
IMPLEMENTING INTERNATIONAL WOMEN'S RIGHTS IN DOMESTIC CONTEXT: TURKISH CASE

Yrd. Doç. Dr. Pınar BAKLACI
Dokuz Eylül Üniversitesi, İşletme Fakültesi, Uluslararası İlişkiler Bölümü,
Devletler Hukuku Anabilim Dalı
pınar.karacan@deu.edu.tr

Arş. Gör. Dr. Esen AKINTÜRK
Dokuz Eylül Üniversitesi, İşletme Fakültesi, Uluslararası İlişkiler Bölümü,
Devletler Hukuku Anabilim Dalı
esen.akinturk@deu.edu.tr

ÖZET

Bu çalışmada kadın haklarına ilişkin uluslararası belgeler ve iç hukuk uygulaması ele alınarak kadın haklarına ilişkin uluslararası belgelerin Türkiye'de uygulanması konusu tartışılmaktadır. Uluslararası anlaşmaların imzalanması, onaylanması ve bağlayıcılık kazanması arasındaki farklılıklara yer verilmekte; ayrıca, kadın haklarına ilişkin olarak Türkiye'nin yükümlülükleri Avrupa Birliği açısından değerlendirilmektedir. Uluslararası alanda kadın haklarına ilişkin düzenlemelerin uygulanması ve bağlayıcılık kazanması konularının anlaşılabilirliği açısından Avrupa Topluluğu hukukunun uluslararası niteliği ve doğrudan etki doğurması gibi temel prensipleri de incelenmektedir.

ABSTRACT

In this paper international instruments relating the women's rights and their domestic enforceability will be covered. We will discuss the domestic enforceability of international women's rights in Turkey. The paper will cover general discussion on the differences of signing and ratifying international agreements and their binding effect. Turkey's European Union obligations on women's rights will have special emphasis in the paper, the key principles of the European Community law such as supranational and direct effects will be discussed in order to understand the enforceability

and binding effects of international women's rights.

** This article was presented at the 1st Biennial International Women's Studies Conference themed "The Effects of European Union Enlargement on the Socio-Economic Development of Women", Izmir University of Economics, Izmir, 22-24 June 2006.*

INTRODUCTION

Turkey has international and national liability on women's rights issues. The main source of these international responsibilities arises from the international agreements and decisions of the United Nations, Council of Europe, International Labor Organization and the European Union. We will focus on the domestic enforceability of international agreements in Turkey with United Nation's example and the European Union requirements and their implementation in Turkish law.

UNITED NATIONS

The most important organization for women's rights is the United Nations. The United Nations is important for its role preparing international agreements, General Assembly Resolutions, gathering conferences and forming committees focusing on human rights and women's rights. The

binding effects of these actions/decisions on Member States are different. The constitutional agreements of each organization will, in the UN case the UN Charter, will be determine the effects. For the purposes of this paper we will only mention the agreements and General Assembly Resolution of UN and will not discuss the Committees, Beijing Declaration or other agencies.

Turkey, as a member of the United Nations, is party to many UN agreements. Some of these agreements are specifically regarding women's rights and some are general agreements on human rights that are also applicable to women's rights.

Turkey is party to the following agreements regarding women's rights: Convention on Elimination of all forms of discrimination against women (CEDAW) 1979 and Optional Protocol to the Convention (Turkey 20.12.1985, Optional Protocol signed 08.09.2000 and ratified 29.10.2002. Law 4770, Official Gazette, 02.08.2002, No: 24834), Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN Convention against transnational organized Crime (2003), (entered into force 25.12.2003, Law 4804, Official Gazette, 04.02.2003, No: 25015) and Convention on Political Rights of Women (1952), (entered into force 1954. Turkey signed 12.01.1954 and ratified 26.01.1960. Law 7288, Official Gazette, 02.06.1959, No. 10220). Turkey is not party to Convention on Consent to Marriage, Minimum Age for marriage and registration of marriages (1962) (entered into force 1964); Convention on Nationality of Married Women (1957), (entered into force 1958); Convention for suppression of the traffic in persons and of exploitation of prostitution of others (1949), (entered into force 25.07.1951).

