

THE CONSTITUTION OF THE REPUBLIC OF TURKEY [1982] (Translated by Erhan Yasar)
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The Constitution of Turkey 2/4

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VI. Collective Bargaining, Right to Strike, and Lockout

A. Right of Collective Bargaining

ARTICLE 53 - Workers and employers have the right to conclude collective bargaining agreements in order to regulate reciprocally their economic and social position and conditions of work.

The procedure to be followed in concluding collective bargaining agreements shall be regulated by law.

(The following paragraph added by Law Nr. 4121, Article 4, dated 23 July 1995)

Trade unions and their higher organizations which are permitted to be formed by public employees who fall under the provisions of the first paragraph of Article 128 and which do not fall under the provisions of the first and second paragraphs of this Article and of Article 54, may petition judiciary offices on behalf of their members and may engage in collective discussions with the Administration. If an agreement is obtained as a result of such discussions, a memorandum of understanding is prepared and signed by both parties. Such memorandum of understanding is then submitted to the consent of Council of Ministers for the purpose of executing appropriate administrative and legal arrangements. If no agreement is obtained at the end of such discussions, then all points of disagreement are defined and written down as minutes to be submitted to the consent of the Council of Ministers. The implementation of this paragraph is regulated by law.

No more than a single collective bargaining agreement may be concluded or put into effect at the same place of work for the same period.

B. Right to Strike, and Lockout

ARTICLE 54 - Workers have the right to strike if a dispute arises during the collective bargaining process, Procedures and conditions governing the exercise of this right and the employer's recourse to a lockout, the scope of both actions, and any exceptions to which they are subject are regulated by law.

The right to strike, and lockout may not be exercised in a manner contrary to the principle of goodwill to the detriment of society, and in a manner damaging national wealth.

During a strike, the labor union is liable for any material damage caused in a work-place where the strike is being held, as a result of deliberate negligent behavior by the workers and the labor union.

The circumstances and places in which strikes and lockouts may be prohibited or postponed are regulated by law.

Where a strike or a lockout is prohibited or postponed, the dispute shall be settled by the Supreme Arbitration Board at the end of the period of postponement. The disputing parties may apply to the Supreme Arbitration Board by mutual agreement at any stage of the dispute.

The decisions of the Supreme Arbitration Board shall be final and have the force of a collective bargaining agreement.

The organization and functions of the Supreme Arbitration Board are regulated by law. Politically motivated strikes and lockouts, solidarity strikes and lockouts, occupation of work premises, works-to-rule, production decreasing, and other forms of obstruction are prohibited.

Those who refuse to go on strike may in no way be barred from working at their work - place by strikers.

VII. Guarantee of A Fair Wage

ARTICLE 55 - Wages shall be paid in return of work.

The State shall take the necessary measures to ensure that workers earn a fair wage suitable for the work they perform and that they enjoy other social benefits.

In determining the minimum wage, the economic and social conditions of the country shall be taken into account.

VIII. Health, the Environment and Housing

A. Health Services and Conservation of the Environment

ARTICLE 56 - Everyone has the right to live in a healthy, balanced environment. It is the duty of the State and the citizens to improve the natural environment, and to prevent environmental pollution.

To ensure that everyone lead their lives in conditions of physical and mental health and to secure cooperation in terms of human and material resources through economy and increased productivity, the State shall regulate central planning and functioning of the health services.

The State shall fulfill this task by utilizing and supervising the health and social assistance institutions, in both the public and private sectors.

In order to establish widespread health services general health insurance may be introduced by law.

B. Right to Housing

ARTICLE 57 - The State shall take measures to meet the needs for housing, within the framework of a plan which takes into account the characteristics of cities and environmental conditions and supports community housing projects.

IX. Youth and Sports

A. Protection of Youth

ARTICLE 58 - The State shall take measures to ensure the training and development of youth into whose keeping our State, independence, and our Republic are entrusted, in the light of contemporary science, in line with the principles and reforms of Atatürk, and in opposition to ideas aiming at the destruction of the indivisible integrity of the State with its territory and nation.

The State shall take necessary measures to protect youth from addiction to alcohol, drug addiction, crime, gambling, and similar vices, and from ignorance.

B. Development of Sports.

ARTICLE 59 - The State shall take measures to develop the physical and mental health of Turkish citizens of all ages, and encourage the spread of sports among the masses.

