



# GRAND NATIONAL ASSEMBLY OF TURKEY





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## Preface

In order to assess the quality of legislative activities performed by a national parliament, it is necessary to know basic facts about the electoral system of the country, formal powers and duties of the parliament, parliamentary rules, procedures and practices. This book, based on constitutional provisions, laws, legislative rules and practices, is intended to provide detailed information about the rules and procedures of the Grand National Assembly of Turkey. It is hoped that the book will enable readers to gain a better understanding of the role of the Assembly as an institution in Turkish political system and the nature of parliamentary rules and procedures.

The book attempts to provide descriptive information. It is divided into nine chapters. Chapter One provides general information about the parliamentary elections. Organization of the Assembly is discussed in Chapter Two. Chapter Three is devoted to the powers and duties of the Assembly. Chapter Four deals with the concepts related to the parliamentary timetable. Chapter Five focuses on the status of the deputies along with the parliamentary mandate, parliamentary incompatibilities, immunity, and parliamentary discipline. Legislative procedures and rules of plenary sittings are considered in Chapters Six and Seven. The manner in which the oversight functions over the executive are carried out is introduced in Chapter Eight. The composition, powers, and working procedures of the parliamentary committees are discussed in Chapter Nine.



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# Parliamentary Elections





# PARLIAMENTARY ELECTIONS

The Grand National Assembly of Turkey is composed of 550 deputies who are directly elected by equal suffrage and secret ballot.

Parliamentary elections are held every four years. In exceptional cases, extraordinary elections may be held before the expiration of the electoral term of four years by the decision of the President of the Republic or the Assembly.

Parliamentary elections are held in accordance with the principles of free, equal, secret, direct, and universal suffrage. Voters cast their votes personally. Counting the votes and recording the results are done in public. Voting is compulsory and those who do not vote are fined a small sum.

The seats are allocated to political parties according to the d'Hondt system of proportional representation with a 10% national threshold.

Seventeen parliamentary elections and ten by-elections have been held since Turkey adopted a multi-party system in 1946. Nine parliamentary elections were held before the formal end of the electoral term. Another two parliamentary elections were held after the Assembly was dissolved following military interventions.

## Electoral Calendar

The Law on Parliamentary Elections provides a general rule that the beginning date of a parliamentary election is the first day of a period of 90 days prior to the election day (Art. 6/2, Law No. 2839).

In cases where the Assembly or the President of the Republic decides to hold a new parliamentary election before the regular term, the Supreme Board of Election may schedule the beginning date of the election to an earlier time, which is specified by the relevant laws (Art.9, Law No. 2839).

The Law on Basic Provisions of Elections and Voter Registers states that the official election campaign period starts on the morning of the tenth day prior to election day and terminates at 6 p.m. on the day before the election day (Art. 49, Law No. 298).

A parliamentary election formally ends when the election results are announced in the Official Gazette by the Supreme Board of Election.

### Ordinary Elections

Parliamentary elections shall be held every four years. The Assembly may defer parliamentary elections for one year in case of a war. In this case, the Assembly serves more than four years. If the reason for the postponement persists, the procedure may be repeated (Art.78, Const.).

Parliamentary elections shall be held on the last Sunday of the fourth year following the date of the previous parliamentary election (Art. 6/2, Law No. 2839).

### Extra-Ordinary Elections

The Assembly may decide to hold parliamentary elections before the ordinary parliamentary term expires usually because of political crisis or deadlock. In this case, the Assembly determines the election day (Art. 77/2, Const.). A motion for renewal of the parliamentary election shall be deliberated in the Committee on the Constitution. The Plenary debates the Committee report prior to other subject matters on the agenda. Committee report shall be voted by public ballot (Art. 95, ROP).

The President of the Republic may decide to hold new parliamentary elections in exceptional circumstances described in the Constitution. In cases where the Council of Ministers fails to receive a vote of confidence or is compelled to resign by a vote

of no-confidence under Article 99 or 111, and if a new Council of Ministers cannot be formed within 45 days or the new Council of Ministers fails to receive a vote of confidence, the President of the Republic, in consultation with the Speaker of the Assembly, may call for new elections (Art. 116, Const.). In this case, votes will be cast on the first Sunday following the 90th day after the decision of the President (Art. 8, Law No.2839).

The renewal of the parliamentary elections by the President can be seen as an instrument to solve a political crisis or deadlock arising during the formation of a new government.

Early parliamentary elections were held in 1946, 1950, 1957, 1977, 1987, 1991, 1995, 1999, 2002 and 2011 in the period between 1946 and 2012.

Two extra-ordinary elections were held in 1961 and 1983 after military interventions into the political life in 1960 and 1980.

## By-Elections

When a seat in the Assembly becomes vacant due to the resignation or death of a deputy or loss of membership, the vacant seat is filled by holding a by-election.

Only one by-election shall be held in an electoral term and by-elections shall not be held unless 30 months have elapsed after the previous parliamentary election. If the number of vacant seats reaches 5% of the total number of the deputies (currently 28), by-elections are held within three months. But in all the cases mentioned above, by-election shall not be held within one year before the next parliamentary election (Art.78/3, 4, Const.).

Apart from the above-mentioned cases, if all seats of a province or constituency fall vacant in the Assembly, by-election must be held on the first Sunday after 90 days following the vacancy (Art.78/5, Const.).

There have been ten by-elections (1947, 1948, 1949, 1951, 1966, 1968, 1975, 1979, 1986, and 2003) during the period from 1946 to 2012.

## Right to Vote

Every Turkish citizen over 18 years old is entitled to vote in the parliamentary elections unless an individual is legally capable of voting. The minors (anyone under the age of 18) and foreigners (anyone who is not a Turkish citizen) are not entitled to vote (Art.67/3, Const.). Additionally, a person can vote only if he/she is registered in the electoral register (Art. 34/7, Law No. 298).

*Seventeen parliamentary elections and ten by-elections have been held since Turkey adopted a multi-party system in 1946. Nine parliamentary elections were held before the formal end of the electoral term. Another two extraordinary elections were held after the Assembly was dissolved following military interventions.*

Military conscripts, students in military schools, and those who are in prison on a conviction for an offence other than negligent offences are restricted from voting rights (Art. 67, Const.). Persons under guardianship and those prohibited from public offices are not entitled to vote (Art. 8, Law No.298).

Turkish citizens residing abroad have the right to vote in accordance with the provisions of the related laws (Art. 67, Const.).

## Right to be Elected

A Turkish citizen who is over 25 and is not disqualified according to the relevant laws may stand for parliamentary elections. Article 76 of the Constitution specifies categories of persons who are not eligible to stand as candidates in parliamentary elections.

These categories include those who have;

- not completed their primary education,
- been deprived of legal capacity,
- been banned from public service,
- not fulfilled compulsory military service,
- been sentenced to imprisonment for one year or more in total except for negligent offences, and
- been sentenced to heavy imprisonment.