It is crucial to discuss the meaning of signing an international agreement, whether it will raise any rights for individuals in our case women's rights.

MEANING AND CONSEQUENCES OF SIGNING AN INTERNATIONAL AGREEMENT

Once an agreement is signed it doesn't necessarily mean that the agreement will enter into force in the international arena. The agreement might require a certain number signatories to ratify the agreement or set a date for entry. The agreements will raise rights and will be applicable once it is in force.

One important point to consider is the possibility of reservation. According to the Vienna Convention on the Law of Treaties, Art 2(1/d):

“reservation” means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State;...”

If a country has a reservation on an international agreement the liability will be determined accordingly. For example Turkey when signing the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985 put a reservation clause until she fulfilled the necessary requirements in her national law. The reservation has been withdrawn since the requirements have been achieved.

"[...] the Government of the Republic of Turkey has decided to withdraw its reservations made upon signature and confirmed upon ratification of the Convention on the Elimination of All Forms of Discrimination Against Women with regard to article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g). [...] the reservation and declaration made upon signature and confirmed upon ratification by the Government of Turkey with respect to article 29, paragraph 1, and article 9, paragraph 1 of the Convention, respectively, continue to apply."

Furthermore once a country signs an agreement it does not indicate that the agreement is binding in the domestic context. It is according to the national law how the international agreement will enter into force in the domestic context and will be binding.

For some countries further procedure is not required for an international agreement to be binding, it is sufficient to sign the agreements. These agreements are called self-executing agreements. Treaties concluded by the European Union maybe self-executing that they are binding within the domestic legal systems without formal incorporation (Browlie, 2003: 48).

However countries such as Turkey require a ratification process for the agreement to be binding. Just signing the agreement will not fulfill this requirement. The national laws will determine the procedure for ratification. For Turkey the agreements level in hierarchical order and the ratification procedure is regulated under the Turkish Constitution. As will be discussed later the article has been amended according to Turkey's international obligations and requirements especially from the European Union negotiations.

Art. 90 (*with our special emphasis*)

D. Ratification of International Treaties (As amended on May 22, 2004)

ARTICLE 90. The ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Turkey, shall be subject to adoption by the Turkish Grand National Assembly by a law *approving the ratification*.

Agreements regulating economic, commercial and technical relations, and covering a period of no more than one year, *may be put into effect through promulgation*, provided they do not entail any financial commitment by the state, and provided they do not infringe upon the status of individuals or upon the property rights of Turkish citizens abroad. In such cases, these agreements must be brought to the knowledge of the Turkish Grand National Assembly within two months of their promulgation.

Agreements in connection with the implementation of an international treaty, and economic, commercial, technical, or administrative agreements which are concluded depending on the authorisation as stated in the law *shall not require approval of the Turkish Grand National Assembly*. However, agreements concluded under the provision of this paragraph and affecting economic, or commercial relations and the private rights of individuals shall not be put into effect unless promulgated.

Agreements resulting in amendments to Turkish laws shall be subject to the provisions of the first paragraph.

International agreements duly put into effect bear the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. *In case of contradiction between international agreements regarding basic rights and freedoms approved through proper procedure and domestic laws, due to different provisions on the same issue, the provisions of international agreements shall be considered.*

Overall international agreements have to be ratified by the legislature in order to be binding. The agreements mentioned above regarding women's rights whether under the United Nations or by other organizations have to be ratified. This process might take years. For example Turkey signed the Convention on Political Rights of Women (1952) on 12.1.1954 but ratified the Convention on 26.1.1960.

The most important rule of international law is *Pacta Sunt Servanda*. According to the Vienna Convention on the Law of Treaties, Art 26:

"Pacta sunt servanda"

Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

Once the treaty is ratified according to Art 90 of the Turkish Constitution it will be binding and has to be performed in good faith. Sometimes the agreement might also require changes to the existing national law. Otherwise there will be international responsibility and liability. We will return to this topic when we will discuss the conflict issue when international law and national law obligations on human rights and women's rights conflict.

To understand the conflict issue between international and national law we have to point out the relationship between international law and national law. It is also important to understand the application of international obligations in national level.