The State shall protect successful athletes.

X. Social Security Rights

A. Right to Social Security

ARTICLE 60 - Everyone has the right to social security.

The State shall take the necessary measures and establish the organization for the provision of social security.

B. Persons Requiring Special Protection in the Field of Social Security

ARTICLE 61 - The State shall protect the widows and orphans of those killed in war and in the line of duty, together with the disabled and war veterans, and ensure that they enjoy a decent standard of living.

The State shall take measures to protect the disabled and secure their integration into community life.

The aged shall be protected by the State. State assistance to the aged, and other rights and benefits are regulated by law.

The State shall take all kinds of measures for social resettlement of children in need of protection.

To achieve these aims the State shall establish the necessary organizations or facilities, or arrange for their establishment by other bodies.

C. Turkish Nationals Working Abroad

ARTICLE 62 - The State shall take the necessary measures to ensure the family unity, the education of the children, the cultural needs, and the social security of Turkish nationals working abroad, and shall take the necessary measures to safeguard their ties with the country, and to help them on their return home.

XI. Conservation of Historical, Cultural and Natural Wealth

ARTICLE 63 - The State shall ensure the conservation of the historical, cultural and natural assets and wealth, and shall take supporting and promoting measures towards this end.

Any limitations to be imposed on such assets and wealth which are privately owned, and the compensation and exemptions to be accorded to the owners of such, as a result of these limitations, shall be regulated by law.

XII. Protection of Arts and Artists

ARTICLE 64 - The State shall protect artistic activities and artists. The State shall take the necessary measures to protect, promote and support works of art and artists, and encourage the spread of art appreciation.

XIII. The Extent of Social and Economic Rights

ARTICLE 65 - The State shall fulfill its duties as laid down in the Constitution in the social and economic fields, within the limits of its financial resources, taking into consideration the maintenance of economic stability.

CHAPTER FOUR POLITICAL RIGHTS AND DUTIES

I. Turkish Citizenship

ARTICLE 66 - Everyone bound to the Turkish State through the bond of citizenship is a Turk.

The child of a Turkish father or a Turkish mother is a Turk. The citizenship of a child of a foreign father and a Turkish mother shall be defined by law.

Citizenship may be acquired under the conditions stipulated by law, and may be forfeited only in cases determined by law.

No Turk may be deprived of citizenship, unless he commits an act incompatible with loyalty to the motherland.

Recourse to the courts, against decisions and proceedings related to the deprivation of citizenship, may not be denied.

II. Right to Vote, to be Elected and to Engage in Political Activity

ARTICLE 67 - In conformity with the conditions set forth in the law, citizens have the right to vote, to be elected, and to engage in political activities independently or in a political party, and to take part in a referendum.

(This paragraph amended by Law Nr. 4121, Article 5, dated 23 July 1995) Elections and referendums shall be held under the direction and supervision of the judiciary, according to the principles of free, equal, secret, direct, universal suffrage, and public

counting of the votes.

The use of the right to vote by Turkish citizens abroad is regulated by law.

(This paragraph amended by Law Nr. 4121, Article 5, dated 23 July 1995) All Turkish citizens over 18 years of age shall have the right to vote in elections and to take part in a referendum.

The exercise of these rights are regulated by law

(This paragraph amended by Law Nr. 4121, Article 5, dated 23 July 1995) Privates and corporals serving in the Armed Services, students in military schools, and detainees and convicts in prisons are not eligible to vote. The High Council of Elections shall determine the necessary measures to be taken to ensure the security of elections in prisons and penal institutions, the security of convicts and detainees during their use of voting rights and during the counting of the ballots. Such measures are executed under the administration and supervision of a judge.

(This paragraph added by Law Nr. 4121, Article 5, dated 23 July 1995)

Election laws shall be designed in a manner that is compatible with the principles of fairness in representation and stability in government.

III. Provisions Relating to Political Parties

A. Forming Parties, Membership, and Withdrawal From Membership in a Party

ARTICLE 68 - (Amended by Law Nr. 4121, Article 6, dated 23 July 1995) Citizens have the right to form political parties, and to join and withdraw from them in accordance with the established procedure. To become a member of a party one must be over 18 years of age.

Political parties are indispensable elements of the democratic political system.

Political parties shall be founded without prior permission and shall pursue their activities in accordance with the provisions set forth in the Constitution and law.

