessment

73. The Court reiterates that for the purposes of Article 6 § 1 of the Convention, a tribunal need not be a court integrated within the standard judicial machinery (see, among others, *Rolf Gustafson v. Sweden*, 1 July 1997, § 45, Reports of Judgments and Decisions 1997-IV; *Di Giovanni v. Italy*, no. 51160/06, § 52, 9 July 2013; and *Bilgen v. Turkey*, no. 1571/07, § 73, 9 March 2021) since a tribunal, within the meaning of Article 6 § 1, is characterised, in the substantive sense of the term by its judicial function, that is to say, to determine matters within its competence on the basis of rules of law and after proceedings conducted in a prescribed manner (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, § 219, 1 December 2020). A power of decision is inherent in the very notion of "tribunal". The procedure before it must ensure the "determination of the merits in dispute" as required by Article 6 § 1 (see *Benthem v. the Netherlands*, 23 October 1985, § 40, Series A no. 97 and *Bilgen*, cited above, § 73). In addition, only an institution that has full jurisdiction and satisfies a number of requirements, such as independence from the executive and also from the parties, merits the designation "tribunal" within the meaning of Article 6 § 1 of the Convention (*Guðmundur Andri Ástráðsson*, cited above, § 219).

74. The concepts of "independence" and "impartiality" are closely linked and, depending on the circumstances, may require joint examination (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, §§ 150 and 152, 6 November 2018; see also, as regards their close interrelationship, §§ 153-56). The Court has held that "independence" refers to the necessary personal and institutional independence that is required for impartial decision-making, and it is therefore a prerequisite for impartiality. It characterises both the state of mind, which means that a judge cannot be swayed by external pressure as a matter of moral integrity, and a set of institutional and operational arrangements – involving both a procedure by which judges can be appointed in a manner that ensures their independence and selection criteria based on merit – which must provide safeguards against undue influence and/or unfettered discretion of the other State powers, both at the initial stage of the appointment of a judge and during the performance of his or her duties (see *Guðmundur Andri Ástráðsson*, cited above, § 234). Compliance with this requirement is assessed, in particular, on the basis of statutory criteria, such as the manner of appointment of the members of the tribunal and the duration of their term of office, or the existence of sufficient safeguards against the risk of outside pressures. The question whether the body presents an appearance of independence is also of relevance (see *Ramos Nunes de Carvalho e Sá*, cited above, § 144; *Oleksandr Volkov v. Ukraine*, no. 21722/11, § 103, ECHR 2013; and *Grace Gatt v. Malta*, no. 46466/16, § 85, 8 October 2019).

75. The Court further reiterates that the principles established in the Court's case-law concerning independence and impartiality are to be applied to lay judges in the same way as to professional judges (see *Suren Antonyan v. Armenia*, no. 20140/23, § 98, 23 January 2025 with further references).

76. The Court observes that it has not been asked to examine separately whether the Sports Arbitration Board was "established by law," a point which was not raised by the applicant. In any event, for the purposes of the present case it is sufficient to note that the Sports Arbitration Board was established by primary legislation. Moreover, its remit and the finality of its decisions were set out in the Constitution (see for a similar approach, *Ali Rıza and Others*, cited above, § 204).

77. The Court further observes that the applicant did not call into question the impartiality of any of the members of the Sports Arbitration Board, which decided on her dispute, but rather the overall independence and impartiality of the Board. She argued that members of the Arbitration Board, given the manner of their appointment and their limited term of office, were not independent from the Ministry and did not appear independent and impartial.

78. The Court considers that it is difficult to dissociate the question of impartiality from that of independence, as the arguments advanced by the applicant to contest both the independence and the impartiality of the Sports Arbitration Board are based on the same factual considerations. The Court will accordingly consider both issues together (see for a similar approach, *Ali Rıza and Others*, cited above, § 206).