Those who have been convicted of dishonorable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, and 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 deputies, even if they have been granted amnesty (Art. 76, Const.).

The Constitution lists some office holders who are barred from being candidates for the parliamentary elections. Judges and prosecutors, members of supreme courts, lecturers in universities, members of the Council of Higher Education, civil servants, and public employees other than those who are considered as workers by the nature of their service, and members of the armed forces must resign from their office in order to stand for parliamentary elections (Art. 76, Const.). Office holders who choose to stand for elections must resign no later than one month to the beginning of the parliamentary elections or within seven days from the announcement of the decision for renewal of election (Art. 18, Law No. 2839).

*Every Turkish citizen over 18 years old is entitled to vote in the parliamentary elections unless an individual is legally capable of voting. A Turkish citizen who is over 25 and is not disqualified according to the relevant laws may stand for parliamentary elections.*

## Constituencies

Deputies are elected from 85 multi-member constituencies that represent 81 administrative provinces. As a general rule, each administrative province (currently 81) is considered as a constituency. However, some provinces are divided into more than one constituency because of their large population.

The Law on Parliamentary Elections describes the formula to calculate the number of memberships allocated to each constituency. First, each province is assigned at least one membership irrespective of their population. Second, the remaining seats ( $550 - 81 = 469$ ) are distributed among the provinces by using a formula that is based on the population. (Electoral quota = Population of Turkey/Number of seats left [469], Number of additional seats for each province = Population of Province/Electoral quota).

Provinces with 18 or less deputies shall form one constituency. Provinces that elect 19 to 35 deputies shall be divided into two constituencies and provinces that elect 36 or more deputies are divided into three constituencies (Art. 4, Law No. 2839).

## Political Parties and Candidates

The electoral system has adopted a party-list system in which political parties present a list of candidates in ranking order for multi-member constituencies. Although independents may stand for parliamentary elections, most of the candidates are nominated by political parties.

The Law on Political Parties requires some conditions for political parties to run in parliamentary elections. Political parties that are not organized in at least half of the provinces and have not held the party congress at least six months prior to the election day or do not have a political party group cannot participate in parliamentary elections (Art. 36, Law No.2820). Moreover, political parties that fail to present a sufficient number of candidates in at least half of the provinces lose their right to stand for parliamentary elections (Art. 13, Law No.2820).

Political parties may choose candidates through any of the procedures specified in their statutes, which must be based on the principles of free, equal, and secret voting (Art. 37, Law No. 2820).

Political parties present their list of candidates to the Supreme Board of Election for each constituency and the Board promptly



notifies the provincial boards of election concerned and announces the list of candidates through the Official Gazette and radio (Art.20, Law No.2839).

Independent candidates make their application to the provincial boards of election. They have to deposit an amount equal to the gross salary of a civil servant of the highest rank to the Treasury (Art. 21, Law No. 2839).

Before the list of candidates becomes definite, objections against candidates must be resolved within two days by the provincial boards of election. The boards are in charge of examining the eligibility of candidates. Candidates may appeal against the decisions of the provincial boards of election to the Supreme Board of Election for a final ruling.

The Supreme Board of Election announces the final list of candidates through the Official Gazette and radio on the 55th day before the election day (Art. 24, Law No. 2839).

Political parties are prohibited to make agreements with other parties to stand for elections with a joint list of candidates. Candidates are forbidden to run for more than one political party or within more than one constituency at the same election (Art. 16, Law No. 2839).

## Electoral System

The Law on Parliamentary Elections adopted a system of proportional representation with a national threshold of 10% (Art. 33/1, Law No. 2839). In allocating seats, the d'Hondt system is used (Art. 34, Law No. 2839).

Political parties cannot win seats unless they obtain, nationally, more than 10% of the votes validly cast. In a by-election, the seats are distributed among the political parties that obtain more than a total of 10% of the valid votes in all constituencies. An independent candidate standing for election on the list of a political party may be elected only if the list of the political party concerned obtains sufficient votes to take it over the 10% national threshold (Art. 33/1, Law No. 2839).

However, an independent candidate may be elected by a simple majority of the votes cast in the constituency. In other words, the 10% threshold is not applied to the independent candidates running for parliamentary elections.

## Administration of Elections

The Supreme Board of Election is responsible for the administration and scrutiny of the parliamentary elections. As foreseen by the Constitution, the Board is composed of seven regular members and four substitutes, six of whom are elected by the Higher Court of Appeals and five of whom are elected by the Council of State among its members. The Board is in charge of ensuring the fair and orderly conduct of the elections. It has the power to make final decisions about the complaints concerning the eligibility of candidates and the validity of elections (Art. 79, Const.).







## Organisation of the Assembly





*Meeting of the Bureau*

# ORGANISATION OF THE ASSEMBLY

## The Bureau of the Assembly

### Provisional Bureau of the Assembly

The Plenary is chaired by the oldest deputy from the first sitting of the newly elected Assembly until the election of the Speaker. The next oldest deputy serves as Vice-Speaker. The six youngest deputies provisionally act as secretaries (Art. 8, ROP).

### Composition of the Bureau

The first thing the Assembly is required to do is to establish its Bureau, which consists of 15 deputies: the Speaker, four Vice-Speakers, seven secretaries, and three quaestors. The Plenary has the authority to increase the number of secretaries and quaestors on the proposal of the Board of Spokespersons in order to ensure the proportionate representation of all political party groups in the Bureau.



*Bureau of the Assembly consists of 15 deputies: the Speaker, four Vice-Speakers, seven secretaries, and three quaestors. The Bureau has many responsibilities laid down by the laws and the Rules of Procedure concerning the legislative activities and administration of the Assembly.*

Two elections shall be held for the members of the Bureau within a parliamentary term. The Bureau members who are elected at the beginning of new parliamentary term serve for two years. After two years, new members of the Bureau shall be elected to serve until the end of that parliamentary term.

The Plenary decides how secretaries and quaestors are allocated among the political party groups after consultation with the Board of Spokespersons (Art. 11/3, ROP).

The Bureau of the Assembly shall retain its powers and duties even if a vacancy occurs in the membership. Vacant seats shall be filled within the earliest time. If the seat of the Speaker becomes vacant, the oldest Vice-Speaker serves as Speaker until a new Speaker is elected.

If a deputy ceases to be a member of a political party or the political party he/she belongs to loses its right to form a party group, he/she automatically ceases to be a member of the Bureau (Art. 12/4, ROP).

### **Quorum and Majority for Decision**

The Bureau of the Assembly meets when the absolute majority of the members are present and decides with the votes of an absolute majority of the members present (Art. 13/4, ROP).

The Bureau cannot convene and make decisions if the Speaker or a Vice-Speaker designated by him/her is not present (Art.13/6, ROP).





