

CONSTITUTION OF THE REPUBLIC OF TURKEY

PART THREE

Fundamental Organs of the Republic

CHAPTER ONE

Legislative Power

I. The Grand National Assembly of Turkey

A. Composition

ARTICLE 75- (As amended on May 17, 1987; Act No. 3361, on July 23, 1995; Act No. 4121, April 16, 2017; Act No.6771)

The Grand National Assembly of Turkey shall be composed of six hundred deputies elected by universal suffrage.

B. Eligibility to be a deputy

ARTICLE 76- (As amended on October 13, 2006; Act No.5551, April 16, 2017; Act No.6771) Every Turk over the age of eighteen is eligible to be a deputy.

(As amended on December 27, 2002; Act No. 4777, April 16, 2017; Act No.6771) Persons who have not completed primary education, who have been deprived of legal capacity, who are neither exempt nor deferred from military service, who are banned from public service, who have been sentenced to a prison term totalling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted for dishonourable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding or purchasing, of offences related to the disclosure of state secrets, of involvement in acts of terrorism, or incitement and encouragement of such activities, shall not be elected as a deputy, even if they have been granted amnesty.

Judges and prosecutors, members of the higher judicial organs, lecturers at institutions of higher education, members of the Council of Higher Education, employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as labourers 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 and the President of the Republic⁹

ARTICLE 77- (As amended on October 21, 2007; Act No.5678 April 16, 2017; Act No.6771)

Elections for the Grand National Assembly of Turkey and presidential elections shall be held every five years and on the same day.

A deputy whose term of office expires is eligible for re-election.

⁹The heading of this Article, which was stipulated as “C. Election term of the Grand National Assembly of Turkey” was amended by the fourth Article of Act No. 6771 dated April 16, 2017.

If the required majority cannot be obtained in the first ballot of a presidential election, a second ballot shall be held in compliance with the procedure of Article 101.

D. Deferment of elections and by-elections¹⁰

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

If the grounds do not disappear, the deferment may be repeated in compliance with the procedure for deferment.

By-elections shall be held when vacancies arise in the membership of the Grand National Assembly of Turkey. By-elections shall be held once in every election term and cannot be held unless thirty months elapse after the general election. However, in cases where the number of vacant seats reaches five per cent of the total number of seats, by-elections decided to be held within three months.

By-elections shall not be held within one year before general elections.

(Paragraph added on December 27, 2002; Act No. 4777) Apart from the above specified situations, if all the seats of a province or electoral district fall vacant in the Assembly, a by-election shall be held on the first Sunday after ninety days following the vacancy. The third paragraph of Article 127 of the Constitution shall not apply for elections held per this paragraph.

E. General administration and supervision of elections

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

(As amended on October 21, 2007; Act No. 5678) The Supreme Board of Election shall execute all the functions to ensure the fair and orderly conduct of elections from the beginning to the end, carry out investigations and take final decisions, during and after the elections, on all irregularities, complaints and objections concerning the electoral matters, and receive the electoral records of the members of the Grand National Assembly of Turkey and presidential election. No appeal shall be made to any authority against the decisions of the Supreme Board of Election.

The functions and powers of the Supreme Board of Election and other electoral boards shall be determined by law.

The Supreme Board of Election shall be composed of seven regular members and four substitutes. Six of the members shall be elected by the General Board of High Court of Appeals, and five of the members shall be elected by the General Board of Council of State from amongst their own members, by the vote of the absolute majority of the total number of members through secret ballot. These members shall elect a chairperson and a vice-chairperson from amongst themselves, by absolute majority and secret ballot.

Amongst the members elected to the Supreme Board of Election by the High Court of Appeals and by the Council of State, two members from each group shall be designated by lot

¹⁰ The heading of this Article, which was stipulated as “D. Deferment of elections for the Grand National Assembly of Turkey and by-elections” was amended by the sixteenth Article of Act No. 6771 dated April 16, 2017.

as substitute members. The Chairperson and Vice-Chairperson of the Supreme Board of Election shall not take part in this procedure.

(As amended on October 21, 2007; Act No. 5678) The general conduct and supervision of a referendum on laws amending the Constitution and of election of the President of the Republic by people shall be subject to the same provisions relating to the election of deputies.

F. Provisions relating to membership

1. Representing the nation

ARTICLE 80- Members of the Grand National Assembly of Turkey shall not represent their own constituencies or constituents, but the nation as a whole.

2. Oath-taking

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

“I swear upon my honour 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 the notion of 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 shall not hold office in state departments and other public corporate bodies and their subsidiaries; in corporations and enterprises where there is direct or indirect participation of the State or public corporate bodies; in the enterprises and corporations where the State and other public corporate bodies take part directly or indirectly; in the executive and supervisory boards of public benefit associations whose private resources of revenues and privileges are provided by law; of the foundations receiving subsidies from the state and enjoying tax exemption; of the professional organizations having the characteristics of public institutions and trade unions; and in the executive and supervisory boards of aforementioned enterprises and corporations which they have a share and in their higher bodies. Nor shall they be representatives, accept any contracted engagement of the boards stated above directly or indirectly, serve as a representative, or perform as an arbitrator therein.