Statutes and programs of political parties may not be in conflict with the indivisible integrity of the State with its territory and nation, human rights, national sovereignty, and the principles of the democratic and secular Republic, or aim to defend or establish the dictatorship of any class or group, or any other kind of dictatorship, or encourage commitment of any crime.

Judges and prosecutors, members of higher judicial organs, civil servants in public organizations and corporations, and other public servants who are not considered to be laborers by virtue of the services they perform, secondary education students, and members of the Armed Forces, may not become members-of political parties.

Political party membership of university staff is regulated by law which shall not permit such individuals to receive active duties in political parties outside of those in their central organs and specify the principles of conduct to be complied with by teaching staff who are members of a political party.

Principles governing political party membership of university students is regulated by law.

The State shall provide fair and adequate amount of financial assistance to political parties. Principles of State assistance to political parties, their membership fees and donations thereto are regulated by law.

B. Principles to be Observed by Political Parties

ARTICLE 69 - (Amended by Law Nr. 4121, Article 7, dated 23 July 1995) The activities, internal functioning and the decisions of political parties may not be contrary to the principles of democracy. The implementation of these principles is regulated by law. Political parties may not engage in commercial activities.

Income and expenses of political parties shall be compatible with their objectives. The implementation of this provision is regulated by law. The methods of auditing of political

parties by the Constitutional Court, and the definition of sanctions to be applied where contravention is determined are regulated by law. The Constitutional Court shall obtain the assistance of the State Exchequer in fulfilling its audit duty. All decisions by the Constitutional Court resulting from such audits are final.

The dissolution of political parties shall be decided the Constitutional Court after the filing of a suit by the Office of the Chief Public Prosecutor of the Republic.

If the status or the program of a political party is determined to contravene the provisions of the fourth paragraph of Article 68 of the Constitution, then that political party is dissolved permanently.

The dissolution of a political party on grounds of contravention of the fourth paragraph of Article 68 may only be adjudged by the Constitutional Court if it is determined by the same that said political party has become a focal point of activities in such contravention. No political party that has been permanently dissolved may be re-established under another name.

The founding members and administrators at every level of a political party which has been permanently dissolved as a result of their activities may not become founding members administrators, or comptrollers of a new political party for a period of five years from the date of the promulgation of the Constitutional Court decision in the Official Gazette. Political parties that receive assistance in kind or cash from foreign States, international organizations, or from real persons or legal entities that are not citizens of Turkey are dissolved permanently.

The formulation and activities, supervision, and dissolution of political parties shall be regulated by law within the above - mentioned provisions.

IV. Right to Enter the Public Service

A. Entry into the Public Service

ARTICLE 70 - Every Turk has the right to enter into public service.

No criteria other than the qualifications for the office concerned may be taken into consideration for recruitment into the public service.

B. Declaration of Assets

ARTICLE 71 - Declaration of assets by persons entering public service, and the frequency of such declaration are determined by law. Those serving in the legislative and executive organs may not be exempted from this requirement.

V. National Service

ARTICLE 72 - National service is the right and duty of every Turk. The manner in which this service shall be performed, or considered as performed, either in the Armed Forces or in the public service is regulated by law.

VI. Obligation to pay Taxes

ARTICLE 73 - Everyone is under the obligation to pay taxes according to his financial resources, in order to meet public expenditures.

An equitable and balanced distribution of the tax burden is the social objective of fiscal policy.

Taxes, fees, duties, and other such financial obligations shall be imposed, amended, or revoked by law.

The Council of Ministers may be empowered to amend the percentages of exemption, exceptions and reductions in taxes, fees, duties and other such financial impositions, within the minimum and maximum limits prescribed by law.

VII. Right of Petition

ARTICLE 74 - Citizens have the right to apply in writing to the competent authorities

and to the Grand National Assembly of Turkey with regard to requests and complaints concerning themselves or the public.

The result of the application concerning himself shall be made known to the petitioner in writing.

The form of exercising this right is determined by law,

PART THREE FUNDAMENTAL ORGANS OF THE REPUBLIC

CHAPTER ONE LEGISLATIVE POWER

I. The Grand National Assembly of Turkey

A. Composition

ARTICLE 75 - (*Amended by Law Nr. 4121, Article 8, dated 23 July 1995*) The Grand National Assembly of Turkey shall be composed of five hundred and fifty deputies elected by universal suffrage by the nation.