## Duties of the Bureau

The Bureau has many responsibilities concerning the legislative activities and administration of the Assembly. According to the various articles of the ROP and the Law on Administrative Organization of the Assembly (Law No.6253), the Bureau of the Assembly:

- decides on the procedure to make necessary corrections if it is found after the end of the sitting that there has been an important mistake about votings or elections in the Plenary (Art. 13/2, ROP)<sup>1</sup>,
- provides opinions to the Speaker regarding the fulfillment of his/her tasks if requested (Art. 13/3, ROP),
- grants permission to committees to hold committee meetings during plenary sittings (Art. 35/2, ROP),
- determines the dress of officials in the Plenary (Art. 56/3, ROP),
- examines the resignation letter of a deputy on its merits (Art. 136/1, ROP),

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<sup>1</sup> However, if it is alleged during the plenary sitting that an important mistake has been made about votings or elections, the Speaker may open a debate on the procedure and make the necessary corrections. If necessary, the matter may be put to a vote in the Plenary (Art. 13/2, ROP).



- examines the cases of incompatibility and forward the conclusions as a decision of the Bureau to the Joint Committee (Art. 137/1, ROP),
- determines/identifies and forwards cases of non-attendance to the Joint Committee (Art. 138/1, ROP),
- submits requests of leave of absence for more than 10 days to the Plenary (Art. 151/3, ROP),
- keeps a non-attendance register and sends it to the deputies concerned, examines and decides about objections raised against the non-attendance register (Art. 152, ROP),
- makes necessary corrections in the non-attendance register upon the request and publishes them (Art. 152, ROP),
- proposes to the Plenary that the salary and allowances should be paid to the deputies who have obtained a leave of absence for more than two months in a row within a parliamentary year (Art. 154, ROP),
- lays down the rules concerning special entrance cards into the buildings of the Assembly (Art. 168, ROP),
- sets out statutory rules regarding the internal affairs of the Assembly (Art. 171, ROP),
- sets out rules on the use of the library of the Assembly (Art. 173, ROP),
- finalizes the budget of the Assembly prepared by the quaestors (Art. 176/1, ROP),
- lays down the administrative regulations related to the duties, powers and responsibilities of the Administrative Organisation of the Assembly (Art.27, Law No. 6253), and
- determines the financial rights (salary, compensation, remuneration, etc.) of the parliamentary staff within the limits of the relevant laws, (Law No.6253).

## The Speaker

### Election of the Speaker

The Assembly elects one of its members as Speaker for two years. After two years, a new Speaker is elected to serve until the end of the parliamentary term.

Any deputy may stand as a candidate by his/her own initiative or deputies may propose another deputy as candidate for the election



*Office of the Speaker*

of the Speaker. Political party groups are not permitted to nominate candidates for this election (Art. 94/2, Const.). Nominations must be submitted to the Bureau of the Assembly within five days after the Assembly convenes. The Speaker is elected within five days after the expiration of the nomination period (Art.94/4, Const.).

If a candidate receives the two-thirds majority of the total number of deputies, he/she is elected as the Speaker. If no candidate does so, a second ballot is held in which a candidate supported by a two-thirds majority of the total number of members is elected. If no candidate is elected in the second ballot, a third ballot shall be held. Candidate who obtains absolute majority of the total number of deputies is elected as the Speaker. If no candidate achieves absolute majority, a fourth ballot shall be held between two candidates who have received the highest number of votes in the third ballot. Candidate who receives the greater number of votes is elected as the Speaker (Art. 94/4, Const.).

## **Impartiality of the Speaker**

The Speaker must perform all his/her duties in accordance with the principle of impartiality. The Constitution places various restrictions on the conduct of the Speaker in order to protect the

*The Assembly elects one of its members as Speaker for two years. The Speaker has the responsibility to oversee the respect of the ROP, as well as of constitutional or institutional provisions. The Speaker must perform all his/her duties in accordance with the principle of impartiality, which is regulated in Article 94/6 of the Constitution.*

impartiality of the Office. In order to ensure that the Speaker conducts his/her duties in complete impartiality, he/she is restricted to participate in party politics and parliamentary debates.

Political party groups are not allowed to nominate a candidate for the election of the Speaker to ensure that the Speaker shall be the choice of the Assembly as a whole. Although the Speaker is not required to resign from his/her party, he/she cannot participate in the activities of the political party or party groups within or outside the Assembly.

The Speaker, whether he/she is chairing the plenary sittings or not, is not permitted to participate in Plenary and committee debates (except in cases required by his/her duties), or have the floor and vote. The Speaker is not forbidden to initiate legislation, but in practice, the Speaker abstains from doing so.

## **Powers and Duties of the Speaker**

The Speaker has important powers and duties with regard to the activities of the Assembly and its organs. In general, the Speaker has the responsibility to oversee the respect of the ROP, as well as of constitutional or institutional provisions. In order to fulfill these responsibilities the Speaker is assisted by the Vice-Speakers.

First, the Speaker has the power to recall the Assembly during a recess or adjournment directly or upon the request of one-fifth of the deputies (Art. 93/3, Const.).

Second, the Speaker, as head of the Assembly, represents the Assembly outside the Parliament; chairs over plenary sittings; chairs the Bureau and sets out the agenda of the Bureau; implements the decisions of the Bureau; presides over the Board of Spokespersons; supervises compilation of the Journal of Minutes and summary of the minutes; supervises the committees of the Assembly. The Speaker is in charge of the general administration of the Assembly including internal and external security. The Speaker also performs all other duties vested in him by the Constitution, laws, and the ROP (Art. 14, ROP).

Third, the Speaker, as the holder of the second rank in the order of precedence, following the President of the Republic, also serves as Acting President of the Republic and exercises the powers of the President of the Republic in the event of a temporary absence (illness, travel abroad, etc.) or vacancy (death, resignation, etc.) until the President resumes his/her functions, or until the election of a new President (Art. 106, Const.).

Fourth, the primary responsibility of the Speaker is to preside over plenary sittings. The Speaker usually delegates his/her duty to preside over the plenary sittings to the Vice-Speakers. In practice, the Speaker prefers to chair the first meeting of each parliamentary year, or plenary sittings when matters of greater importance such as constitutional amendments or budget bills are considered.

The Speaker opens, suspends, or adjourns the sittings; calls the roll; announces the results of voting; grants the floor to speakers; calls the speakers to observe the rules and not to deviate from the issue; maintains order; invites speakers not to use unparliamentary language; if necessary, forces them to leave the floor and expels them from the Plenary; calls deputies to order; and proposes the Plenary to issue a reprimand against a deputy or to temporarily suspend a deputy from the Assembly.

The Speaker receives all legislative initiatives and refers them to the relevant committees and examines questions on their conformity with the ROP and sends them to the ministry concerned.

