Resolution 786 (1982)[1]

Situation in Turkey

Parliamentary Assembly

The Assembly,

1. Recalling its earlier positions adopted on this question, and notably its Resolution 765 (1982) ;

2. Noting that the debates in the Turkish Consultative Assembly on the draft constitution have been widely echoed in the mass media, and that several independent personalities and individual citizens have been able to express their views and their criticisms, while regretting that some former politicians have been silenced by Decree No. 70 ;

3. Noting that the Turkish people will be called upon to pronounce by referendum in November on a draft constitution, in accordance with the timetable previously announced by the Turkish Government ;

4. Noting also that five member states of the Council of Europe have introduced applications before the European Commission of Human Rights which must verify whether the provisions of the European Convention on Human Rights are respected by the Turkish Government and the derogations foreseen under its Article 15 are correctly applied ;

5. Considering that the National Security Council began, on 1 October 1982, the examination of the constitution as adopted by the consultative assembly on 24 September 1982 ;

6. Aware that the National Security Council is in a position to make modifications to this constitution before it is submitted to a referendum on 7 November 1982 ;

7. Recalling that, for the membership of Turkey in the Council of Europe, it is of the utmost importance that the new constitution fulfils the requirements of parliamentary democracy and human rights in the sense of the Council of Europe's Statute ;

8. Considering that, in view of the present situation, it would be of great importance for the organs of the Council of Europe to be informed of the conclusions reached by the European Commission of Human Rights as soon as possible, and that the states concerned should make every effort to contribute to accelerating the procedure ;

9. Deeply concerned by the allegations of torture and ill-treatment which are still being made ;

10. Also concerned by the limitations placed on citizens' freedom of expression by Decree No. 70, while considering that the lifting of the curfew and the repeal of Decree No. 52 could assist progress towards the normalisation of public life,

11. Expresses the earnest hope that the Turkish authorities will :

a. respect the provisions of the European Convention on Human Rights and do everything to eradicate the practice of torture and to pursue its inquiries into all allegations on this subject ;

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1. Assembly debate on 6 October 1982 (19th Sitting) (see Doc. 4965, report of the Political Affairs Committee). Text adopted by the Assembly on 6 October 1982 (19th Sitting).

b. ensure that the draft constitution to be submitted to referendum is in full conformity with the Statute of the Council of Europe, and particularly that it ensures pluralism of political parties and trade unions, the protection and equality of treatment for the country's religious minorities, the rule of law and the separation of powers, and that it incorporates the safeguard of human rights and fundamental freedoms, as guaranteed by the European Convention on Human Rights ;

c. take the appropriate measures to ensure that the referendum takes place in accordance with the rules of democracy, and that it is preceded by a campaign in which all individuals or groups of individuals are free to express themselves freely on the draft constitution and to seek to influence the choice of their fellow citizens ;

d. take the necessary steps, in conformity with Assembly Recommendation 951 on voting rights for nationals of Council of Europe member states, in order to enable the large Turkish community of nearly two million people living and working abroad to participate in the vote for the referendum.