79. The Court notes that the members of the Sports Arbitration Board are appointed by the Minister. Provided that the candidates possess the qualifications required by the legislation, the Minister enjoys an unfettered discretion in choosing who will serve on the Sports Arbitration Board. The Court reiterates that the appointment of members of a tribunal by the executive is not,

in itself, incompatible with the Convention, as is the election or appointment of judges by the executive or the legislature (see *Zolotas v. Greece*, no. 38240/02, § 24, 2 June 2005 and *Guðmundur Andri Ástráðsson*, cited above, § 207). What the Convention requires is that the appointment procedure be free from undue political influence and that, once elected or appointed, members of a tribunal remain independent and free from any pressure in the exercise of their judicial functions (see, for example, *Guðmundur Andri Ástráðsson*, cited above, § 207; *Xero Flor w Polsce sp. z o.o. v. Poland*, no. 4907/18, § 252, 7 May 2021; *Reczkowicz v. Poland*, no. 43447/19, § 276, 22 July 2021; and *Dolińska-Ficek and Ozimek v. Poland*, nos. 49868/19 and 57511/19, § 349, 8 November 2021). In the specific context of sports-related disputes and compulsory arbitration proceedings such as the one at issue here, the requirements of independence and absence of undue influence must also be assessed having regard to the particular institutional framework in which the arbitral tribunals operate. In the present case, there is nothing to suggest that the appointment process was tainted by undue political influence. The applicant did not allege that the members of the Sports Arbitration Board had received any inappropriate instructions or had been subjected to pressure from the Ministry when deciding on her case. No such instructions or pressure can be discerned from the case file either (see *Ali Rıza and Others*, cited above, § 209). The Court will therefore proceed to examine whether sufficient safeguards were in place to ensure that the members of the Board performed their duties with the required level of independence.

80. In this context, the Court notes that the aforementioned case of *Ali Rıza and Others* concerned proceedings before the Arbitration Committee of the Turkish Football Federation ("TFF") between a football player and his former club, as well as between the TFF and a referee. The Court examined the composition of the TFF's decision-making bodies and observed that the interests of football clubs outweighed those of other parties, as the composition of both the Board of Directors (who appointed the members of the Arbitration Committee) and the Congress (who elected the Board of Directors) consisted mostly of representatives of football clubs. As well as observing that structural imbalance, the Court also observed that, despite the guarantee of the security of tenure of the members of the Arbitration Committee, the fact that their term of office was limited to that of the Board of Directors raised doubts as to their impartiality. The Court also considered whether the members of the Arbitration Committee were adequately protected from outside pressures and identified a number of shortcomings. For example, there were no clear rules of procedure, and there was no body to hear challenges to the members' independence and impartiality of members. Furthermore, the members were not immune from legal action which might be brought against them in connection with their duties, nor were they bound by any rules of professional conduct or required to swear an oath before taking up their duties (ibid., §§ 212-216).

81. Given the similarity of the present case to *Ali Rıza and Others* (ibid.) since they both concern compulsory dispute resolution mechanisms in the field of sports, the Court will follow the approach set out in that case.

82. The Court begins by noting that, unlike the Arbitration Committee, the Sports Arbitration Board has a remit that covers all sports disciplines except football. It is therefore not a body that resolves disputes in a specific field of sports and under the organisational umbrella of a specific sports federation. The undesirable overrepresentation of the interests of clubs or federations in the

appointment and functions of the dispute resolution mechanism is simply not in issue here (compare and contrast *Ali Rıza and Others*, cited above, §§ 210-211). More importantly, the dispute in this case was between the applicant and a private sports federation, rather than between the applicant and the Ministry. If the dispute had been between the applicant and the Ministry, her argument that the arbitrators lacked independence on account of having been appointed by the Minister would carry more weight. It is true that the Minister who appoints the members of the Sports Arbitration Board also appoints representatives to the Congress of the TVF. However, the ratio of Ministry's representatives within the Congress is not so high as to justify, from an objective point of view, that the Sports Arbitration Board would be biased in a dispute involving the TVF solely because the Minister had appointed members both to a body of a sports federation and to its arbitration board.

83. The Court next notes that the term of office of the members of the Arbitration Board is limited to four years during which their tenure is guaranteed by law. Unlike the situation in the TFF, the Board's term of office does not depend on the executive body of the sports federation or on the Minister.