MONIST & DUALIST APPROACH

The issue is whether international law and national law are components of a single body of law or not. If they were not in the same body of law as in the England case then there would not be any conflict among them. However if they were components of a single body of law then we have to discuss the situation of conflict and possible solutions. For Turkey it is not uncommon to see conflict between human rights/women's rights issues, Turkey's obligations under its international law and its national law. The question is it to the national law to determine which one prevails or is there international law on this issue? (Dixon, 2004: 81).

For Turkey it is again regulated under the Turkish Constitution Art. 90/5:

"...In case of contradiction between international agreements regarding basic rights and freedoms approved through proper procedure and domestic laws, due to different provisions on the same issue, the provisions of international agreements shall be considered."

But the points to discuss will be: what constitute international agreements regarding basic rights and freedoms? Are the agreements on women's rights included in this definition? Are all human rights agreements included in this definition? And so on. And the follow up discussion will be what happens

with the other international agreements approved through proper procedure? This topic by itself has the potential for being another full paper due to the complex discussion involved. For the purposes of this paper we will just note the significance.

In brief after signing international agreements the agreements are ratified by the legislature in order to binding. Once the agreements are ratified according to the national procedure the international agreements regarding basic rights and freedoms will prevail over national law if they conflict.

There are also UN General Assembly Resolutions on Women's Rights. As mentioned above resolutions do not usually create binding law and each international organization determines the effects of recommendations and resolutions in its constitutional agreements (*UN Charter Art 13*).

However formal resolutions accelerate the formation and development of customary international law or may be declaratory of existing customary international law (Dixon, 2004: 45-46). Sample of UN General Assembly Resolutions: Universal Declaration of Human, Declaration on Elimination of Violence against Women (A/Res48/104 1994), Declaration Protecting Women and Children in Emergencies and Armed Conflicts (3318(XXIX) 1974) and Declaration on Elimination of Discrimination Against Women (1967), (2263 (XXII) 7 November 1967).

Other organizations such as Council of Europe and the International Labor Organization also have agreements, resolution and recommendations on women's rights. Under the International Labor Organization we can point out the Employment and Occupation Convention (1958) and Equal Remuneration Convention (1951). And for the Council of Europe there are the Resolution 1385 (2004): Conflict prevention and resolution: the role of women and Recommendation Rec (2002)5 Protection of Women against Violence. The general information on international treaties and ratification in Turkey will apply but the ILO Constitution especially Art 19/5 and Statute of the Council of Europe has to be considered.

EUROPEAN UNION

The European Union is important for the development of women's rights issues. There is much progressive legislation in the European Union regarding women's rights.

The main sources of EC law consists of primary legislation, secondary legislation and case law. Primary legislation are the treaties establishing the

European Communities and the amendments by succeeding Treaties, for example: the Single European Act (1987), the Treaty on European Union 'The Maastricht Treaty' (1992), the Treaty of Amsterdam (1997), the Treaty of Nice (2001). Treaty of Amsterdam by amending the treaty on European Union incorporated more general policy statements on elimination of inequality to Article 2 and 3 and with amendments to EC Article 13 empowered the Council to appropriate action (Deards and Hargreaves, 2004: 322).

Article 13/1:

Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

There are many Council Directives under this article that are considered as secondary legislation. On the basis of Article 13, the EU adopted in 2000 a package of anti-discrimination measures consisting of two directives and an anti-discrimination action programme to run from 2001 to 2006.

In a nutshell secondary legislation consists of the legal acts listed and defined in Article 249 of the EC Treaty i.e. Regulations, directives, decisions, recommendations and opinions. Regulations have a general application and are binding in their entirety and are directly applicable in all Member States; Directives are binding as to the result to be achieved, upon each Member State to which it is addressed, they leave it to the respective national authorities the choice of form and methods of implementation. Decisions are binding in its entirety upon those to whom they are addressed. Recommendations and opinions shall have no binding force."