B. Eligibility to be a Deputy

ARTICLE 76 - Every Turk over the age of 30 is eligible to be a deputy.

Persons who have not completed their primary education, who have been deprived of legal capacity, who have failed to perform compulsory military service, who are banned from public service, who have been sentenced to a prison term totaling one year or more excluding in voluntary offenses, or to a heavy imprisonment; those who have been convicted for dishonorable offenses such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding tender, or purchases, of offenses related to the disclosure of State secrets, of involvement in ideological and anarchistic activities, and incitement and encouragement of such activities, shall not be elected deputies, even if they have been pardoned.

Judges and prosecutors, members of the higher judicial organs, members of the teaching staff at institutions of higher education, members of the Higher Education Council, employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as laborers on account of the duties they perform, and members of the Armed Forces, shall not stand for election or be eligible to be a deputy unless they resign from office.

C. Election Term of the Grand National Assembly of Turkey

ARTICLE 77 - Elections for the Grand National Assembly of Turkey shall be held every five years.

The Assembly may decide to hold new elections before the termination of this period, and new elections may also be decided upon according to a decision, taken in accordance with the conditions set forth in the Constitution, by the President of the Republic. A deputy whose term of office expires may be eligible for re-election.

In the event of a decision to hold new elections, the powers of the Assembly shall continue until the election of a new Assembly.

D. Deferment of Elections to the Grand National Assembly of Turkey, and Interim-elections

ARTICLE 78 - If the holding of new elections is found impossible because of war, the Grand National Assembly of Turkey may decide to defer elections for a year.

If the grounds for deferment do not disappear this measure may be repeated under the procedure for deferment.

Interim-elections shall be held when vacancies arise in the membership of the Grand National Assembly of Turkey. Interim-elections shall be held once in every election term and cannot be held until 30 months have elapsed from the date of the previous general elections. However, in cases where the number of vacant seats reaches five percent of the total number of seats, interim-elections shall be held within three months. Interim-elections may not be held within one year before general elections.

E. General Administration and Supervision of the Elections

ARTICLE 79 - Elections shall be held under the general administration and supervision of the judicial organs.

The Supreme Election Council shall execute all the functions to ensure the fair and orderly conduct of the elections from the beginning to the end of polling, carry out investigations and take final decisions on all irregularities, complaints and objections concerning the elections during and after the polling, and verify the election returns of the members of the Grand National Assembly of Turkey. No appeal may be made to any authority against the decisions of the Supreme Election Council.

The functions and powers of the Supreme Election Council and other election councils shall be determined by law.

The Supreme Election Council shall be composed of seven regular members and four substitutes. Six of the members shall be elected by the Plenary Assembly of the High court of Appeals, and five members shall be elected by the Plenary Assembly of the Council of State from amongst its own members, by secret ballot and by an absolute majority of the total number of members. These members shall elect a Chairman and a Vice-Chairman from amongst themselves, by absolute majority and secret ballot.

Amongst the members elected to the Supreme Election Council by the High Court of Appeals and by the Council of State, two, members from each group shall be designated, by lot, as substitute members. The Chairman and Vice-Chairman of the Supreme Election Council shall not take part in this procedure.

The general conduct and supervision of a referendum on legislation amending the Constitution shall be subject to the same provisions as those relating to the election of deputies.

F. Provisions Relating to Membership

ARTICLE 80 - Members of the Grand National Assembly of Turkey represent the Nation as a whole and not merely their own constituencies or constituents.

2. The Oath

ARTICLE 81 - On assuming office, members of the Grand National Assembly of Turkey shall take the following oath:

"I swear upon my honor and integrity, before the great Turkish Nation, to safeguard the existence and independence of the State, the indivisible integrity of the country and the Nation, and the absolute sovereignty of the Nation; to remain loyal to the supremacy of law, to the democratic and secular Republic, and to Atatürk's principles and reforms; not to deviate from the ideal according to which everyone is entitled to enjoy human rights and fundamental freedoms under peace and prosperity in society, national solidarity and justice, and loyalty to the Constitution."