84. The Court further notes that the remuneration to be received by members of the Sports Arbitration Board is set out in legislation and is not determined at the discretion of the Minister (compare and contrast with *Ali Rıza and Others*, cited above, § 214).

85. While there are no specific rules prohibiting anyone from giving orders or instructions to the members of the Sports Arbitration Board, the law explicitly requires them to decide disputes independently and impartially. Members have the right to give separate opinions and the procedure to be followed is set out in the regulations. Therefore, Members are not subordinate to the Minister. Although the secretarial services of the Board are provided by the Ministry, the coordinator appointed from the Ministry to organise the administrative work of the Board reports directly to the Board's chairman and is responsible to him or her. These factors – namely, security of tenure, a fixed term of office, the amount of remuneration set out in legislation; and a lack of subordination to the Ministry, coupled with the Board's lack of any organisational or structural relationship with the parties to the dispute - are sufficient safeguards to ensure independence and impartiality.

86. That being so, a number of shortcomings observed with respect to the TFF's Arbitration Committee also appear to affect the Board. Like the Arbitration Committee, the Board has no rule that requires a member to disclose circumstances which may affect his or her independence and impartiality. There also appears to be no specific procedure to be followed in cases where the independence or impartiality of a member of the Sports Arbitration Board is challenged by the parties. The rules do not specify a body that can hear such a challenge. The fact that the Arbitration Board is exclusively composed of lay assessors does not pose any problem for the Court. However, it notes that members of the Arbitration Board are not immune from legal action in connection with the discharge of their duties and are not bound by any rules of professional conduct. Nor are they required to swear an oath or make a solemn declaration before taking up their duties. Nevertheless, the Court cannot, on the basis of these shortcomings alone, conclude that the Sports

Arbitration Board lacked independence and impartiality within the meaning of Article 6 § 1 of the Convention, when dealing with the applicant's case, having regard to the safeguards identified above and the absence of any structural imbalance in the representation of interests. More importantly, the applicant did not allege that, when examining her case, one or more members of the Arbitration Board were tainted by a conflict of interest. While the Court does not rule out the possibility that, in other circumstances, evidence of such a conflict might arise and could warrant a different conclusion, that scenario does not obtain in the present case (see, *mutatis mutandis*, *Suren Antonyan*, cited above, § 111).

87. There has accordingly been no violation of the right to an independent and impartial tribunal.

3. *Lack of adequate reasoning and sufficient judicial review*

88. The Government claimed that the Sports Arbitration Board had given sufficient reasons for its decisions. It had had regard to the response of the Board of Directors of the TVF and applied the relevant legislation to it. It found that the decision taken in respect of the applicant had not been contrary to law.

89. The applicant argued that she had not received a specific and express reply to her question as to why she had been excluded from the list of referees and what facts had influenced that decision.

90. The Court reiterates that Article 6 requires the domestic courts to adequately state the reasons on which their decisions are based (see *Ramos Nunes de Carvalho e Sá*, cited above, § 185, 6 November 2018).

91. Without requiring a detailed answer to every argument, this obligation presupposes that a party to judicial proceedings can expect a specific and express reply to those submissions which are decisive for the outcome of the proceedings in question (ibid., § 185, with a further reference). This obligation further ensures that the parties are able to understand the reasoning that led the court to its conclusion and to exercise any available remedies effectively.

92. The extent to which the duty to give reasons applies may vary according to the nature of the decision. It is moreover necessary to take into account, *inter alia*, the diversity of the submissions that a litigant may bring before the courts and the differences existing in the Contracting States with regard to statutory provisions, customary rules, legal opinion and the presentation and drafting of judgments. That is why the question whether a court has failed to fulfil the obligation to state reasons, deriving from Article 6 § 1, can only be determined in the light of the circumstances of the case (see *Gorou v. Greece (no. 2)* [GC], no. 12686/03, § 37, 20 March 2009, with further references).

93. Moreover, the Court has held that the question of whether the extent of the judicial review carried out on an administrative appeal was "sufficient" may depend not only on the discretionary or technical nature of the decision appealed against and the particular issue that the applicant wished to have reviewed but also, more generally, on the nature of the "civil rights and obligations" at stake and the nature of the policy objective pursued by the underlying domestic law (see *Ramos Nunes de Carvalho e Sá*, cited above, § 180, 6 November 2018).