As administrative head of the Assembly, the Speaker has the authority to appoint the Secretary-General of the Assembly and other parliamentary staff on the proposal of the Secretary-General (Art. 29/1, Law No.6253). The Speaker has a responsibility to monitor, oversight and control of the effective, economic and efficient use of parliamentary resources (Art.34/1, Law No.6253). He/she is in charge of taking all security measures in the parliamentary precincts (Art.40/1, Law No.6253).

## Vice-Speakers

The Assembly elects four Vice-Speakers at the beginning of each parliamentary term according to the procedure described in the ROP. The Vice-Speakers' term of office is two years. Accordingly, two elections shall be held for the Vice-Speakers in a legislative term.

The number of seats reserved for each political party group is determined by the ROP. Two seats of Vice-Speakers are reserved for the political party group having the absolute majority of the deputies in the Assembly. The other two seats are distributed to political party groups starting from the one with the highest percentage (Art. 11/2, ROP).

Political party groups present their candidates for the seats reserved to them and the Plenary votes not for the candidates separately but for a list of all (four) candidates (Art. 11/4, ROP).



The duties of the Vice-Speakers are to preside over plenary sittings on behalf of the Speaker and oversee the arrangements of the Journal of Minutes and summary of the minutes of the sitting chaired by themselves. The Speaker determines the sittings in which the Vice-Speakers take the chair (Art.15, ROP).

During the sitting days of the Assembly, if the Speaker is unable to be present because of disability or travel out of Ankara, he/she may appoint one of the Vice-Speakers in writing to perform his/her duties (Art. 14/2, ROP).

When chairing the plenary sittings, Vice-Speakers are under obligation to chair debates in an impartial manner. Similarly to the Speaker, they are not allowed to participate in any activities of the political party or party group they belong to. They are also barred from participating in debates. Contrary to the Speaker, who can never vote, Vice-Speakers can vote and explain their votes when they are not chairing the debates.

## Secretaries

The Bureau of the Assembly consists of seven secretaries who are elected to serve for two years. The Plenary determines the number

of secretaries reserved to the political party groups in proportion to their strengths in the Assembly. Upon the proposal of the Board of Spokespersons, the Plenary may increase the number of secretaries in order to ensure the proportional representation of all party groups in the Bureau (Art. 9, ROP).

After the political party groups have nominated their candidates for the seats reserved to them, the Plenary votes by show of hands not for individual candidates, but for a complete list of all candidates (Art. 11/4, ROP).

The secretaries assist the Speaker by performing the duties laid down in the ROP. They supervise the proper recording of the minutes of plenary sittings; draw up a summary of the minutes; read out documents in the plenary; call the roll; count the votes; monitor the conduct of elections to ensure that they are held in a fair and orderly manner; and register the list of speakers (Art. 16, ROP).

## Quaestors

The Rules of Procedure defines quaestors as the “executive apparatus” of the Office of the Speaker responsible for maintaining order and peace in the Assembly, and ensuring transparency and freedom in deliberations (Art. 17/2, ROP).

In principle, there are three quaestors in the Bureau of the Assembly. However, the Plenary may increase the number of quaestors to ensure that the strength of each political party group is proportionally reflected in the composition of the Bureau. The quaestors are elected by the same procedure applied to the election of the secretaries.

The quaestors are responsible for assisting the Speaker by performing administrative, financial, and security functions pursuant to the directions of the Speaker. They organize special ceremonies in the Assembly, prepare draft budget of the Assembly and present it to the Speaker, and deliver entrance cards (Art. 17/1, ROP).

## Board of Spokespersons

The Board of Spokespersons consists of the Speaker and chairpersons of political party groups or deputy chairpersons. The Board is chaired by the Speaker of the Assembly. If deemed necessary, a representative of the government and the Vice-Speakers may be invited to the meetings of the Board (Art.19/1, 3, ROP).

*The Board of Spokespersons has the responsibility to submit proposals and deliver opinions about the composition of the Bureau and committees, and matters relating to the schedule of plenary sittings and committee meetings. The proposals or opinions of the Board are not binding for the Plenary.*



The Speaker may call and convene the Board on his/her own initiative or upon the request of a political party group (Art.19/4, ROP).

The Board shall carry out the duties assigned to it by the ROP and provide advisory opinions upon the Speaker's request (Art.19/2, ROP).

The Board shall provide opinions and proposals only by unanimity. If the Board fails to convene in the first call or cannot submit proposals or provide opinions in unanimity, the Speaker or political party groups may submit their requests directly to the Plenary. Voting on these requests is placed on the agenda of the next sitting and conducted by show of hands (Art.19/5, ROP).

The proposals or opinions of the Board are not binding for the Plenary. The Plenary is free to accept or reject the proposals or opinions of the Board. However, a unanimous opinion or proposal of the Board indicates that a consensus on the matters under discussion has been reached among the political party groups. Therefore, the opinions or proposals of the Board are usually adopted by the Plenary.

The Board of Spokespersons has the responsibility to submit proposals and deliver opinions about the composition of the Bureau and committees, and matters relating to the schedule of plenary sittings and committee meetings.

## Political Party Groups

Political party groups are the main actors in parliamentary business. The Constitution states that the provisions of the ROP must ensure the participation of all political party groups in proceedings of the Assembly in proportion to their numerical strengths (Art. 95/2, ROP).

At least 20 deputies from the same political party may form a party group in the Assembly (Art. 95/2, Const.). Deputies who do not have a political party (independents) or deputies do not belong to the same political party cannot form a party group even if their number exceeds 20. If the number of members falls below 20, the political party group ceases to exist and automatically loses its membership in the Bureau and committees (Art. 12/4, 22/3, ROP).

There are no formal conditions that must be fulfilled before a political party group is formed. After their formation, party groups are under obligation to submit their internal regulations and a list of members and their constituencies at the beginning of each



parliamentary term to the Office of the Speaker. The Office of the Speaker must be notified of any changes therein (Art. 18, ROP).

All political party groups must be represented in the Bureau and committees in proportion to the number of members in each.

The seats must be distributed among party groups in such a way that the smallest party groups shall be represented by at least one deputy and the remaining seats shall be distributed in proportion to their size.

There are two cases where the ruling parties or largest parties are given an advantage over other parties in distribution of the seats, which may be interpreted as a deviation from the principle of proportionality. First, the political party group that has the absolute majority of the deputies in the Assembly shall be awarded by two vice-speakerships out of four (Art. 11/2, ROP). Second, 25 out of 40 seats in The Committee on Plan and Budget are reserved to the party group(s) that formed the government (Art. 162/2, Const.).