Members of the Grand National Assembly of Turkey shall not be entrusted with any official or private duties involving proposal, recommendation, appointment, or approval by the executive organ. (Sentence repealed on April 16, 2017; Act No. 6771)

Other duties and activities incompatible with membership in the Grand National Assembly of Turkey shall be 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 during parliamentary proceedings, for the views they express before the Assembly, or, unless the Assembly decides otherwise, on the proposal of the Bureau for that sitting, for repeating or revealing these outside the Assembly.

A deputy who is alleged to have committed an offence before or after election shall not be detained, interrogated, arrested or tried unless the Assembly decides otherwise. This provision shall not apply in cases where a member is caught in flagrante delicto requiring heavy penalty and in cases subject to Article 14 of the Constitution as long as an investigation has been initiated before the election. However, in such situations the competent authority has to notify the Grand National Assembly of Turkey of the case 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 Assembly's lifting the immunity anew.

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

5. Loss of membership

ARTICLE 84- (As amended on July 23, 1995; Act No. 4121)

The loss of membership of a deputy who has resigned shall be decided upon by the Plenary of the Grand National Assembly of Turkey after the Bureau of the Grand National Assembly of Turkey attests to the validity of the resignation.

The loss of membership, through a final judicial sentence or deprivation of legal capacity, shall take effect after the Plenary has been notified of the final court decision on the matter.

The loss of membership of a deputy who insists on holding a position or carrying out a service incompatible with membership according to Article 82 shall be decided by the Plenary through secret voting, upon the submission of a report drawn up by the authorized committee setting out the factual situation.

Loss of membership of a deputy who fails to attend Parliamentary proceedings without excuse or leave of absence for five sessions, in a period of one month shall be decided upon by the Plenary with a majority of the total number of members after the Bureau of the Assembly determines the situation.

(Repealed on September 12, 2010; Act No. 5982)

6. Application for annulment

ARTICLE 85- (As amended on July 23, 1995; Act No. 4121)

If the parliamentary immunity of a deputy has been lifted or if the loss of membership has been decided according to the first, third or fourth paragraphs of Article 84, the deputy in

question or another deputy may, within seven days from the date of the decision of the Plenary, appeal to the Constitutional Court, for the decision to be annulled on the grounds that it is contrary to the Constitution, law or the Rules of Procedure. The Constitutional Court shall make the final decision on the appeal within fifteen days.

7. Salaries and travel allowances

ARTICLE 86- (As amended on November 21, 2001; Act No. 4720) Salaries, travel allowances and retirement procedures of the members of the Grand National Assembly of Turkey shall be regulated by law. The monthly amount of the salary shall not exceed the salary of the most senior civil servant; the travel allowance shall not surpass half of that salary. The members of the Grand National Assembly of Turkey and retired members are affiliated with the Pension Fund of the Turkish Republic, and the affiliation of those whose membership have expired continue upon their request.

(As amended on November 21, 2001; Act No. 4720) The salaries and allowances to be paid to the members of the Grand National Assembly of Turkey shall not necessitate the termination of pensions and similar payments entitled by the Pension Fund of the Turkish Republic.

A maximum of three months' salaries and travel allowances may be paid in advance.

II. Duties and powers of the Grand National Assembly of Turkey

A. General

ARTICLE 87- (As amended on October 3, 2001; Act No. 4709, and on May 7, 2004; Act No. 5170, and on April 16, 2017; Act No. 6771) The duties and powers of the Grand National Assembly of Turkey are to enact, amend, and repeal laws; to debate and adopt the budget bills and final accounts bills; to decide to issue currency and declare war; to approve the ratification of international treaties, to decide with the majority of three-fifths of the Grand National Assembly of Turkey to proclaim amnesty and pardon; and to exercise the powers and carry out the duties envisaged in the other articles of the Constitution.

B. Introduction and deliberation of bills

ARTICLE 88- (As amended on April 16, 2017; Act No. 6771) Deputies are empowered to introduce bills.

(As amended on April 16, 2017; Act No. 6771) The procedure and principles regarding the deliberation of bills 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.

(As amended on October 3, 2001; Act No. 4709) The President of the Republic shall send the laws that he deems, in whole or in part, unsuitable for promulgation, along with the justification, back to the Grand National Assembly of Turkey for reconsideration in the same period. In case of being partially deemed unsuitable by the President of the Republic, the Grand

National Assembly of Turkey may discuss only those articles. Budget laws shall not be subject to this provision.

(As amended on April 16, 2017; Act No. 6771) If the Grand National Assembly of Turkey adopts the law sent back for reconsideration without any amendment with absolute majority, the law shall be promulgated by the President of the Republic; if the Assembly makes a new amendment to the law, the President of the Republic may send the amended law back for reconsideration.