94. Turning to the present case, the Court notes that the TVF has the sole authority to take decisions in respect of referees as far as the administration and management of volleyball is concerned. Therefore, irrespective of their domestic legal classification and their status in the Contracting State concerned, for the purposes of the present examination and to the extent necessary, they must be treated as an administrative authority. The Court's case-law on administrative law appeals is therefore relevant to the scope of judicial or quasi-judicial review exercised by the Sports Arbitration Board. Consequently, the guarantees applicable to administrative decision-making and the standards of judicial review under Article 6 § 1 come into play. Accordingly, in relation to administrative law appeals in the Member States of the Council of Europe, it is often the case that the scope of judicial review over the facts of a case is limited, and that review proceedings involve the reviewing authority examining the previous proceedings, rather than taking a decision on the facts. It can be derived from the relevant case-law that it is not the role of Article 6 of the Convention to give access to a level of jurisdiction which can substitute its opinion for that of the administrative authorities (see *Sigma Radio Television Ltd v. Cyprus*, nos. 32181/04 and 35122/05, § 153, 21 July 2011).

95. The Court has dealt with a number of cases where the court in question did not have full jurisdiction, yet still examined the decision of a decision-making body. In several of those instances, it has found that the judicial review was sufficient and that the proceedings complied with Article 6 § 1 of the Convention. That was the outcome where, for example, the applicants' submissions were examined on their merits or grounds of appeal point by point on judicial review, without the court having to decline jurisdiction in replying to them or in finding various facts (see, among other authorities, *Bryan v. the United Kingdom*, 22 November 1995, §§ 44-45, Series A no. 335-A, and *Aleksandar Sabev v. Bulgaria*, no. 43503/08, § 51, 19 July 2018; see also, *mutatis mutandis*, *Donadzé v. Georgia*, no. 74644/01, § 131, 7 March 2006).

96. Where, however, the reviewing court does not have jurisdiction to determine the central issue in dispute, the scope of the review will not be found sufficient for the purposes of Article 6 (see *Tsfayo v. the United Kingdom*, no. 60860/00, § 48, 14 November 2006). The Court has therefore found violations of Article 6 § 1 in cases where the domestic courts considered themselves bound by the prior findings of administrative bodies which were decisive for the outcome of the cases before them and did not examine the issues independently (*Sigma Radio Television Ltd*, cited above, § 157 with further references).

97. Turning to the present case, the Court notes that the question of whether the applicant has had access to a sufficient judicial review of the decision taken against her by the TVF is closely related to the reasoning given by the Sports Arbitration Board when it examined the applicant's case. The adequacy of the reasoning and the sufficiency of judicial review are thus interdependent aspects of the same issue.

98. The dispute before the Sports Arbitration Board did not concern a regulatory matter but a decision about certain referees. It resulted in the applicant's exclusion from the list of accredited referees for the periods in question. The discretionary nature of this decision is not in dispute. The issue raised by the applicant was whether the exercise of that discretion had complied with the

regulations and principles of administrative law. The Board, merely stated that the TVF had not exceeded its discretion, without explaining in its reasoning how it came to that conclusion. In this context, however, it was essential for the Sports Arbitration Board to ascertain the criteria employed by the TVF in selecting the referees to be included on the list, and to assess, in the light of applicable laws and regulations (in particular section 29 of the Observer and Referee Directive, see paragraph 43 above), whether the exercise of discretion had been arbitrary. Given the brevity of the Board's reasoning, which contains no indication of the factual and or legal basis for finding that TVF's discretion complied with the lawfulness criteria, the review conducted cannot be regarded as either sufficient or meaningful for the purposes of Article 6 § 1.

