

THE CONSTITUTION OF THE REPUBLIC OF TURKEY [1982] (Translated by Erhan Yasar)
Version including amendments of 1987, 1993 and 1995.
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The Constitution of Turkey 1/4

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**THE CONSTITUTION OF THE REPUBLIC OF
TURKEY**

(Final Version, including amendments of 1987, 1993 and 1995)

Law Nr. 2709

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PREAMBLE

(As amended by Law Nr. 4121, Article 1, dated 23 July 1995)

This Constitution that determines the eternal presence of the Turkish Motherland and Nation and the indivisible integrity of the Turkish State is herewith entrusted and bequeathed by the TURKISH NATION for safekeeping to the patriotism of its democracy - loving sons and daughters, in order that it may be understood to embody the IDEAS, BELIEFS and RESOLUTIONS set forth below and be interpreted and implemented accordingly, commanding respect for, and absolute loyalty to, its letter and spirit:

- The direction of the concept of nationalism as outlined by Atatürk, the founder of the Republic of Turkey, its immortal leader and unrivaled hero; and in line with the reforms and principles introduced by him;
- The determination to safeguard the everlasting existence, prosperity and material and spiritual well-being of the Republic of Turkey, and to ensure that it attains the standards of contemporary civilization, as a full and honorable member of the world family of nations;
- Recognition of the absolute supremacy of the will of the nation, and of the fact that sovereignty is vested fully and unconditionally in the Turkish Nation and that no individual or body empowered to exercise it on behalf of the nation shall deviate from democracy based on freedom, as set forth in the Constitution and the rule of law instituted according to its requirements;
- The understanding that separation of powers does not imply an order of precedence among the organs of state, but reflects a civilized division of labor and mode of co-operation restricted to the exercise of specific state powers, and that supremacy is vested solely in the Constitution and the laws;
- The determination that no protection shall be afforded to thoughts or opinions contrary to Turkish national interests, the principle of the existence of Turkey as an indivisible entity with its state and territory, Turkish historical and moral values, or the nationalism, principles, reforms and modernism of Atatürk, and that as required by the principle of secularism, there shall be no interference whatsoever of sacred religious feelings in state affairs and politics;
- The understanding that it is the birthright of every Turkish citizen to lead an honorable life and develop his material and spiritual resources under the aegis of national culture, civilization and the rule of law, through the exercise of the fundamental rights and freedoms set forth in this Constitution, in conformity with the requirements of equality

and social justice;

- The recognition that all Turkish citizens are united in national honor and pride, in national joy and grief, in their rights and duties towards their existence as a nation, in blessings and in burdens, and in every manifestation of national life, and that they have the right to demand a peaceful life based on absolute respect for one another's rights and freedoms, mutual love and fellowship, and the desire for, and belief in, "Peace at home, peace in the world".

PART ONE GENERAL PRINCIPLES

I. Form of the State

ARTICLE 1 - The Turkish State is a Republic.

II. Characteristics of the Republic

ARTICLE 2 - The Republic of Turkey is a democratic, secular and social State governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the Preamble.

III. Integrity of the State, Official Language, Flag, National Anthem, and Capital

ARTICLE 3 - The Turkish State, with its territory and nation, is an indivisible entity. Its language is Turkish.

Its flag, the form of which is prescribed by the relevant law, is composed of a white crescent and star on a red background.

Its national anthem is the "Independence March".

Its capital is Ankara.

IV. Irrevocable Provisions

ARTICLE 4 - The provision of Article 1 of the Constitution establishing the form of the State as a Republic, the provisions in Article 2 on the characteristics of the Republic, and the provision of Article 3 may not be amended, nor may their amendment be proposed.

V. Fundamental Aims and Duties of the State

ARTICLE 5 - The fundamental aims and duties of the State are: to safeguard the independence and integrity of the Turkish Nation, the indivisibility of the country, the Republic and democracy; to ensure the welfare, peace, and happiness of the individual and society; to strive for the removal of political, social and economic obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of justice and of the social State governed by the rule of law; and to provide the conditions required for the development of the individual's material and spiritual existence,

VI. Sovereignty

ARTICLE 6 - Sovereignty is vested in the nation without reservation or condition.

The Turkish nation shall exercise its sovereignty through the authorized organs as prescribed by the principles laid down in the Constitution.

The right to exercise sovereignty may not be delegated to any individual, group or class. No person or agency may exercise any State authority which does not emanate from the Constitution.