*Political party groups are the main actors in parliamentary business. All political party groups must be represented in the Bureau and committees in proportion to the number of members in each.*



Apart from being represented in the main organs of the Assembly, political party groups can introduce motions for resolutions and amendments to the bills. The following are some examples of the advantages granted to political party groups in the proceedings of the Assembly:

- As a general provision, party groups have the right to speak during plenary debates for 20 minutes (Art. 60/2, ROP). Party groups have priority over deputies in the order of speakers (Art. 61/4, ROP).
- Political party groups may request secret meetings in the plenary (Art. 70/1, ROP).
- Political party groups may propose the bills to be debated and voted through a special legislative procedure under Article 91 of the ROP.
- Political party groups may table a motion of general debate (Art. 102/1, ROP), censure (Art. 106/1, ROP), and parliamentary inquiry (Art. 104/3, ROP).
- Political party groups have the right to propose changes in the duration of the state of emergency or martial law (Art. 126/2, 127/2, ROP).
- Parliamentary groups of party in power or the biggest party in power in case of a coalition government and main opposition party are granted the power to apply for annulment action to the Constitutional Court (Art. 150, Const.).

However, the Constitution and ROP include some restrictions on the activities of political party groups. Political party groups are barred from nominating candidates for the election of the Speaker (Art. 10/2, ROP).

They are not permitted to debate and decide on a parliamentary investigation (Art. 113/1, ROP) and cases related to the parliamentary immunity (Art. 83/5, Const.).

## **The Administrative Organisation of the Assembly**

The Administrative Organization which is under the authority of the Speaker and headed by the Secretary-General is responsible for:

- providing information, administrative and technical support to the Plenary, the Bureau, committees, political party groups, and deputies,

- informing committees about the bills and other legislative documents, assisting in preparation of committee reports, researching about the issues within the competence of the committees,
- preparing draft bills in accordance with requests of the deputies,
- providing necessary information, publication, and documents to the committees and deputies,
- coordinating relations between the Assembly and General Secretary of the President of the Republic, Office of the Prime Minister and other public institutions with regard to the legislative activities,
- organizing relations with the media and public,
- providing documentation, archive, and publishing services.  
(Art.3, Law No.6253)

The head of the Administrative Organization of the Assembly is the Secretary-General, who is appointed directly by the Speaker. The Secretary-General is responsible to the Speaker of the Assembly for discharging the above-mentioned duties. (Art.5, Law No.6253).

The departments in the Administrative Organization of the Assembly operate under the direct authority of the Speaker, Secretary General and four deputy secretaries-general (Art.4/1, Law No.6253).

## Financial Autonomy

Although the budget of the Assembly is a part of the annual State Budget, it is debated and voted as a separate spending unit. The Assembly prepares its own budget without negotiation or consultation with the government but follows the guidelines of the Ministry of Finance.

Contrary to other state organs whose allocated amount is released quarterly, the whole amount allocated to the Assembly is transferred at the beginning of each year upon the request.

As the Assembly does not have a legal personality, it formally has no property of its own.

## Parliamentary Staff

The staff of the Assembly is appointed to and removed from the office by the Speaker of the Assembly. Employment in the Assembly must be in accordance with the provisions of the Law on Civil Servants (Law No. 657) and the Law on Administrative Organization of the Assembly (Law No. 6253). The parliamentary

staff is employed under the status of civil servants, contractual staff, and temporary staff.

The Assembly has the power to define the status and conditions of its personnel within the limits of the relevant laws. Article 36/F of the Law on Civil Servants clearly authorizes the Bureau of the Assembly to decide on cadre, title, additional salary indicator, executive compensation, and other financial rights of the civil servants working for the Administrative Organization of the Assembly. Nevertheless, the number of cadres allocated to the Assembly is specified by the Law on Administrative Organization of the Assembly.

The Secretary-General is appointed and removed from the office by the Speaker of the Assembly to whom he/she is responsible. He/She is in charge of ensuring the duties of the Administrative Organization are performed in accordance with the relevant laws and strategic plan, administering the departments and providing coordination between them (Art. 5/2, Law No. 6253).

The Law on Administrative Organization of the Assembly states that the issues that require the decisions of the Council of Ministers and are related to the Administrative Organization of the Assembly will be carried out by the decisions of the Bureau of the Assembly (Art. 26/1, Law No.6253). As regards the financial rights (salary, compensation, remuneration, etc.) of the parliamentary staff, the Bureau of the Assembly has the final authority, within the limits of the relevant laws. There is no doubt that such a power is an important indicator of financial autonomy.

## Security and Access

The Speaker is responsible for taking necessary measures regarding internal and external security of the precincts of the Assembly (Art. 164/1, ROP). The maintenance of order and other security services in the precincts of the Assembly is performed by police forces allocated by the Ministry of Interior (Art.40, Law No.6253). These forces are solely under the command of the Speaker. The police forces are responsible for internal and external security of the Assembly.

It is forbidden to carry a gun within the precincts of the Assembly except for the police forces, and other security forces requested by the Speaker. Those who breach this rule are expelled immediately (Art. 165, ROP).

No one is permitted to enter the plenary and committee rooms except deputies, staff of the Assembly, government officers who

are on a temporary duty in parliament, and experts who are summoned. Intruders shall be expelled (Art. 166, ROP).

Former deputies shall enjoy all the rights conferred to deputies except legislation, remuneration, and travel allowance, and entering plenary and party group meetings (Art. 167, ROP).

Media members (parliamentary correspondents) monitoring the daily business of the Assembly shall be given a special entry card by the Office of the Speaker. Media members who do not possess this entry card shall not be able to enter places allocated to media members in the Assembly (Art.168/1, ROP).

Allocating galleries and bureaus for press, entering other parts of the parliamentary buildings, and miscellaneous subjects concerning press and media members shall be regulated under a by-law, which will be adopted by the Bureau of the Assembly (Art. 168/2, ROP).

Visitors to the Assembly are searched by security officers before entering the Assembly. Cameras are not allowed. Equipment such as guns, flick knives, butterfly knives, and personal defense sprays are also not permitted.

A public gallery is allocated to the visitors who want to follow debates in the plenary. If the sitting is not secret, they can watch the

*Visitor's Center*



debate. Visitors who follow plenary debates have to sit silently as long as the sitting continues.

They cannot vent their opinions by speech, applause, or remarks. Those who do not comply with the rules shall be expelled immediately by the security officers (Art. 169, ROP).

If a person, other than deputies, commits a crime in the precincts of the Assembly and this crime does not require ex officio investigation, security officers will expel the suspect. If the crime requires ex officio investigation, the suspect will be handed over to the office of the prosecutor immediately. If a deputy commits a crime, Article 83 of the Constitution shall be applied (Art. 170, ROP).



## **Powers and Duties of the Assembly**







# POWERS AND DUTIES OF THE ASSEMBLY

The Constitution defines the powers and duties of the Grand National Assembly and the manner in which these powers are used and duties are fulfilled.

## **Law Making**

The Constitution states that legislative power is vested in the Grand National Assembly of Turkey on behalf of the Turkish nation and this power cannot be delegated (Art. 7, Const.).



