

Resolution 794 (1983)¹

Situation in Turkey

Parliamentary Assembly

The Assembly,

1. Recalling its earlier positions on this question ;
2. Having considered the new Constitution of Turkey which was adopted in a referendum on 7 November 1982 ;
3. Considering that the voting operations at the referendum, which was followed by its observers who went to Turkey in accordance with Order No. 413 (1982), were, from a technical point of view, conducted in a fair manner ;
4. Accepting that the new Constitution was approved by an overwhelming majority of the Turkish people ;
5. Regretting, however, that no free campaign and that no free discussion of the final version of the Constitution were allowed in the period between its approval by the National Security Council and the referendum itself, and that the issue was confused by the fact that the same vote confirmed General Evren as head of state for seven years ;
6. Considering the opinions of the three constitutional experts which it consulted on the new Constitution, and taking into account their reservations ;
7. Considering that there are a number of dangers and weaknesses inherent in the new Constitution, which include the far-reaching restrictions of its provisions on human rights, the extensive powers of the President of the Republic and the apparent shortcomings in the independence of the judiciary ;
8. Believing that the democratic character of the new Constitution will be determined, to a large extent, by the way it is implemented ;
9. Considering that the new Constitution is intended as a first step towards the restoration of full parliamentary democracy, and that it is to be completed by an electoral law, a law on the political parties, to be followed in autumn 1983 by parliamentary elections, the reintroduction of political liberties and of the freedom of the press ;
10. Considering that Turkey has not yet returned to a situation fully compatible with the Statute of the Council of Europe and the European Convention on Human Rights, and that this will not be the case until a freely elected parliamentary democracy can be seen to be operating satisfactorily and full respect for human rights is guaranteed ;
11. Concerned about the fact that several categories of persons, including former members of parliament, are at present excluded from actually participating in the democratic process ;
12. Concerned about recently adopted legislation and its implementation, such as the law on the universities and Decree 71, which further limit political freedoms ;

1. Assembly debate on 26 and 27 January 1983 (25th, 26th and 27th Sitzings) (see [Doc. 5008](#), report of the Political Affairs Committee, and [Doc. 5014](#), Opinion of the Legal Affairs Committee). Text adopted by the Assembly on 27 January 1983 (27th Sitting).



13. Recalling that, on 1 July 1982, Denmark, France, the Netherlands, Norway and Sweden submitted identical applications to the European Commission of Human Rights on alleged violations of the European Convention on Human Rights, in accordance with Article 24 of the convention ;
14. Concerned by the fact that there are still numerous and serious allegations about violations of human rights in Turkey ;
15. Greatly concerned by the long protracted mass trials such as the one against the leaders of DISK ;
16. Desirous to support all forces in Turkey working for true parliamentary democracy for the safeguarding of human rights ;
17. Conscious that the Council of Europe's influence will be more effective so long as Turkey's links with the Council of Europe are maintained,
18. Stresses that Turkey's continued membership of the Council of Europe is only conceivable if all political and other fundamental rights and freedoms, including rights of minorities in accordance with Turkey's international obligations, are respected, and the provisions of the European Convention on Human Rights are fully applied ;
19. Decides to give serious consideration to making a recommendation to the Committee of Ministers aiming at application of Article 8 of the Statute of the Council of Europe ;
20. Urgently appeals, in the meantime, to the Government of Turkey :
 - 20.1. to implement the new Constitution in a democratic manner ;
 - 20.2. to implement the new Constitution in a democratic manner ;
 - 20.3. to allow for a free discussion, at all stages, of further legislation to implement the Constitution in a democratic way, in particular the electoral law and the law on the political parties ;
 - 20.4. to do everything to ensure for political parties all the freedom necessary to organise and to prepare themselves for parliamentary elections ;
 - 20.5. to refrain from using its voting rights in the Committee of Ministers until parliamentary democracy is fully restored and until Turkey is also again represented in the parliamentary organ of the Council of Europe ;
 - 20.6. to abolish martial law and end the derogation it made under Article 15 of the European Convention on Human Rights ;
 - 20.7. to recognise, in accordance with frequent appeals the Assembly made to member states in the past, the optional clauses of the European Convention on Human Rights, that is the right of individual application (Article 25) and the compulsory jurisdiction of the European Court of Human Rights (Article 46) ;
21. Stresses the importance it attaches to the organs of the Council of Europe being informed as soon as possible of the conclusions reached by the European Commission of Human Rights in the interstate applications submitted by Denmark, France, the Netherlands, Norway and Sweden against Turkey, and calls on the states concerned to make every effort to accelerate the procedure before the Commission ;
22. Calls on member states to use every opportunity to urge on the Turkish Government, at all levels, the necessity of an effective improvement in respect of human rights and of a prompt return to a real democracy ;
23. Decides to continue to monitor developments in Turkey very closely and to hold a further debate on the situation at its January 1984 part-session at the latest, or at an earlier part-session, should the committees concerned consider this desirable.