VII. Legislative Power

ARTICLE 7 - Legislative power is vested in the Grand National Assembly of Turkey on

behalf of the Turkish Nation. This power may not be delegated.

VIII. Executive Power and Function

ARTICLE 8 - Executive power and function are exercised and carried out by the President of the Republic and the Council of Ministers in conformity with the Constitution and the laws.

IX. Judicial Power

ARTICLE 9 - Judicial power is exercised by independent courts on behalf of the Turkish Nation.

X. Equality Before The Law

ARTICLE 10 - All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

No privilege may be granted to any individual, family, group or class.

State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings.

XI. Supremacy and Binding Authority of the Constitution

ARTICLE 11 - Provisions of the Constitution are fundamental legal rules that are binding upon all legislative, executive and judicial organs, and administrative authorities and other agencies and individuals.

Laws may not be in conflict with the Constitution.

PART TWO FUNDAMENTAL RIGHTS AND DUTIES

CHAPTER ONE GENERAL PROVISIONS

I. Nature of Fundamental Rights and Freedoms

ARTICLE 12 - Everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable.

Fundamental rights and freedoms also include the duties and responsibilities of the individual towards society, his family, and other individuals.

II. Restriction of Fundamental Rights and Freedoms

ARTICLE 13 - Fundamental rights and freedoms may be restricted by law, in conformity with the letter and spirit of the Constitution, with the aim of safeguarding the indivisible integrity of the State with its territory and nation, national sovereignty, the Republic, national security, public order, general peace, the public interest public morals and public health, and also for specific reasons set forth in the relevant Articles of the Constitution.

General and specific grounds for restrictions of fundamental rights and freedoms may not conflict with the requirements of the democratic order of society and may not be imposed for any purpose other than those for which they are prescribed.

The general grounds for restriction stipulated in this Article apply to all fundamental rights and freedoms.

III. Prohibition of Abuse of Fundamental Rights and Freedoms

ARTICLE 14 - None of the rights and freedoms embodied in the Constitution may be exercised with the aim of violating the indivisible integrity of the State with its territory and nation, of endangering the existence of the Turkish State and Republic, of destroying

fundamental rights and freedoms, of placing the government of the State under the control of an individual or a group of people, or establishing the hegemony of one social class over others, or creating discrimination on the basis of language, race, religion or sect, or of establishing by any other means a system of government based on these concepts and ideas.

Sanctions to be applied against those who violate these prohibitions, and those who incite and provoke others to the same end shall be determined by law.

No provision of this Constitution may be interpreted in a manner that would grant the right of destroying the rights and freedoms embodied in the Constitution.

IV. Suspension of the Exercise of Fundamental Rights and Freedoms

ARTICLE 15 - In times of war, mobilization, martial law, or state of emergency the exercise of fundamental rights and freedoms may be partially or entirely suspended, or measures may be taken, to the extent required by the exigencies of the situation, which derogate the guarantees embodied in the Constitution, provided that obligations under international law are not violated even under the circumstances indicated in the first paragraph, the individual's right to life, and the integrity of his material and spiritual entity shall be inviolable except where death occurs through lawful acts of warfare and execution of death sentences; no one may be compelled to reveal his religion, conscience, thought or opinion, nor be accused on account of them; offenses and penalties may not be made retroactive, nor may anyone be held guilty until so proven by a court judgment.

V. Status of Aliens

ARTICLE 16 - Fundamental rights and freedoms of aliens may be restricted by law in a manner consistent with international law.

CHAPTER TWO THE RIGHTS AND DUTIES OF THE INDIVIDUAL

I. Personal Inviolability, Material and Spiritual Entity of the Individual

ARTICLE 17 - Everyone has the right to life and the right to protect and develop his material and spiritual entity.

The physical integrity of the individual may not be violated except under medical necessity and in cases prescribed by law; he may not be subject to scientific or medical experiments without his consent. No one shall be subjected to torture or ill-treatment; no one shall be subjected to penalty or treatment incompatible with human dignity.

The carrying out of death penalties under court sentences, the act of killing in self-defense, the occurrences of death as a result of the use of a weapon permitted by law as a necessary measure in cases of: apprehension, or execution of warrants of arrest, prevention of escape of lawfully arrested or convicted persons, quelling of a riot or insurrection, execution of the orders of authorized bodies during martial law or state of emergency are outside of the provision of Paragraph 1.