Defining the scope of the European law is important since there are important principles regarding this unique supranational law. The principle of the supremacy of the EC law is important, meaning the priority of the norms of the EC law over the norms of the national legislation of Member States. For further information European Court of Justice cases might be informative such as *Van Gend & Loos* (Case 26/62), *Costa/Enel* (Case 6/64), *Simmenthal* (Case 106/77) and *Factortame* (Case C-213/89).

For example in *Costa/Enel* case:

“By contrast with ordinary international treaties, the EEC Treaty has created its own legal system which ... became an integral part of the legal systems of the Member States and which their courts are bound to apply. By creating a Community of unlimited duration, having its own institutions, its own personality, its own legal capacity and capacity of representation on the international plane and, more particularly, real powers stemming from a limitation of sovereignty or a transfer of powers from the States to the Community, the Member States have limited their sovereign rights ... and have thus created a body of law which binds both their nationals and themselves.”

The Court reached the following conclusion:

“It follows from all these observations that the law stemming from the Treaty, an independent source of law, could not, because of its special and original nature, be overridden by domestic legal provisions, however framed, without being deprived of its character as Community law and without the legal basis of the Community itself being called into question. The transfer by the States from their domestic legal system to the Community legal system of the rights and obligations arising under the Treaty carries with it a permanent limitation of their sovereign rights, against which a subsequent unilateral act incompatible with the concept of the Community cannot prevail.”

The other important principle is the direct effects of EC law, whether applicants can enforce Community rights, in our case women's rights, in Member State's national courts? *Van Gend & Loos* established that European Community law not only creates obligations for Member States, but also establishes rights for individuals. From the summary of the case:

“The objective of the EEC Treaty, which is to establish a common market, the functioning of which is of direct concern to interested parties in the Community, implies that this Treaty is more than an agreement which merely creates mutual obligations between the contracting States. This view is confirmed by the preamble to the Treaty, which refers not only to governments but also to peoples. The conclusion to be drawn from this is that the Community constitutes a new legal order of international law for the benefit of which the States have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only Member States but also their nationals independently of the legislation of member states, Community Law not only imposes obligations on individuals but is also intended to confer upon them rights which become part of their legal heritage. These rights arise not only where they are expressly

granted by the treaty but also by reason of obligations which the treaty imposes in a clearly defined way upon individuals as well as upon the member states and upon the institutions of the community.”

However not all EC law has direct effects. As discussed in ECJ cases Treaty articles have to be clear and unconditional where there is no scope for exercise of Member State discretion in implementation. Regulations and Decisions also have the same requirements to have direct effects. However directives since they leave discretion to the Member State on implementation for them to have direct effects they have to be sufficiently clear and unconditional and the deadline for implementation must have passed (For further information, Deards, and Hargreaves, 2004. *Van Gend Loos*, *Van Duyn*, it is not in the scope of this paper to discuss the differences between horizontal and vertical direct effects). Member States in certain circumstances might also be held liable for damages for breach of Community Law as a remedy for individuals under state liability doctrine. In brief European Law on women's' rights

All these legislation on women's' rights is essential for Turkey since Turkey is in the process for the European Union Accession negotiations as will be clarified below. Turkey is under obligation to harmonize its legislation according to *acquis communautaire*. In the last decade Turkey's requirements have been discussed in the Regular Reports of the EU, Accession partnership- road map for Turkey for determining the priorities for the progress that needs to be undertaken towards meeting the EU's accession criteria and Turkey discussed/explained/showed its progress and achievements in its National Reports.

As of today Turkey going through rigorous negotiating framework for accession negotiations and the screening process in the determined negotiation chapter. The *acquis* is broken down into a number of chapters for the purposes of screening and the subsequent negotiations. In brief screening is a formal process of examination of the *acquis*. Turkey has and still is making the requested and necessary changes in her national legislation for approximation of legislation and adaptation of the *acquis*. We see this process for women's' rights also. For example the following amendments on the Turkish Constitution have been made on this approximation/harmonization process.

By law the sentence “Men and women have equal rights and the State is responsible to implement these rights.” has been added to Art 10 of the Turkish Constitution. And necessary changes were made on Art 41.