Provisions relating to constitutional amendments are reserved.

D. Ratification of international treaties

ARTICLE 90- The ratification of treaties concluded with foreign states and international organisations 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 or 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 interfere with the status of individuals or with the property rights of Turks abroad. In such cases, these agreements shall be brought to the knowledge of the Grand National Assembly of Turkey within two months of their promulgation.

Implementation agreements based on an international treaty, and economic, commercial, technical, or administrative agreements, which are concluded depending on the authorization as stated in the law, shall not require approval of the Grand National Assembly of Turkey. However, economic, commercial agreements or agreements relating to the rights of individuals concluded under the provision of this paragraph 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 have the force of law. No appeal to the Constitutional Court shall be made with regard to these agreements, on the grounds that they are unconstitutional. (Sentence added on May 7, 2004; Act No. 5170) In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.

E. Authorization to issue decrees having the force of law

ARTICLE 91- (Repealed on April 16, 2017; Act No.6771)

F. Declaration of state of war and authorization to deploy the armed forces

ARTICLE 92- The power to authorize the declaration of a 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 the 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 it thus becomes imperative to decide immediately on the use of the armed forces, the President of the Republic can 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 recess

ARTICLE 93- (As amended on July 23, 1995; Act No. 4121) The Grand National Assembly of Turkey shall convene of its own accord on the first day of October each year.

(As amended on April 16, 2017; Act No. 6771) The Assembly may be in recess for a maximum of three months in a legislative year; during adjournment or recess it may be summoned by the President of the Republic.

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.

The Grand National Assembly of Turkey convened during an adjournment or recess shall not adjourn or go into recess again before having given priority consideration to the matter requiring the summons.

B. Bureau of the Assembly

ARTICLE 94- The Bureau of the Assembly of the Grand National Assembly of Turkey shall be composed of the Speaker, vicespeakers, secretaries, and quaestors elected from among members of the Assembly.

The Bureau 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 shall not nominate candidates for the Office of the Speaker.

(As amended on September 12, 2010; Act No. 5982) Two elections to the Bureau of the Grand National Assembly of Turkey shall be held in 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 shall continue until the end of that legislative term.

(As amended on October 3, 2001; Act No. 4709) The candidates from among the members of the Assembly for the Office of the Speaker of the Grand National Assembly of Turkey shall be announced, within five days of the convening of the Assembly, to the Bureau 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 an absolute majority cannot be obtained in the third ballot, a fourth ballot shall be held between the two candidates who have received the highest number of votes in the third ballot; the member who receives the greatest number of votes in the fourth ballot shall be elected as Speaker. The election of the Speaker shall be completed within five days after 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 vice-speakers, secretaries and quaestors, shall be determined by the Rules of Procedure.

The Speaker and vice-speakers of the Grand National Assembly of Turkey cannot participate, within or outside the Assembly, in the activities of the political party or party group in which they are a member; nor in parliamentary debates, except in cases required by their functions; the Speaker and the vice-speaker who is presiding over the session shall not vote.

C. Rules of Procedure, political party groups and security Affairs

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

The 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 be constituted only 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 lands shall be organised 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 and majority for decisions

ARTICLE 96- (As amended on October 21, 2007; Act No.5678) The Grand National Assembly of Turkey shall convene with at least one-third of the total number of members for all its affairs, including elections it holds. Unless otherwise stipulated in the Constitution, the Grand National Assembly of Turkey shall take decisions by an absolute majority of those present; however, the majority for decision can, under no circumstances, be less than one plus a quarter of the total number of members.

(Repealed on April 16, 2017; Act No.6771)

E. Publicity and publication of debates

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

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

Public debates in 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 Bureau.

IV. Ways of obtaining information and supervision by the Grand National Assembly of Turkey¹¹

¹¹ The other heading of this Article, which was stipulated as “A. General” was removed by sixth Article of Act No. 6771 dated April 16, 2017.

ARTICLE 98- (As amended on April 16, 2017; Act No. 6771)

The Grand National Assembly of Turkey shall exercise its powers of obtaining information and supervision by means of parliamentary inquiry, general debate, parliamentary investigation and written question.

A parliamentary inquiry is an examination conducted to obtain information on a specific subject.

A general debate is the consideration of a specific subject relating to the community and the activities of the State at the Plenary of the Grand National Assembly of Turkey.

A parliamentary investigation is an investigation made under the paragraphs V, VI and VII of the Article 106 concerning the deputies of the President of the Republic and the ministers.

A written question is a question asked by deputies to the deputies of the President of the Republic or ministers in a written form, which is to be answered no later than fifteen days.

The form of presentation, content, and scope of the motions concerning parliamentary inquiry, general debate and written question and the procedures for answering, debating and inquiring them, shall be regulated by the Rules of Procedure.

B. Censure

ARTICLE 99- (Repealed on April 16, 2017; Act No. 6771)

C. Parliamentary investigation

ARTICLE 100- (Repealed on April 16, 2017; Act No.6771)