II. Prohibition of Forced Labor

ARTICLE 18 - No one may be required to perform forced labor. Unpaid compulsory work is prohibited.

The term forced labor does not include work required of an individual while serving a court sentence or under detention, services required from citizens during a state of emergency, and physical or intellectual work necessitated by the requirements of the country as a civic obligation, provided that the form and conditions of such labor are prescribed by law.

III. Personal Liberty and Security

ARTICLE 19 - Everyone has the right to enjoy personal liberty and security.

No one may be deprived of his liberty except in the following cases where procedure and conditions are prescribed by law: Execution of sentences restricting liberty and the implementation of security measures decided by courts, apprehension or detention of a person as a result of a court order or as a result of an obligation upon him designated by law; execution of an order for the purpose of the educational supervision of a minor or for bringing him before the competent authority; execution of measures taken in conformity with the relevant legal provision for the treatment, education or correction in institutions of a person of unsound mind, an alcoholic or drug addict or vagrant or a person spreading contagious diseases, when such persons constitute a danger to the public; apprehension or detention of a person who enters or attempts to enter illegally into the country or concerning whom a deportation or extradition order has been issued.

Individuals against whom there are strong indications of having committed an offense may be arrested by a decision of a judge solely for the purposes of preventing escape, or preventing the destruction or alteration of evidence as well as in similar other circumstances which necessitate detention and which are prescribed by law.

Apprehension of a person without a decision by a judge shall be resorted to only in cases when a person is caught in the act of committing an offense or in cases where delay is likely to thwart justice; the conditions for such apprehension shall be defined by law.

Individuals arrested or detained shall be promptly notified in writing in all cases, or orally when the former is not possible, of the grounds for their arrest or detention and the charges against them; in cases of offenses committed collectively this notification shall be made, at the latest, before the individual is brought before the judge.

Any person arrested or detained shall be brought before a judge within 48 hours and within fifteen days in the case of offenses committed collectively, excluding the time taken to send him to the court nearest to the place of seizure. No one can be deprived of his liberty without the decision of a judge after the expiration of the above- specified periods. These periods may be extended during a state of emergency, under martial law or in time of war.

Notification of the situation of the person arrested or detained shall be made to the next of kin, except in cases of definite necessities which pertain to a risk of revealing the scope and subject of the investigation compel otherwise.

Persons under detention shall have the right to request to be tried within a reasonable time or to be released during investigation or prosecution. Release may be made conditional on the presentation of an appropriate guarantee with a view to securing the presence of the person at the trial proceedings and the execution of the court sentence.

Persons deprived of their liberty under any circumstances are entitled to apply to the appropriate judicial authority for speedy conclusion of proceedings regarding their situation and for their release if the restriction placed upon them is not lawful.

Damages suffered by persons subjected to treatment contrary to the above provisions shall be compensated for by the State according to law.

IV. Privacy and Protection of Private Life

A. Privacy of the Individual's Life

ARTICLE 20 - Everyone has the right to demand respect for his private and family life.

Privacy of individual and family life may not be violated. Exceptions necessitated by judiciary investigation and prosecution are reserved.

Unless there exists a decision duly passed by a judge in cases explicitly defined by law, and unless there exists an order of an agency authorized by law in cases where delay is deemed prejudicial, neither the person himself nor any private papers, nor any belongings of an individual may be searched, nor may they be seized.

B. Inviolability of Domicile

ARTICLE 21 - The domicile of an individual shall not be violated. Unless there exists a decision duly passed by a judge in cases explicitly defined by law, and unless there exists an order of an agency authorized by law in cases where delay is deemed prejudicial, no domicile may be entered or searched, or the property therein seized.

C. Freedom of Communication

ARTICLE 22 - Everyone has the right to freedom of communication.

Secrecy of communication is fundamental.

Communication shall not be impeded nor its secrecy be violated, unless there exists a decision duly passed by a judge in cases explicitly defined by law, and unless there exists an order of an agency authorized by law in cases where delay is deemed prejudicial.

Public establishments or institutions where exceptions to the above may be applied will be defined by law.

V. Freedom of Residence and Movement

ARTICLE 23 - Everyone has the right to freedom of residence and movement, Freedom of residence may be restricted by law for the purpose of preventing offenses promoting social and economic development ensuring sound and orderly urban growth, and protecting public property; freedom of movement may be restricted by law for the purpose of investigation and prosecution of an offense, and prevention of offenses. A citizen's freedom to leave the country may be restricted on account of the national economic situation, civic obligations, or criminal investigation or prosecution. Citizens may not be deported, or deprived of their right of entry into their homeland.