The Assembly has the authority to enact, amend, or repeal laws. All bills must be passed by the Assembly before becoming law.

The Constitution does not explicitly place any limits on the legislative power of the Assembly. The Assembly has general power to make laws on any subject matter. However, constitutional review of laws by Constitutional Court and “unamendable provisions” of the Constitution may be interpreted as “limits” to the legislative power of the Assembly.

All laws must be in conformity with the provisions of the Constitution. Article 11 of the Constitution states that legislative, executive, and judicial organs are bound by the provisions of the Constitution and laws cannot be contrary to the Constitution. The Constitutional Court may annul a law if it decides that the law passed by the Assembly is unconstitutional in respect of form or substance. The power to apply for annulment action to the Constitutional Court is granted to the President of the Republic, parliamentary groups of ruling parties, the main opposition party, and at least one-fifth of the total number of deputies (Art.150, Const.). It must be noted that until the decision of the Constitutional Court that annuls an existing law is officially published, the law is valid and must be enforced.

Amendments to the Constitution may be proposed by at least one-third and adopted by three-fifths of the total number of deputies. However, the Assembly’s power to amend the Constitution is not unlimited. First, constitutional amendments are subject to the judicial review of the Constitutional Court only in respect of procedural formalities, i.e., whether the proposal is introduced and adopted by a required majority, and whether it is debated twice. Second, the Constitution includes some provisions that are defined as “unamendable.” The Assembly is banned from amending the republican form of the state (Art. 1), the characteristics of the Republic (Art. 2), the indivisible nature of the State, official language, national anthem, form of the national flag, and capital city of the Republic (Art. 3).

## **Authorization of Government to Issue Decrees Having the Force of Law**

The Assembly may empower the Council of Ministers by an enabling law to issue decrees having the force of law on certain subjects within the limits prescribed in the Constitution. The fundamental rights, individual rights, and duties included in the

first and second chapters of the second part of the Constitution and the political rights and duties listed in the fourth chapter cannot be regulated by decrees having the force of law except during periods of martial law and states of emergency (Art. 91/1, Const.).

An enabling law passed by the Assembly must define the purpose, scope, principles, and operative period of the decree having the force of law, and whether more than one decree will be issued within the same period (Art. 91/1, 2, Const.).

Any decree having the force of law must be referred to the Assembly for approval on the same day when it is published in the Official Gazette. After being examined by the relevant committee, the Plenary may, by a law, reject or approve the decree having the force of law with or without amendments (Art. 91/7, 8, Const.).

It must be noted that the Council of Ministers' right to issue decrees having the force of law during the states of emergency or martial law is not based on an enabling law passed by the Assembly but on Articles 121 and 122 of the Constitution.

## **Scrutiny of the Council of Ministers and Ministers**

One of the primary functions of the Assembly is to scrutinize the policies and programs enacted by the government. The Assembly conducts its supervisory function through a number of mechanisms, which are outlined in the Constitution and the ROP.

The formal mechanisms envisaged in the Constitution under the title of "Means of Obtaining Information and Scrutiny" are questions, general debate, parliamentary inquiry, censure, and parliamentary investigation. Some of these are simple ways of obtaining information (questions), discussing government policies (general debate), or carrying out in-depth inquiries on specific issues (parliamentary inquiry). Other tools may result in the defeat of the government or dismissal of one of its ministers if the Assembly withdraws its confidence in the government or one of its ministers (censure) or impeachment of members of government before the Constitutional Court (parliamentary investigation).

Mechanisms of budgetary oversight and vote of (no) confidence are other tools used by the Assembly to hold the government politically accountable. Parliamentary oversight of the government and the manners in which the government is scrutinized are discussed in Chapter Eight.

## **Approval of Budget Bill and Final Account Bill**

The Assembly's power to approve the Budget Bill and Final Account Bill can be viewed as the control of the government's budgetary performance. This topic is discussed in Chapter Six.

## **Granting General Amnesty and Pardon**

A general amnesty or pardon may be granted only by a law passed by the Assembly. A bill that envisages a general amnesty or pardon must be approved by at least a three-fifths majority of the total number of deputies. The three-fifths majority is required for each article of the bill granting general amnesty and pardon and for the bill as a whole (Art. 92/2, ROP).

## **Approval of the Ratification of International Treaties**

The President of the Republic has the power to ratify and publish international treaties that have been concluded by the executive (Art.104/2, Const.). With some exceptions, the Constitution stipulates that ratification of the treaties by the President requires the Assembly's approval of that ratification. In other words, instead of approval of the treaty itself, the Assembly gives its consent by a law to the ratification of the treaty by the President for some categories of treaties.

Ratification of all treaties that envisage a change in domestic laws is subject to approval of the Assembly. However, some treaties do not require the approval of the Assembly before ratification. Treaties that regulate economic, commercial, and technical relations and do not exceed a period of one year come into force by only publication provided that the treaties do not pose a financial burden for the State finance and do not require any change to the personal rights and property rights of Turkish citizens in foreign countries. The Assembly must be informed of that type of treaties within two months after their publication (Art. 90/2, Const.).

## **Approval of the Declaration of State of Emergency and Martial Law**

The authority to declare a state of emergency or martial law due to national emergency situations lies with the government. The

Constitution states that the government may declare a state of emergency or martial law for a maximum period of six months (Art 119, 122/1, Const.).

The government's decision to declare a state of emergency or martial law shall be published in the Official Gazette and submitted immediately to the Assembly for approval. During the period of recess, the Assembly is called to convene immediately (Art 121, 122/1, Const.).

The Assembly may approve the decision of the government or lift the state of emergency or martial law. The Assembly may also lengthen or shorten the duration of the state of emergency or martial law upon the request of a political party group or at least 20 deputies (Art.126/2, ROP).

The Assembly may extend the duration of the state of emergency or martial law (already approved by the Assembly) for a maximum period of four months upon the request of the Council of Ministers. However, this time limit is not applicable in a state of war (Art.121/1, 122/4, Const.).

The request of the government for lifting an existing state of emergency or martial law is also subject to the approval of the Assembly (Art.126/3, 127/2, ROP).

The request of the government for a state of emergency or martial law is debated and voted in accordance with the general provisions of the ROP (Art.126/4, 127/2, ROP).

## **Declaration of War and Authorization for Use of the Armed Forces**

The Assembly has the authority to declare war, and authorize the sending of Turkish armed forces abroad or stationing of foreign armed forces on national territory (Art.92, Const.) upon the request of Council of Ministers (Art. 129,130, ROP).

During the period of adjournment or recess, the President of the Republic may decide to use armed forces when the country is under military attack and the use of armed forces becomes unavoidable (Art. 92/2, Const.). In this case, the President convenes the Assembly immediately (Art. 129/2, ROP).

