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09 May 2012

## **Paving the way to full public participation in the drafting of a new constitution for Turkey**

### **Motion for a resolution**

tabled by Mr Ertuğrul KÜRKÇÜ and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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Turkey, in accordance with Parliamentary Assembly Resolution 1380 (2004), is moving towards a new constitution. The “Constitutional Reconciliation Commission” of the Turkish Parliament will present the first draft for public discussion in the forthcoming months.

The Assembly welcomes the Turkish Parliament’s historic initiative to base its constitution on the guidelines laid down by the Council of Europe.

Nevertheless, the Assembly believes that in the run-up to the public debate, Turkey should provide broader opportunities for public participation and freedom of expression, association, assembly and demonstration which do not necessarily require a constitutional change.

However, the continuation of the armed conflict in Turkey’s southeast provinces, the deaths of combatants and civilians, as well as reprisals against and persecution of the Kurdish activists and opposition groups across the country and the continued incarceration of 8 elected members of parliament will obviously have a negative impact on public participation and confidence in the constitutional debate.

Accordingly, the Assembly should call on Turkey to take urgent measures to gain public confidence and provide broader access for all citizens in Turkey to exercising their rights. The opinion of the Venice Commission should be sought and taken into account for such legislation.

These measures should include:

- implementing a bilateral ceasefire and setting up an international supervision committee to investigate and report on possible breaches of the ceasefire;
- taking all necessary steps to end the persecution of Kurdish politicians and opposition activists, release elected members of parliament, and allow persons in prison or on trial to participate in the political process;
- amending the anti-terrorism laws, resulting in pre-trial detention orders, which stifle the free expression of political activists, journalists and human rights defenders.

*Signed (see overleaf)*



*Signed*<sup>1</sup>:

KÜRKÇÜ Ertuğrul, Turkey, UEL  
ANDERSEN Karin, Norway, UEL  
BACKMAN Þuriður, Iceland, UEL  
DOBBIN Jim, United Kingdom, SOC  
ELZINGA Tuur, Netherlands, UEL  
FRÉCON Jean-Claude, France, SOC  
GROTH Annette, Germany, UEL  
HUNKO Andrej, Germany, UEL  
KOX Tiny, Netherlands, UEL  
LECOQ Jean-Paul, France, UEL  
LOUKAIDES George, Cyprus, UEL  
MARQUET Bernard, Monaco, ALDE  
MEALE Alan, United Kingdom, SOC  
MORIAU Patrick, Belgium, SOC  
O'REILLY Joseph, Ireland, EPP/CD  
O'SULLIVAN Maureen, Ireland, UEL  
PETRENCO Grigore, Republic of Moldova, UEL  
ROCHEBLOINE François, France, EPP/CD  
SHERIDAN Jim, United Kingdom, SOC  
VILLUMSEN Nikolaj, Denmark, UEL

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1. ALDE: Alliance of Liberals and Democrats for Europe  
EPP/CD: Group of the European People's Party  
SOC: Socialist Group  
UEL: Group of the Unified European Left