3. Activities Incompatible with Membership

ARTICLE 82 - Members of the Grand National Assembly of Turkey may not hold office in State departments and other public corporate bodies and their subsidiaries; in corporations and enterprises affiliated with the State and other public corporate bodies; in the executive or supervisory organs of enterprises and corporations where there is direct

or indirect participation of the State and public corporate bodies; in the executive and supervisory organs of public benefit associations, whose special resources of revenue and privileges are provided by law; in the executive and supervisory organs of foundations which enjoy tax exemption and receive financial subsidies from the State; and in the executive and supervisory organs of labor unions and public professional organizations, and in the enterprises and corporations in which the above-mentioned unions and associations or their higher bodies have a share; nor may they be appointed as representatives of the above-mentioned bodies or be party to a business contract, directly or indirectly, and be arbitrators of representatives in their business transactions.

Members of the Grand National Assembly of Turkey may not be entrusted with any official or private duties involving recommendation, appointment, or approval by the Executive organ. Acceptance by a deputy of a temporary assignment given by the Council of Ministers on a specific matter, and not exceeding a period of six months, is subject to the approval of the Assembly.

Other functions and activities incompatible with membership in the Grand National Assembly of Turkey are regulated by law.

4. Parliamentary Immunity

ARTICLE 83 - Members of the Grand National Assembly of Turkey shall not be liable for their votes and statements concerning parliamentary functions, or for the views they express before the Assembly, unless the Assembly decides otherwise on the proposal of the Presidium for that session, for repeating or revealing these outside the Assembly.

A deputy who is alleged to have committed an offense before or after election, may not be arrested, interrogated, detained or tried unless the Assembly decides otherwise. This provision does not apply to cases where a member is caught in the act of committing a crime punishable by a heavy penalty and in cases subject to Article 14 of the Constitution if an investigation has been initiated before the election. However, in such situations the competent authority shall notify the Grand National Assembly of Turkey immediately and directly.

The execution of a criminal sentence imposed on a member of the Grand National Assembly of Turkey either before or after his election shall be suspended until he ceases to be a member; the statute of limitations does not apply during the term of membership. Investigation and prosecution of a re-elected deputy shall be subject to the renewed waiver of immunity by the Assembly.

Political party groups in the Grand National Assembly of Turkey shall not hold discussions or take decisions regarding parliamentary immunity.

5. Loss of Membership

ARTICLE 84 *-(Amended by Law Nr. 4121, Article 9, dated 23 July 1995)* Loss of membership by any deputy who resigns is decided in the plenary session of the Grand National Assembly after determination by the Presidium that the resignation is valid.

Loss of membership by any deputy as a result of final conviction or detention occurs with the notification by the court of such verdict to the plenary session of the Grand national Assembly.

Loss of membership by any deputy who persists in engaging in duties or activities incompatible with membership in accordance with the provisions of Article 82 is decided in the plenary session of the Grand National Assembly by secret balloting after submission of a report by a competent committee establishing the act.

Loss of membership by any deputy who fails to attend, without any excuse or leave of absence, parliamentary activities for five sessions in a period of one month shall be decided in a plenary session by an absolute majority of the total number of members after the Presidium establishes the act.

The membership of a deputy, whose acts and statements are cited in a judgment of the Constitutional Court as having caused the dissolution of a political party and that of other deputies who belong to the same party on the date when the action for dissolution was brought, shall end on the date that such dissolution is promulgated in the Official Gazette. The Presidium of the Grand National Assembly of Turkey shall forthwith execute such a decision and notify the plenary session of the Grand National Assembly.

6. Application for Annulment

ARTICLE 85 - (Amended by Law Nr. 4121, Article 10, dated 23 July 1995)

If the Grand National Assembly of Turkey decides to waive the parliamentary immunity of a member or to disqualify him from membership, the member concerned or any member of the Grand National Assembly of Turkey, may within seven days of the decision appeal to the Constitutional Court for the decision to be annulled on the grounds that it is contrary to the Constitution or to the Rules of Procedure of the Assembly. The Constitutional Court shall make a final decision on the appeal within fifteen days.

7. Salaries and Allowances

ARTICLE 86 - Salaries and allowances of the members of the Grand National Assembly of Turkey are regulated by law. The monthly amount of the salary may not exceed the salary of the most senior civil servant; the travel allowance may not exceed half of that salary.

The salaries and allowances paid to the members of the Grand National Assembly of Turkey shall not necessitate the suspension of payments of pensions and similar benefits by social security agencies.