## **Impeachment of the President of the Republic**

The President of the Republic (incumbent or former) may be impeached for high treason by a resolution passed by the three-fourths majority of the total number of the deputies (Art. 105, Const.).

*The President of the Republic (incumbent or former) may be impeached for high treason by a resolution passed by the three-fourths majority of the total number of the deputies. If the Assembly passes the resolution of impeachment, the President is tried by the Constitutional Court in the capacity of the Supreme Court.*

A motion of impeachment can be presented by at least one-third of the total number of the deputies. The Assembly and the President concerned are immediately informed of the motion of impeachment. The motion is placed on the agenda of the plenary sitting, which will be held after seven days from the date on which the Assembly has been informed. The President concerned is given the floor to defend himself during the plenary debates or he/she may submit his/her defense in writing to be read out in the plenary.

If the Assembly passes the resolution of impeachment by a three-fourths majority vote of the total number of deputies, the President is tried by the Constitutional Court in the capacity of the Supreme Court (Art.114/1,2,3, ROP).

The resolution must specify the criminal provisions upon which the decision is based and the reasons why the offence he/she is alleged to have committed is considered as high treason (Art.114/4, Const.).

In practice, there has been no case of impeachment against a President of the Republic (incumbent or former) whatsoever.

## Power of Appointment

The Assembly has the power to appoint the Chief Public Auditor (Ombudsman) (Art. 74/6, Const.), two members of Constitutional Court from among the candidates nominated by the Court of Accounts, and one member from among the candidates nominated by the presidents of the Bar Associations (Art. 146/2, Const.), members of the Radio and Television Supreme Council (Art. 133/2, Const.), members and the President of the Court of Accounts (Art. 16, Law No.6085 on the Court of Accounts).

## Amending the Rules of Procedure

The internal organization and the functioning of the Assembly are laid down by the ROP. Consideration of bills, scrutiny of executive organs, and conduct of debates are governed by provisions of the ROP. The ROP may be amended by a resolution of the Assembly after the Committee on the Constitution has reported on the proposed amendments.

The proposals for amendments to the ROP may be moved by the deputies. The proposed amendments are deliberated in the Committee on the Constitution before it is debated and voted in the plenary. The Committee prepares a report including gaps and defects of the ROP and recommendations for the adoption of appropriate measures and submits it to the Office of the Speaker.

If the Bureau of the Assembly agrees with the Committee's recommendations, the Speaker warns the Plenary to make necessary amendments to the ROP.

An amendment to the ROP comes into force when parliamentary resolution is published in the Official Gazette unless another date is specified in the resolution (Art. 181, ROP).







# Parliamentary Timetable







*Opening ceremony  
of the Assembly*

# PARLIAMENTARY TIMETABLE

## Parliamentary Term

A parliamentary term could be broadly defined as the period between two parliamentary elections, which is four years under normal circumstances. This definition means that ordinary or early parliamentary elections directly end the duration of legislative term. However, in the strict sense, a parliamentary term implies the period that begins with the first meeting of the Assembly following a parliamentary election and lasts until the first meeting of the subsequent Assembly (Art.1/1, ROP).

When the Assembly decides to postpone parliamentary elections for one year due to a war, according to Article 78 of the Constitution, the term of the Assembly automatically extends to five years.

*The newly elected Assembly convenes at 3:00 p.m. on the fifth day following the announcement of the final election results by the Supreme Board of Election on the channels of the Turkish Radio and Television Corporation. The oath-taking ceremony takes place at the first sitting.*

## Parliamentary Year

A parliamentary year commences on the 1st of October and ends on the 30th of September. Article 93 of the Constitution states that the Assembly convenes by right on the first day of October each year.

## Recess

Recess is defined as “the adjournment of parliamentary business for a specific time period”. Recess is a longer time of adjournment, which normally begins on the 1st day of July, unless otherwise is decided by the Plenary. The length of the recess cannot last more than three months in a parliamentary year (Art.5/1, 3, ROP).

In theory, the fact that recess usually begins on the 1st of July and lasts three months does not require the formal end of the parliamentary year, which comes to an end on the 30th of September.

## Adjournment

The ROP prescribes adjournment as the postponement of parliamentary business for no more than 15 days. The Assembly may not adjourn for more than 15 days during a parliamentary year. During a period of adjournment, plenary sittings and committee meetings cannot be held. The Plenary decides on a motion of adjournment by voting after the Board of Spokespersons states its opinion (Art. 6, ROP).

## Recall of the Assembly

The President of the Republic may recall the Assembly for extraordinary meeting on his/her own initiative or on the request of the Council of Ministers during a period of adjournment or recess.

The Speaker shall also recall the Assembly directly or on the written request of one-fifth of the deputies (Art. 93/2-3, Const.).

The Assembly convenes on the date and hour stated in the statement of the recall. The reasons that required such a meeting must be specified in the statement of recall (Art. 7/4, ROP).

In case of the presence of a quorum, the Plenary debates urgent and important topics indicated in the statement of recall. After deliberation of the topics concluded, recess or adjournment continues unless the Assembly decides otherwise (Art 7/5, ROP).

## Constituent Sitting

The newly elected Assembly convenes at 3:00 p.m. on the fifth day following the announcement of the final election results by the Supreme Board of Election on the channels of the Turkish Radio and Television Corporation. The oath-taking ceremony takes place at the first sitting. The first sitting is chaired by the oldest deputy who shall be assisted by the six youngest deputies as secretaries (Art. 8, ROP).

## Days And Hours Of Sitzings

Sitting is a meeting of the Plenary opened on a specific day (Art. 1/3, ROP). As a general rule, the Assembly sits on Tuesday, Wednesday, and Thursday from 3:00 p.m. to 7:00 p.m. The Plenary may alter the hours, dates, and weeks of the sittings and may choose to sit on other days upon the proposal of the Board of Spokespersons (Art. 54, ROP). The Plenary may adopt a resolution to hold sittings at the weekend or may sit all night or until the next morning in exceptional circumstances.

In cases of necessity, instead of fixing the time for closure of the sittings, the Plenary may decide to extend the sitting until the consideration of the item of business is completed (Art.55/2, ROP).

## Suspension of Plenary Sitzings

Plenary sittings may be suspended for some reasons with the intention of resuming the proceedings sometime no later than one hour. Suspension of a sitting means that the sitting is temporarily interrupted for a few minutes or a maximum of one hour without formally ending the sitting. After suspension, the Plenary continues to sit until the next suspension or closure of the sitting.

The Speaker has the authority to suspend a sitting for a maximum period of one hour when it is found that the quorum is not present. If the quorum does not exist after the suspension, the Speaker closes the sitting (Art. 57/4, ROP).

The Speaker may also suspend the sitting at his/her own discretion if he/she fails to maintain order when the noise or disorder arises. If the noise or disorder continues after the suspension of a maximum of one hour, the Speaker shall close the sitting (Art. 68, ROP).