Turkish Constitution Art. 10 (As amended on May 22, 2004, Law 5170, Official Gazette, 22.5.2004, No 25469):

X. Equality before the Law

ARTICLE 10. All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

Men and women have equal rights and the State is responsible to implement these rights.

No privilege shall be granted to any individual, family, group or class.

State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.

ARTICLE 41. (As amended on October 17, 2001)

The family is the foundation of the Turkish society and based on the equality between the spouses.

The state shall take the necessary measures and establish the necessary organisation to ensure the peace and welfare of the family, especially where the protection of the mother and children is involved, and recognizing the need for education in the practical application of family planning.

Turkey also adopted new laws changing the existing laws and establishing new institutions for fulfilling its requirements under the EU accession process. The reason is clear in Turkey's National Reports and explanatory notes and reasoning during the adaptation of the new laws or making necessary changes to the existing laws. These cases include many progressive articles for women's rights under women and marriage and family, women and criminal law and women and labor and so on. For example there is the new Civil Code (Law 4721, Official Gazette, 08.12. 2001, No: 24607), Penal Code (Law 5237, Official Gazette, 12.10.2004, No: 25611) and new Labor Law (Law 4857, Official Gazette, 10.06. 2003, No: 25134).

Another way of harmonization and adaptation is making necessary changes according the European Union Directives. Directives are part of the European Community Law. As discussed above the scope of EC law is also relevant and important to have direct effects for individuals of Member States especially for women's rights. This will be discussed at the last part of this paper comparing the rights of a EU citizen and a Turkish citizen residing in Turkey.

On women's rights especially for right to work the following sets an example where Turkey is in the process of harmonization her legislation according to EU directives. Such as:

Turkey fulfills her obligation from the Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women by Article 5 of Turkish Labor Act, in a work relation, no discrimination can be made on the basis of sex. The employer cannot make different treatment to the employee, directly or indirectly by reasons of sex or pregnancy. Also the Council Directive 92/85/EC on the introduction of measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding Turkey made necessary changes on the Turkish Labor Act and a Turkish Regulation on relevant issues.

Although Turkey is undergoing the screening process and making progress in adaptation of EC law before concluding we have to point out the differences between a woman EU citizen and a Turkish woman residing in Turkey and compare the rights they have under the European Community law. Some of the EC laws have direct effects.

If an EC law has direct effect then such law in effect grants rights to individuals and those rights must be upheld by the National Courts. In an action before the national courts of Member States an individual can rely upon these rights directly. However for Turkey although there is obligation for harmonization of the EC law regarding women's rights there are still not direct effects of EC law for Turkish citizens. The position of Turkish citizens living in EU countries is not in the scope of this paper.

The following case sets an example of direct effects, in this case the direct effects of Directives in a Member State.

In Marshall v. Southampton and South-West Hampshire Area Health Authority,

The ECJ, through a preliminary ruling by the court of appeals of England and Wales, addressed the following questions: (1) whether the respondent's dismissal of the appellant after she had passed her 60th birthday pursuant to the policy (followed by the respondent) and on the grounds only that she was a woman who had passed the normal retiring age applicable to women was an act of discrimination prohibited by the Equal Treatment Directive. (2) if the answer to (1) is affirmative, whether or not the equal treatment directive can be

relied upon by the appellant in the circumstances of the present case in national courts or tribunals notwithstanding the inconsistency (if any) between the directive and national law.

The appellant, who was working under a contract of employment as senior dietician approximately four weeks after she had attained the age of 62 was dismissed based on the Social Security Act 1975, the United Kingdom legislation. She contended that her dismissal at the date and for the reason indicated by the respondent constituted discriminatory treatment by the respondent on the ground of sex and, accordingly, unlawful discrimination contrary to the Sex Discrimination Act and Community Law.

The industrial tribunal dismissed the appellant's claim in so far as it was based on infringement of the Sex Discrimination Act, since... However, the industrial tribunal upheld the claim that the principle of equality of treatment laid down by Directive No 76/207 had been infringed.

On appeal to the employment appeal tribunal that decision was confirmed as regards the first point but was set aside as regards the second point on the ground that, although the dismissal violated the principle of equality of treatment laid down in the aforementioned directive, an individual could not rely upon such violation in proceedings before a United Kingdom court or tribunal.

