



**Statement on the proposed constitutional reform in Turkey  
Adopted by the PACE Monitoring Committee  
Strasbourg, 26 January 2017**

The Monitoring Committee has followed with great attention the adoption of 18 constitutional amendments in the Turkish Parliament on 21 January 2017, thus paving the way for a referendum which is expected to take place in early April 2017. If approved by the Turkish people, the constitutional amendments will lead to a profound change in Turkey's political system, with a shift from a parliamentary to a presidential system.

The Turkish people, who have in the past shown their commitment to democracy, including by opposing a military coup attempt on 15 July 2016, will be sovereign to decide on their political future - and their decision will deserve full respect.

However, the Monitoring Committee expresses serious doubts about the desirability of holding a referendum under the state of emergency and on-going security operations in southeast Turkey:

- The committee notes with concern that the adoption procedure in parliament was speedy (6 weeks all in all) and marked by tense debates, infringement of the secrecy of votes, no continuous broadcasting of all parliamentary debates on television, and no public consultation on the proposed changes.
- The committee has deep concerns as to whether the revised constitution - which will grant extensive powers to the President of the Republic - would guarantee the separation of powers, proper checks and balances and the independence of the judiciary, which are a prerequisite for democratic societies. This constitutional revision would also deprive the parliament of a large part of its fundamental role in making laws and supervising the executive. The Monitoring Committee has thus requested the Venice Commission - the Council of Europe's independent body of legal experts - to prepare an opinion to be adopted on 10-11 March 2017 on the constitutional amendments, so as to address these fundamental issues.
- Citizens have the right to be duly informed about the issues at stake and to be provided with comprehensive information on all views, including dissenting voices, in sufficient time. In this context, the committee recalls that the shortcomings observed during past elections, notably with respect to the equal access of all political forces to the media or misuse of administrative resources, have not yet been addressed.
- The stripping of the immunity of 154 parliamentarians in May 2016, the current detention of 11 parliamentarians, all belonging to the opposition party Peoples' Democratic Party (HDP), has had a deterrent effect and will lead to serious restrictions to democratic debate in the run up to the referendum. The committee notes that the disproportionate measures taken since the declaration of the state of emergency in July 2016 (150 000 civil servants dismissed, 100 000 individuals prosecuted and 40 000 of them detained) and the consequences of the emergency decree-laws on individuals, and on their families, has created a climate of suspicion and fear despite steps recently taken by the authorities to open access to legal remedies.
- Recalling the June 2016 [PACE Resolution 2121 \(2016\)](#), the committee reiterates its deep concern about the lack of media freedom, the large number of journalists currently in detention (more than 140), significant political influence exerted on the media, insufficient editorial independence of the public radio and TV broadcaster, problematic interpretation of the penal code and the anti-terror law provisions and the chilling effect and pressure on journalists and human rights defenders, which are seriously impeding freedom of expression.

- The high number of NGOs, associations, foundations and media closed after the publication of 19 emergency decree-laws has further undermined the possibilities for debate, in a safe environment, on the complex issues raised by the constitutional amendments.

In the light of the current restrictions on fundamental freedoms in Turkey, notably the freedoms of expression, media and assembly, the Monitoring Committee urges the Turkish authorities to ensure that the organisation and conduct of the referendum complies with Council of Europe and Venice Commission guidelines, and the principles enshrined in the European Convention on Human Rights. Should the authorities fail to address these issues, the committee fears that the overall legitimacy of the process – and of the new constitution itself - could be put into question. The committee hopes that the Parliamentary Assembly will be invited to observe the referendum.

Finally, the Monitoring Committee deplores that the request for an urgent debate on the situation in Turkey, which was tabled by both the Political Affairs and Monitoring Committees, failed to reach a two-thirds majority in the Assembly chamber on 23 January 2017, despite the support of nearly 60% of the PACE members who voted. The Monitoring Committee has thus requested a debate on “the functioning of democratic institutions in Turkey” during the April 2017 part-session, which will allow the Assembly to debate recent developments in the country, continue the dialogue and prompt Turkey, one of the oldest Council of Europe member states and first signatory of the European Convention on Human Rights, to comply with its obligations towards the Council of Europe and enhance its democratic stability and security.