Parliamentary Assembly
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Recommendation 1298 (1996)[1]

Turkey's respect of commitments to constitutional and legislative reforms (follow-up to Recommendation 1266 (1995))

Parliamentary Assembly

1. The Turkish Grand National Assembly has accomplished several constitutional and legal reforms since April 1995. The Assembly regards these reforms as progress towards the aims of Recommendation 1266 (1995).

2. In its interim reply of 23 June 1995 to Recommendation 1266 (1995), the Committee of Ministers informed the Assembly that it had opened dialogue with the Turkish Government. The Assembly regrets the fact that it has not been informed of the progress of this dialogue and expects the Committee of Ministers to provide urgently such information together with a full and final reply to the present recommendation.

3. In July 1995, several articles of the 1982 constitution were amended. These amendments covered questions relating to political parties, the status of members of parliament and parliamentary immunity, general and local elections, and trade union freedom.

4. In October 1995, Article 8 of the 1991 Anti-Terrorism Law was amended. Previously, it had given rise to serious human rights violations.

5. The Assembly welcomes these developments. However, revised Article 8 of the Anti-Terrorism Law still raises serious human rights issues. The Assembly therefore repeats its call for the abolition of Article 8 and of any similar provisions in other laws.

6. The Assembly invites the Turkish authorities - and in particular the newly-elected parliament - to pursue reform in order to bring the constitution and laws of Turkey in line with the principles and standards of the Council of Europe.

7. The Assembly notes that Turkish forces have been withdrawn from the territory of Iraq. The Assembly still awaits, however, a statement from the Turkish authorities that among their highest political priorities is the search for a peaceful resolution of the Kurdish question.

8. By decision of the Turkish Supreme Court on 26 October 1995, two of the six parliamentarians from the DEP party, who were sentenced in 1994, were released. However, the continuing imprisonment of the other four remains a serious violation of human rights and negates the very essence of parliamentary democracy. A presidential pardon or a new amnesty law would confirm Turkey's commitment to democracy.

9. From now on, in the light of these developments, the Assembly considers that Recommendation 1266 (1995) can be followed up within the framework of its monitoring procedure under Order No. 508 (1995) on the honouring of obligations and commitments by member states of the Council of Europe, instructs its committees concerned to open the procedure under this order, and invites them to nominate their rapporteurs as soon as possible.

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1. Assembly debate on 25 April 1996 (15th Sitting) (see Doc. 7445, report of the Political Affairs Committee, rapporteur: Mr Bársony). Text adopted by the Assembly on 25 April 1996 (15th Sitting).

10. The Assembly recommends the Committee of Ministers :

10.1. to urge Turkey to pursue reform in order to bring legislation and practice into line with the Council of Europe's standards and principles ;

10.2. to appraise developments in Turkey under its own procedure for monitoring the compliance of member states of the Council of Europe with their obligations and commitments.