IV. Freedom of Religion and Conscience

ARTICLE 24 - Everyone has the right to freedom of conscience, religious belief and conviction.

Acts of worship, religious services, and ceremonies may be conducted freely, provided that they do not violate the provisions of Article 14.

No one may be compelled to worship, or to participate in religious ceremonies and rites, to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions.

Education and instruction in religion and ethics shall be conducted under State supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools, Other religious education and instruction shall be subject to the individual's own desire, and in the case of minors, to the request of their legal representatives.

No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the State on religious tenets.

VII. Freedom of Thought and Opinion

ARTICLE 25 - Everyone has the right to freedom of thought and opinion. No one may be compelled to reveal his thoughts and opinions for any reason or purpose; nor shall anyone be blamed or accused on account of his thoughts and opinions.

VIII. Freedom of Expression and Dissemination of Thought

ARTICLE 26 - Everyone has the right to express and disseminate his thought and opinion by speech, in writing or in pictures. or through other media, individually or collectively. This right includes the freedom to receive and impart information and ideas without interference from official authorities. This provision does not preclude subjecting

transmission by radio, television, cinema, and similar means to a system of licensing. The exercise of these freedoms may be restricted for the purposes of preventing crime, punishing offenders, withholding information duly classified as a State Secret, protecting the reputation and rights and the private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary.

No language prohibited by law may be used in the expression and dissemination of thought. Any written or printed documents, phonograph records, magnetic or video tapes, and other means of expression used in contravention of this provision shall be seized by a duly issued decision of judge or, in cases where delay is deemed prejudicial, by the competent authority designated by law. The authority issuing the seizure order shall notify the competent judge of its decision within twenty-four hours. The judge shall decide on the matter within three days.

Provisions regulating the use of means of disseminating information and ideas shall not be interpreted as a restriction of the freedom of expression and dissemination unless they prevent the dissemination of information and thoughts.

IX. Freedom of Science and Arts

ARTICLE 27 - Everyone has the right to study and teach freely, explain, and disseminate science and arts and to carry out research in these fields. The right to disseminate may not be exercised for the purpose of changing the provision of Article 1, 2 and 3 of this Constitution.

Provisions of this Article does not preclude regulation by law of the entry and distribution of foreign publications in the country.

X. Provisions Relating to Press and Publication

A. Freedom of the Press

ARTICLE 28 - The Press is free, and may not be censored. The establishment of a printing house may not be subject to prior permission and to the deposit of a financial guarantee.

Publication may not be made in any language prohibited by law.

The State shall take the necessary measures to ensure the freedom of the Press and freedom of information. In the limitation of freedom of the press, Articles 26 and 27 of the Constitution are applicable.

Anyone who writes or prints any news or articles which threaten the internal or external security of the State or the indivisible integrity of the State with its territory and nation, which tend to incite breach of law, riot or insurrection, or which refer to classified State secrets and anyone who prints or transmits such news or articles to others for the above purposes, shall be held responsible under the law relevant to these offenses. Distribution may be suspended as a preventive measure by a decision of judge, or in the event delay is deemed prejudicial by the competent authority designated by law. The authority suspending distribution shall notify the competent judge of its decision within twenty-four hours at the latest.

The order suspending distribution shall become null and void unless upheld by the competent judge within forty - eight hours at the latest.

No ban may be placed on the reporting of events, except by a decision of judge issued to ensure proper functioning of the judiciary, within the limits to be specified by law.

Periodical and non - periodical publications may be seized by a decision of judge in cases of ongoing investigation or prosecution of offenses prescribed by law; and, in situations where delay could endanger the indivisible integrity of the State with its territory and nation, national security, public order or public morals, and for the prevention of offense by order of the competent authority designated by law. The authority issuing the seizure

order shall notify the competent judge of its decision within twenty - four hours at the latest. The seizure order shall become null and void unless upheld by the competent court within forty - eight hours at the latest.

General common provisions shall apply when seizure and confiscation of periodicals and non - periodicals for reasons of criminal investigation and prosecution take place.

Periodicals published in Turkey may be temporarily suspended by court sentence if found guilty of publishing material which contravenes the indivisible integrity of the State with its territory and nation, the fundamental principles of the Republic, national security and public morals. Any publication which clearly bears the characteristics of being the continuation of the suspended periodical is prohibited; and shall be seized by a decision of judge.