99. In view of the above, the Court concludes that the lack of a reasoned assessment of the applicant's decisive arguments and the underlying facts, resulting in insufficient judicial review by the Sports Arbitration Board, constituted a violation of her right to a fair trial under Article 6 § 1 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

100. The applicant complained that the TVF's decision not to include her on the list of referees or to approve her assignment to the international competitions in question breached her freedom to exercise a professional activity as protected in Article 8 of the Convention, which reads as follows:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

101. The Government asserted that Article 8 was not engaged by the circumstances of the present case. In the first place, the applicant's principal professional activity was not within the definition of "sports". In this connection, they referred to the file that the applicant had provided to the TVF in 2020-2021, in which she had indicated her profession as "musician". They claimed that refereeing was not the applicant's principal professional activity and that Article 8 could not be engaged by secondary activities. There was no contractual relationship between the TVF and the applicant and neither was there a legal provision requiring the TVF to continuously assign her to international competitions. In any event, unlike for example the applicant in the case of *Platini v. Switzerland* ((dec.), no. 526/18, § 65, 11 February 2020), the applicant had never been suspended nor prevented entirely from exercising her activities as a referee. She continued to be available to officiate at national volleyball matches. Lastly, even if the consequence-based approach, as set out in *Denisov v. Ukraine* ([GC], no. 76639/11, § 116, 25 September 2018), were considered relevant in the present case, the applicant had failed to demonstrate how the measure in question had damaged her material well-being or otherwise affected her private life. In addition to their objections that Article 8 of the Convention was not engaged by the applicant's complaint, the

Government also asserted that the applicant had failed to exhaust domestic remedies, as she had not applied to the Sports Arbitration Board for a reconsideration of their decision nor had she lodged a civil compensation claim in the ordinary courts for the alleged loss of opportunity to officiate at the matches in question. The Government further argued that the applicant had failed to exhaust domestic remedies, as she had failed to request a rectification of decision before the Sports Arbitration Board and, alternatively, had not lodged a compensation claim before the civil courts.

102. The applicant maintained that her professional activity and her primary source of income had been refereeing and that before being blocked by the TVF she had officiated an average of 200 beach volleyball matches annually, 80 of those being international competitions. Before 2019, she had been assigned to four to five different international tournaments each year. She received an annual income of 5,500-6,000 Swiss francs from these tournaments, and more than 1,000 euros (EUR) for national competitions. She submitted that participating in international competitions had been a very important source of income for her, and that therefore there had been significant negative effects on her private life when the TVF had abruptly stopped assigning her to international competitions. Lastly, the applicant did not dispute the fact that she was also a musician and earned additional income from singing but she said that it was not her primary occupation and that she had given the TVF that information for reasons of transparency.

103. The Court has no reason to doubt that refereeing constituted an important aspect of the applicant's professional and private life in view of her achievements as the first female international beach volleyball referee in Türkiye with a track record of refereeing 707 international competitions. The Court reiterates that the concept of private life is a broad term which is not susceptible to exhaustive definition. It also covers the right to personal development and to establish and develop relationships with other human beings and the outside world. In this sense, Article 8 may also extend to professional activities (see *Platini*, cited above, § 52 with further references). The Court therefore finds that the applicant's complaints fall within the scope of Article 8, as defined by the principles governing professional disputes as set out in *Denisov* (cited above, §§ 110-117).

104. The Court observes that the domestic authorities did not give any specific reason related to the applicant's private life when they declined to approve the applicant's assignment to international matches for the two years in question. The TVF gave very limited reasons - essentially the need to restructure their volleyball arrangements generally. The Court finds it appropriate to take a consequence-based approach, as set out in the aforementioned *Denisov* judgment, and to examine whether the disputed measure had sufficiently serious negative consequences for the applicant's private life, in particular as regards her "inner circle", her opportunities to establish and develop relationships with others and her reputation.

The Court observes that, when a consequence-based approach is to be taken, a certain threshold of severity must be attained. An applicant has to present evidence to support the claimed consequences of the disputed measure. The Court further reiterates that in determining the seriousness of consequences in professional disputes, it is appropriate to assess an applicant's

subjective perceptions against the background of the objective circumstances of the particular case. This analysis would have to cover both the material and the moral impact of the disputed measure (see *J.B. and Others v. Hungary* (dec.), nos. 45434/12 and 2 others, § 129, 27 November 2018) The Court will only accept that Article 8 is engaged where the alleged breach has had consequences that are very serious and affect the applicant's private life to a very significant degree (*Denisov*, cited above, § 116).