A maximum of three months salary and allowances may be paid in advance,

II. Functions and Powers of the Grand National Assembly of Turkey

A. General Provisions

ARTICLE 87 - The functions and powers of the Grand National Assembly of Turkey comprise the enactment, amendment, and repeal of laws; the supervision of the Council of Ministers and the Ministers; authorization of the Council of Ministers to issue governmental decrees having force of law on certain matters; debating and approval of the budget draft and the draft law of the final accounts; making decisions regarding printing of currency and declaration of war; ratifying international agreements, deciding on the proclamation of amnesties and pardons excluding those who have been convicted for activities set out in Article 14 of the Constitution; confirming death sentences passed by the courts; and exercising the powers and executing the functions envisaged in the other articles of the Constitution.

B. Introduction and Debate of Laws

ARTICLE 88 - The Council of Ministers and deputies are empowered to introduce laws. The procedure and principles relating to the debating of draft bills and proposals of law in the Grand National Assembly of Turkey shall be regulated by the Rules of Procedure.

C. Promulgation of Laws by the President of the Republic

ARTICLE 89 - The President of the Republic shall promulgate the laws adopted by the Grand National Assembly of Turkey within fifteen days. He shall, within the same period, refer to the Grand National Assembly of Turkey for further consideration laws which he deems unsuitable for promulgation, together with a statement of his reasons. Budget laws shall not be subject to this provision.

If the Grand National Assembly of Turkey adopts in its unchanged form the law referred back, the President of the Republic shall promulgate it; if the Assembly amends the law which was referred back, the President of the Republic may again refer back the amended

law to the Assembly.

Provisions relating to Constitutional amendments are reserved.

D. Ratification of International Treaties

ARTICLE 90 - The ratification of treaties concluded with foreign states and international organizations on behalf of the Republic of Turkey, shall be subject to adoption by the Grand National Assembly of Turkey 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 Grand National Assembly of Turkey 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 an authorization given by law shall not require approval by the Grand National Assembly of Turkey. However, agreements concluded under the provision of this paragraph and affecting the economic, or commercial relations and 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 carry the force of law. No appeal to the Constitutional Court can be made with regard to these agreements, on the ground that they are unconstitutional.

E. Authorization to Enact Statutory Decrees

ARTICLE 91 - The Grand National Assembly of Turkey may authorize the Council of Ministers to issue statutory decrees. However, the fundamental rights, individual rights and duties included in the First and Second Chapter of the Second Part of the Constitution and the political rights and duties listed in the Fourth Chapter, may not be regulated by statutory decrees except during periods of martial law and during states of emergency.

The authorization law shall define the purpose, scope, principles, and operative period of the statutory decree, and whether more than one statutory decree will be issued within the same period.

Resignation or fall of the Council of Ministers, or expiration of the legislative term shall not cause the termination of the power conferred for the given period.

When approving a statutory decree before the end of the prescribed period, the Grand National Assembly of Turkey shall also state whether the power has terminated or will continue until the expiry of the said period.

Provisions relating to statutory decrees issued by the Council of Ministers meeting under the chairmanship of the President of the Republic in time of martial law or states of emergency are reserved. Statutory decrees shall come into force on the day of their publication in the Official Gazette. However, a later date may be indicated in the statutory decree as the date of entry in to force.

Statutory decrees are submitted to the Grand National Assembly of Turkey on the day of their publication in the Official Gazette.

Authorization laws and statutory decrees which are based on these, shall be discussed in the committees and in the plenary session of the Grand National Assembly of Turkey with priority and urgency.

Statutory decrees not submitted to the Grand National Assembly of Turkey on the day of their publication shall cease to have effect on that day and statutory decrees rejected by

the Grand National Assembly shall cease to have effect on the day of the publication of the decision in the Official Gazette. Amended provisions of statutory decrees which are approved as amended shall go into force on the day of their publication in the Official Gazette.

F. Declaration of State of War and Authorization to Permit the Use of Armed Forces

ARTICLE 92 - The power to authorize the declaration of the state of war in cases deemed legitimate by international law and, except where required by international treaties to which Turkey is a party or by the rules of international courtesy, to send Turkish Armed Forces to foreign countries and to allow foreign armed forces to be stationed in Turkey, is vested in the Grand National Assembly of Turkey.