B. Right to Publish Periodicals and Non- periodicals

ARTICLE 29 - Publication of periodicals or non - periodicals may not be subject to prior authorization or to the deposit of a financial guarantee.

To publish a periodical it shall suffice to submit the information and documents prescribed by law to the competent authority designated by law. If the information and documents submitted are found to be in contravention of law, the competent authority shall apply to the appropriate court for suspension of publication.

The publication of periodicals, the conditions of publication, the financial resources and rules relevant to the profession of journalism shall be regulated by law. The law may not impose any political, economic, financial, and technical conditions obstructing or making difficult the free dissemination of news, thought, or beliefs.

Periodicals shall have equal access to the means and facilities of the State, other public corporate bodies, and their agencies.

C. Protection of Printing Facilities

ARTICLE 30 - A printing press or its annexes duly established as a publishing house under law may not be seized, confiscated, or barred from operation on the grounds of being an instrument of crime, except where it is convicted of offenses against the indivisible integrity of the State with its territory and nation, against the fundamental principles of the Republic or against national security.

D. Right to Use Mass Media Other Than the Press Which are Owned by Public Institutions

ARTICLE 31 - Individuals and political parties have the right to use mass media and means of communication other than the Press owned by public corporations. The conditions and procedures for such use shall be regulated by law. The law may not impose restrictions preventing the public from receiving information or forming ideas and opinions through these media, or preventing public opinion from being freely formed, on grounds other than the general restrictions set forth in Article 13.

E. Right of Rectification and Reply

ARTICLE 32 - The right of rectification and reply shall be accorded only in cases where personal reputation and honor is attacked or in cases of unfounded allegation and shall be regulated by law.

If a rectification or reply is not published, the judge shall decide, within seven days of appeal by the individual involved, whether such publication is required.

XI. Rights and Freedoms of Assembly

A. Freedom of Association

ARTICLE 33 - Everyone has the right to form associations without prior permission. Submitting the information and documents stipulated by law to the competent authority

designated by law shall suffice to enable an association to be formed. If the information and documents submitted are found to contravene the law, the competent authority shall apply to the appropriate court for the suspension of activities or dissolution of the association involved.

No one may be compelled to become or remain a member of an association. The formalities, conditions, and procedures governing the exercise of freedom of association shall be prescribed by law.

(Fourth Paragraph deleted by Law Nr. 4121, Article 2, dated 23 July 1995)

(Fifth Paragraph deleted by Law Nr. 4121, Article 2, dated 23 July 1995)

(This paragraph amended by Law Nr. 4121, Article 2, dated 23 July 1995) Where prescribed by law, associations may be dissolved or suspended from activity by decision of judge, or they may be suspended from activity by a competent authority designated by law pending a court decision in cases where delay endangers the indivisible integrity of the State with its territory and nation, national security or sovereignty, public order, the protection of the rights and freedoms of others or the prevention of crime. Such a suspension decision must be submitted to the approval of a court justice within twenty four hours. Unless the court justice declares his decision within forty eight hours, such an administrative decision automatically becomes ineffective.

(This paragraph amended by Law Nr. 4121, Article 2, dated 23 July 1995) Provisions of the first paragraph of this Article shall not prevent imposition of legal restrictions on the rights of Armed Forces and Security Forces officials and civil servants to form associations.

(This paragraph amended by Law Nr. 4121, Article 2, dated 23 July 1995) This article shall apply equally to foundations.

B. Right to Hold Meetings and Demonstration Marches

ARTICLE 34 - Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission.

The competent administrative authority may determine a site and route for the demonstration march in order to prevent disruption of order in urban life.

Formalities, conditions, and procedures governing the exercise of the right to hold meetings and demonstration marches, shall be prescribed by law.

The competent authority designated by law may prohibit a particular meeting and demonstration march, or postpone it for not more than two months in situations where there is a strong possibility that disturbances may arise which would seriously upset public order, where the requirement of national security may be violated, or where acts aimed at destroying the fundamental characteristics of the Republic may be committed. Where the law forbids all meetings or demonstration marches in districts of a province for the same reasons such postponement may not exceed three months.

Associations, foundations, labor unions, and public professional organizations may not hold meetings or demonstration marches exceeding their own scope and aims.