105. The Court notes that the applicant was neither disqualified nor demoted, nor was she otherwise prevented from refereeing as a result of the decision not to include her on the list of international referees. It is not disputed that she maintained her status as a national and international referee and continued to referee matches at the domestic level. The Court acknowledges that the TVF's decision affected her ability to develop her refereeing career and to develop professional relationships at an international level. However, these effects were not substantial.

106. The applicant submitted that her material well-being had been affected because she had been unable to earn income from international matches. The earnings from those matches had previously constituted a significant portion of her income. While the Court acknowledges that fees earned by participating in international competitions may be higher than those paid at the national level, no evidence was presented to demonstrate that officiating as a referee at matches constituted a fixed or reliable source of income. It appears that the number of matches assigned to a referee in a given year may fluctuate or, in some cases, a referee may not be assigned any matches at all despite being on a list. Moreover, in support of her arguments, the applicant only presented financial statements detailing her income from international competitions concerning the years 2015 and 2016. In these circumstances, the Court does not find that the measure directly resulted in the worsening of the applicant's material well-being to any significant extent. Lastly, as regards the consequences of the measure for the applicant's reputation, the applicant did not put forward any arguments in that regard and, in any event, the Court notes that the TVF's decision did not contain or imply any negative comments about the applicant's performance.

107. Accordingly, having assessed the applicant's perceptions in the light of the established facts and evaluated, on the basis of the available evidence, the material and moral impact of the disputed measure, the Court concludes that the adverse effects of the TVF's decision not to include the applicant on the list of referees eligible for international matches did not have a sufficiently serious impact on the applicant's private life to engage Article 8 of the Convention.

108. In the light of the foregoing, the Court considers that it is not necessary to examine the Government's additional objections as to the admissibility of this complaint and decides that Article 8 of the Convention is not applicable and that the applicant's complaint must be dismissed as being incompatible *ratione materiae* with the provisions of the Convention pursuant to Article 35 §§ 3 (a) and 4.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

109. Article 41 of the Convention provides:

"If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

A. Pecuniary and non-pecuniary damage

110. In respect of pecuniary damage, the applicant claimed 17,350 euros (EUR), representing the sums she would have been paid had she been able to referee the four tournaments for which she had received invitations and also for future potential earnings from tournaments in 2022-2023. She also claimed EUR 10,000 in respect of non-pecuniary damage.

111. The Government argued that the applicant's claims were excessive and unfounded.

112. The Court does not discern any causal link between the violation found and the pecuniary damage alleged; it therefore rejects this claim. However, it awards the applicant EUR 6,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

113. The applicant also claimed EUR 1,000 in respect of costs and expenses incurred for application fees and legal representation before the Sports Arbitration Board and EUR 8,500 for her legal representation before the Court.

114. The Government submitted that those claims were excessive.

115. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum (see, among many other authorities, *L.B. v. Hungary* [GC], no. 36345/16, § 149, 9 March 2023). While the Court acknowledges that the case raised complex issues of fact and law, it considers that the amount claimed in respect of the applicant's legal representation is excessive (see *Sargsyan v. Azerbaijan* (just satisfaction) [GC], no. 40167/06, § 63, 12 December 2017, and *Penchevi v. Bulgaria*, no. 77818/12, § 89, 10 February 2015). Having regard to the information available to it and the criteria set out above, the Court finds it reasonable to award the sum of EUR 2,000 to cover all the applicant's costs and expenses.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 6 § 1 admissible and the remainder of the application inadmissible;

2. *Holds* that there has been no violation of Article 6 § 1 of the Convention as regards the alleged lack of independence and impartiality of the Sports Arbitration Board;

3. *Holds* that there has been a violation of Article 6 § 1 of the Convention due to the lack of sufficient judicial review by the Sports Arbitration Board;

4. *Holds*

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:

(i) EUR 6,000 (six thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

(ii) EUR 2,000 (two thousand euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

5. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 6 January 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Dorothee von Arnim Deputy Registrar
Arnfinn Bårdsen President