Through a preliminary ruling by the court of appeals addressed the above two questions. The first question must be answered in the affirmative. Consequently, Article 5(1) of Directive no 76/207 must be interpreted as meaning that a general policy concerning dismissal involving the dismissal of a woman solely because she has attained or passed the qualifying age for a state pension, which age is different under national legislation for men and for women, constitutes discrimination on grounds of sex, contrary to that directive.

The answer to the second question must be that article 5(1) of Council Directive no 76/207 of 9 February 1976, which prohibits any discrimination on grounds of sex with regard to working conditions, including the conditions governing dismissal, may be relied upon as against a state authority acting in its capacity as employer, in order to avoid the application of any national provision which does not conform to article 5(1). That provision is sufficiently precise and unconditional to be capable of being relied upon by an individual before a national court in order to avoid the application of any national provision, which does not conform, to article 5(1).

The case showed when the conditions of direct effects are fulfilled how the Member State citizens could rely upon a directive in their national courts or tribunals even when there is inconsistency between the directive and national law. However for Turkey although there is obligation for harmonization of the EC law regarding women's rights there are still no direct effects of EC law for Turkish citizens.

However one has to acknowledge that the European Union's legislation on women's rights have to be parallel with the European Union's international obligations including the international agreements the members are party to. And it is usually the case that the EC law regarding human rights/women's rights is parallel with these international obligations. Otherwise EU will have international liability if the obligations conflict as discussed above when discussing international agreements. Hence Turkey might be liable under her international liabilities, both from the international law arena and her obligation under the European Union accession negotiation process, and not because of direct effects of the EC law on similar areas.

CONCLUSION

Turkey has international and national liability on women's rights issues. Turkey is party to many agreements. Some of these agreements are specifically regarding women's rights and some are general agreements on human rights that are also applicable to women's rights. The European Union is important for the development of women's rights issues. EU legislation on women's rights is essential for Turkey since Turkey is in the process for the European Union Accession negotiations.

REFERENCES

- BROWLIE, Ian. (2003): Principles of Public International Law, Oxford, 6th ed.
- DEARDS, Elspeth and HARGREAVES, Sylvia. (2004): European Union Law, Oxford.
- DIXON, Martin. (2004): Textbook on International Law, Oxford, 5th ed.

Internet Sources:

www.un.org/womenwatch

<http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>

<http://www.tbmm.gov.tr/english/constitution.htm>

http://assembly.coe.int/Documents/AdoptedText/TA04/ERES1385.htm#_ftn1

<http://www.humanrights.coe.int/equality/Eng/WordDocs/2002r5%20Violence%20recommendation%20English.doc>

<http://www.ilo.org/public/english/about/iloconst.htm#a19p5>

<http://conventions.coe.int/Treaty/en/Treaties/Html/001.htm>

http://ec.europa.eu/justice_home/fsj/rights/discrimination/fsj_rights_discrim_en.htm

http://europa.eu.int/eur-lex/en/about/abc/abc_13.html

http://www.europa.eu.int/servlet/portail/RenderServlet?search=DocNumber&lg=en&nb_docs=25&domain=Caselaw&in_force=NO&type_doc=CaseLaw&an_doc=1962&nu_doc=26

www.deltur.cec.eu.int/

<http://www.abgs.gov.tr/>

<http://www.euturkey.org.tr/>

http://ab.calisma.gov.tr/index_dosyalar/mevzuat/bakanlikcalismalarbilginotu.doc

http://europa.eu.int/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=EN&numdoc=61984J0152&model=guichett

http://www.stopvaw.org/Enforcement_of_EU_Directives.html?Type=B_BASIC&SEC={B2E47C29-DD3C-4160-B5EE-C403C658E3AC}

European Court of Justice Cases :

VAN GEND & LOOS, Case 26/62, 1963 ECR.

COSTA/ENEL, Case 6/64, 1964 ECR.

SIMMENTHAL, Case 106/77, 1978 ECR.

FACTORTAME, Case C-213/89, 1990 ECR.