XII. Right of Property

ARTICLE 35 - Everyone has the right to own and inherit property.

These rights may be limited by law only in view of public interest.

The exercise of the right to own property may not be in contravention of the public interest.

XIII. Provisions Relating to the Protection of Rights

A. Freedom to Claim Rights

ARTICLE 36 - Everyone has the right of litigation either as plaintiff or defendant before

the courts through lawful means and procedure.
No court may refuse to hear a case within its jurisdiction.

B. Guarantee of A Lawful Judge

ARTICLE 37 - No one may be tried by any judicial authority other than the legally designated court.

Extraordinary tribunals with jurisdiction that would in effect remove a person from the jurisdiction of his legally designated court may not be established.

C. Principles Relating to Offenses and Penalties

ARTICLE 38 - No one may be punished for any act which did not constitute a criminal offense under the law in force at the time it was committed; no one may be given a heavier penalty for an offense than the penalty applicable at the time when the offense was committed.

The provision of the above paragraph shall also apply to the statute of limitations on offenses and penalties and on the results of conviction.

Penalties and security measures in lieu of penalties, shall be prescribed only by law.

No one may be held guilty until proven guilty in a court of law.

No one may be compelled to make a statement that would incriminate himself or his legal next of kin, or to present such incriminating evidence.

Criminal responsibility is personal.

General confiscation may not be imposed as penalty.

The Administration may not impose any sanction resulting in restriction of personal liberty. Exceptions to this provision may be introduced by law regarding internal order of the Armed Forces.

No citizen may be extradited to a foreign country on account of an offense.

XIV. Right to Prove an Allegation

ARTICLE 39 - In libel and defamation suits involving allegations against persons in the public service in connection with their functions or services, the defendant has the right to prove the allegations. A plea for presenting proof shall not be granted in any other case unless proof would serve the public interest or unless the plaintiff consents.

XV. Protection of Fundamental Rights and Freedoms

ARTICLE 40 - Everyone whose constitutional rights and freedoms are violated has the right to request prompt access to the competent authorities.

Damages incurred by any person through unlawful treatment by holders of public office shall be compensated by the State. The State reserves the right of recourse to the official responsible.

CHAPTER THREE SOCIAL AND ECONOMIC RIGHTS AND DUTIES

I. Protection of the Family

ARTICLE 41 - The family is the foundation of Turkish society.

The State shall take the necessary measures and establish the necessary organization to ensure the peace and welfare of the family, especially the protection of the mother and children, and for family planning education and application.

II. Right and Duty of Training and Education

ARTICLE 42 - No one may be deprived of the right of learning and education.

The scope of the right to education shall be defined and regulated by law.

Training and education shall be conducted along the lines of the principles and reforms of

Atatürk, on the basis of contemporary science and education methods, under the supervision and control of the State. Institutions of training and education contravening these provisions shall not be established.

The freedom of training and education does not relieve the individual from loyalty to the Constitution.

Primary Education is compulsory for all citizens of both sexes and is free of charge in State schools.

The principles governing the functioning of private primary and secondary schools shall be regulated by law in keeping with the standards set for State schools.

The State shall provide scholarships and other means of assistance to enable students of merit lacking financial means to continue their education. The State shall take necessary measures to rehabilitate those in need of special training so as to render such people useful to society.

Training, education, research, and study are the only activities that shall be pursued at institutions of training and education. These activities may not be obstructed in any way.

No language other than Turkish may be taught as mother tongue to Turkish citizens at any institutions of training or education. Foreign languages to be taught in institutions of training and education and the rules to be followed by schools conducting training and education in a foreign language shall be determined by law. The provisions of international treaties are reserved.

III. Public Interest

A. Utilization of the Coasts

ARTICLE 43 - The coasts are under the sovereignty and at the disposal of the State.

In the utilization of the sea coast, lake shores or river banks, and of the coastal strip along the sea and lakes, public interest shall be taken into consideration with priority.

The width of coasts, and coastal strips to be determined according to the purpose of utilization, and the conditions and possibilities of such utilization by individuals shall be determined by law.

B. Land Ownership

ARTICLE 44 - The State shall take the necessary measures to maintain and develop efficient land cultivation, to prevent its loss through erosion, and to provide and to farmers with insufficient land of their own, or no land. For this purpose, the law may define the size of appropriate land units, according to different agricultural regions and types of farming. Providing of land to farmers with no or insufficient land shall not lead to a fall in production, or to the depletion of forests and other land and underground resources.