If the country is subjected to sudden armed aggression while the Grand National Assembly of Turkey is adjourned or in recess, and if it thus becomes imperative to decide immediately on the use of armed forces, the President of the Republic may decide on the use of the Turkish Armed Forces.

III. Provisions Relating to the Activities of the Grand National Assembly of Turkey

A. Convening and Adjournment

ARTICLE 93 - (*Amended by Law Nr. 4121, Article 11, dated 23 July 1995*) The Grand National Assembly of Turkey shall convene of its own accord on the first day of October each year.

The Assembly may be in recess for a maximum of three months in the course of a legislative year. During an adjournment and recess it may be summoned by the President of the Republic either on his own initiative or at the request of the Council of Ministers. The Speaker of the Assembly may also summon the Assembly either on his own initiative or at the written request of one-fifth of the members. If the Grand National Assembly of Turkey is convened during an adjournment or recess, it shall not adjourn or go into recess again before having given priority consideration to the matter requiring the summons.

B. Presidium of the Assembly

ARTICLE 94 - The Presidium of the Assembly of the Grand National Assembly of Turkey shall be composed of the Speaker, Deputy Speakers, Secretaries, and Administrative Members elected from among the members of the Assembly.

The Presidium of the Assembly shall be so composed as to ensure proportionate representation to the number of members of each political party group in the Assembly. Political party groups may not nominate candidates for the Presidium.

Two elections to the Presidium of the Grand National Assembly of Turkey shall be held in the course of one legislative term. The term of office of those elected in the first round is two years and the term of office of those elected in the second round is three years.

The candidates from among the members of the Assembly for the Speaker of the Grand National Assembly of Turkey shall be announced to the Presidium of the Assembly within ten days of the convening of the Assembly .

Election of the Speaker shall be held by secret ballot. In the first two ballots, a two thirds majority of the total number of members, and in the third ballot an absolute majority of the total number of members is required. If the absolute majority cannot be obtained in the third ballot a fourth ballot shall be held between the two candidates who have received the greatest number of votes in the third ballot; the member who receives the greatest number of votes in the fourth ballot shall be elected Speaker. The election of the Speaker shall be completed within ten days of the expiry of the period for the nomination of candidates.

The quorum required for election, the number of ballots and its procedure, the number of Deputy Speakers, Secretaries and Administrative Members, shall be stipulated by the Rules of Procedure of the Assembly. The Speaker and Deputy Speakers of the Grand National Assembly of Turkey may not participate in the activities of the political party or party group of which they are a member nor in debates, within or outside the Assembly, except in cases required by their functions; the Speaker and the Deputy Speaker who is presiding over a session may not cast his vote.

C. Rules of Procedure, Political Party Security Affairs

ARTICLE 95 - The Grand National Assembly of Turkey shall carry out its activities in accordance with the provisions of the Rules of Procedures drawn up by the Assembly itself.

Provisions of the Rules of Procedure shall be drawn up in such a way as to ensure the participation of each political party group in all the activities of the Assembly in proportion to its number of members. Political party groups shall only be constituted if they have at least twenty members.

All security and administrative services of the Grand National Assembly of Turkey regarding all buildings, installations, annexes and its grounds shall be organized and directed by the Office of the Speaker of the Assembly.

Sufficient forces to ensure security and other such services shall be allocated to the Office of the Speaker of the Assembly by the relevant authorities.

D. Quorums Required for Sessions and Decisions

ARTICLE 96 - Unless otherwise stipulated in the Constitution, the Grand National Assembly of Turkey shall convene with at least one-third of the total number of members and shall take decisions by an absolute majority of those present; however, the quorum for decisions can, under no circumstances, be less than a quarter plus one of the total number of members.

Members of the Council of Ministers may delegate a minister to vote on their behalf in sessions of the Grand National Assembly of Turkey which they are unable to attend. However, a minister shall not cast more than two votes including his own.

E. Publicity and Publication of Debates

ARTICLE 97 - Debates held in the plenary session of the Grand National Assembly of Turkey shall be public and shall be published verbatim in the Journal of Records.

The Grand National Assembly of Turkey may hold in camera sessions in accordance with the provisions of its Rules of Procedure; the publication of debates of such sessions shall be subject to the decision of the Grand National Assembly of Turkey.

Public proceedings of the Assembly may be freely published through all means, unless a decision to the contrary is adopted by the Assembly upon a proposal of the Presidium of the Assembly.