Lands distributed for this purpose may neither be divided nor be transferred to others, except through inheritance, and shall be cultivated only by farmers, to whom they have been distributed, and their heirs, The principles relating to the recovery by the State of the land thus distributed in the event of loss of these conditions shall be prescribed by law,

C. Protection of Agriculture, Animal Husbandry, and of Persons Engaged in These Activities

ARTICLE 45 - The State shall assist farmers and livestock breeders in acquiring machinery, equipment and other inputs in order to prevent improper use and destruction of agricultural land, meadows and pastures and to increase crops and livestock production in accordance with the principles of agricultural planning.

The State shall take necessary measures to promote the values of crops and livestock products, and to enable producers to be paid their real value.

D. Expropriation

ARTICLE 46 - The State and public corporations shall be entitled, where public interest requires it, to expropriate privately owned real estate wholly or in part or impose administrative servitude on it in accordance with the principles and procedures prescribed by law, provided that compensation is paid in advance.

The method and procedure for calculating compensation for expropriation shall be prescribed by law. In determining the compensation, the law shall take into account tax declarations, current value established by official assessment at the time of expropriation, unit prices and construction costs for real estate, and other objective criteria.

The procedure for taxing and difference between the sum due in compensation and the value declared in the tax declaration shall be prescribed by law.

Compensation shall be paid in cash and in advance. However, the procedure to be applied in paying compensation for land expropriated in order to carry out land reform, major energy and irrigation projects, and housing and resettlement schemes and afforestation, and to protect the coasts and to build tourist facilities shall be regulated by law. In the previous cases where the law may allow payment in installments, the payment period shall not exceed five years; whence payment shall be made in equal installments, and an interest rate equivalent to the highest interest paid on the public debt shall be paid for the remainder of installments.

Compensation for land expropriated from any small farmer who cultivates his own land shall in all cases be paid in advance.

E. Nationalization

ARTICLE 47 - Private enterprises performing public service may be nationalized when this is required by the exigencies of public interest.

Nationalization shall be carried out on the basis of real value. The methods and procedures for calculating real value shall be prescribed by law.

IV. Freedom to Work and Conclude Contracts

ARTICLE 48 - Everyone has the freedom to work and conclude contracts in the field of his choice. The establishment of private enterprises is free.

The State shall take measures to ensure that private enterprises operate in accordance with national economic requirements and social objectives and in conditions of security and stability.

V. Provisions Relating to Labor

A. Right and Duty to Work

ARTICLE 49 - Everyone has the right and duty to work.

The State shall take the necessary measures to raise the standard of living of workers, to protect them in order to improve the general conditions of labor, to promote labor, and to create suitable economic conditions for prevention of unemployment.

The State shall take facilitating and protecting measures in order to secure work peace in worker - employer relations.

B. Working Conditions and Right to Rest and Leisure

ARTICLE 50 - No one may be required to perform work unsuited to his age, sex, and capacity.

Minors, women and persons with physical or mental disabilities, shall enjoy special protection with regard to working conditions.

All workers have the right to rest and leisure.

Rights and conditions relating to paid weekends and holidays, together with paid annual leave, shall be regulated by law.

C. Right to Organize Labor Unions

ARTICLE 51 - Workers and employers have the right to form labor unions and employers' associations and higher organizations, without prior permission, in order to safeguard and develop their economic and social rights and the interests of their members in their labor relations.

In order to form unions and their higher bodies, it shall suffice to submit the information and documents prescribed by law to the competent authority designated by law. If this information and documentation is not in conformity with law, the competent authority shall apply to the appropriate court for the suspension of activities or the dissolution of the union or the higher body.

Everyone shall be free to become a member of or withdraw from membership in a union. No one may be compelled to become a member, remain a member, or withdraw from membership of a union.

Workers and employers may not hold concurrent memberships in more than one labor union or employers' association.

Employment in a given work-place may not be made conditional on being, or not being a member of a labor union.

To become an executive in a labor union or in higher organizations of them it is a prerequisite condition that the worker should have held the status of a laborer for at least ten years.

The status, the administration, and the functioning of the labor unions and their higher bodies may not be inconsistent with the characteristics of the Republic as defined in the Constitution, or with democratic principles.

D. Activities of Labor Unions

ARTICLE 52 - (*Abolished by Law Nr. 4121, Article 3, dated 23 July 1995*)