## Adjournment of Plenary Sitzings

The Speaker has the authority to close/adjourn the plenary sittings. He/She ends the sitting when the time of adjournment fixed by

*As a general rule, the Assembly sits on Tuesday, Wednesday, and Thursday from 3:00 p.m. to 7:00 p.m. The Plenary may alter the hours, dates, and weeks of the sittings and may choose to sit on other days upon the proposal of the Board of Spokespersons.*

the ROP or the Plenary is over. Under certain circumstances, the Plenary may extend the sitting beyond the fixed time for the completion of an item of business that is about to come to an end (Art. 55/2, ROP).

The Speaker shall adjourn the plenary sitting in some cases described in the ROP. In cases where the quorum does not exist even after a suspension that was due to the lack of a quorum (Art. 57/4, ROP) or where the Speaker fails to maintain order after a suspension that was due to noise and disorder, the sitting is closed by him/her (Art. 68/2, ROP).



## Status of the Deputies







# STATUS OF THE DEPUTIES

## Number of Deputies

The total/statutory number of deputies in the Assembly is 550. This number does not change even if a vacancy occurs in the membership. However, for the elections in the Assembly, the vacancies are excluded from the total number in order to determine the percentage of political party groups and independent deputies (Art. 2, ROP).

## Parliamentary Mandate

Deputies do not represent their constituency or the people who voted for them but the whole nation (Art. 80, Const.). The nature of the mandate is free representation.

## Term of Office

Deputies serve for four years. Deputies' term of office extends beyond four years if the Assembly adopts a resolution for deferring parliamentary elections for one year in case of a war. Parliamentary

*The total/statutory number of deputies in the Assembly is 550. Deputies cannot take part in parliamentary proceedings until they have taken the oath at the first sitting of the newly elected Assembly.*



mandate begins when the election boards of provinces prepare the official records that declare the name of candidates who have been elected. Deputies remain in office until the opening of the first sitting of the new Assembly following parliamentary elections.

## Oath-Taking

Deputies cannot take part in parliamentary proceedings until they have taken the following oath at the first sitting of the newly elected Assembly (Art.3/1, ROP).

*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 (Art.81, Const.).*

Oath-taking is a pre-condition of assuming the full powers of parliamentary mandate. Deputies who are absent at the constituent sitting may take the oath at the beginning of the sitting they attend. Deputies are called to take oath in alphabetic order of constituency, surnames, and names (Art. 3/2, 5, ROP).

## Loss Of Membership

Article 84 of the Constitution identifies various reasons because of which the parliamentary mandate is lost before expiration of the legal term of office. The parliamentary mandate could end, automatically or on a resolution passed by the Assembly, for the reasons of death, resignation, judicial decision, incompatibility with parliamentary mandate, or non-attendance to the plenary or committee meetings.

### Resignation

A deputy who resigns loses the parliamentary mandate only if the resignation is accepted by the Plenary. The Bureau of the Assembly examines the validity of the resignation letter of the deputy submitted to the Office of the Speaker and the Plenary decides whether or not the deputy loses his/her membership (Art. 84/1, Const.).

A resignation letter presented to the Assembly does not automatically result in the loss of a parliamentary seat. Resignation takes effect if the Assembly adopts a resolution on the loss of membership.

### Judicial Decision

A deputy who has been convicted of an offence that disqualifies one from being elected as a deputy or has been put under guardianship by a competent judicial organ loses his/her seat automatically when the Assembly is notified of the final court ruling (Art. 84/2, Const.).

### Parliamentary Incompatibilities

A deputy who persists in holding an office or performing a duty that is incompatible with the parliamentary mandate may lose his/her seat, if the Assembly passes a resolution for loss of membership (Art. 84/3, Const.).

The Bureau of the Assembly examines the case of a deputy who consistently carries out a service or holds an office that was

*The parliamentary mandate may end, automatically or on a resolution passed by the Assembly, for the reasons of death, resignation, judicial decision, incompatibility with parliamentary mandate, or non-attendance to the plenary or committee meetings.*

rendered incompatible with the parliamentary mandate, and refers its conclusions to the Joint Committee. The Joint Committee is composed of the members of the Committee on the Constitution and Committee on Justice, and chaired by the chairperson of the Committee on the Constitution (Art. 137/1, 2, 3, ROP). After examination of the case, the Joint Committee reports to the Plenary.

The Plenary holds a debate over the report of the Joint Committee. The deputy concerned has the right to defend his/her position personally or via another deputy before the Joint Committee or the Plenary. The final say belongs to the defendant in any case.

Loss of membership shall not be voted sooner than 24 hours after the debate over the report of the Joint Committee has been completed. Voting shall be conducted by secret ballot (Art. 137/4, ROP).

## **Non-Attendance**

Non-attendance at parliamentary business is one of the legal grounds for loss of membership. A member who fails to attend parliamentary businesses, without a valid excuse or leave of absence, for five sitting days in total during a one-month period may lose his/her seat on a resolution adopted by the Plenary (Art. 84/4, Const.).

## **Parliamentary Incompatibilities**

Article 82 of the Constitution and Law on Offices Incompatible with Parliamentary Mandate (Law No.3069) set out the legal framework of parliamentary incompatibility.

## **Incompatibilities with Non-Elective Public Office/ Duties**

Deputies cannot hold office in state departments and other public corporate bodies and their subsidiaries. Duties that require recommendation, appointment, or approval of the executive organs are incompatible with the membership. A deputy may only accept a temporary duty, assigned by Council of Ministers, related with specific matters for a period of a maximum of six months if the Assembly decides so (Art. 82/1, 2, Const.).

Deputies cannot work in the executive and supervisory organs of the state departments and other public corporate bodies and their subsidiaries, enterprises, and corporations where there is direct or indirect participation of the state and public corporate bodies

and public benefit associations, whose special resources of revenue and privileges are provided by law, or foundations that enjoy tax exemption and receive financial subsidies from the state (Art. 82/1, Const.).

Deputies cannot hold administrative post as secretary-general, secretary, or under any other title in state departments and state-affiliated institutions (Art. 4, Law No.3069).

## **Incompatibilities with Private Sector Duties**

Deputies cannot be appointed as representatives of the above-mentioned bodies or be party to business contracts, directly or indirectly or be arbitrators of representatives in their business transactions (Art. 82/1, Const.).

Deputies cannot work as a lobbyist, broker, or consultant in state departments and state-affiliated institutions (Art. 3, Law No. 3069). They, unless otherwise decided by the Assembly, cannot accept paid employment or posts by a foreign state or an international organization (Art. 4, Law No. 3069).

When deputies exercise their professions and manage their own enterprises, they cannot use their title of “Deputy.” Any member who assumed a responsibility that is prohibited by the Law before being elected as a deputy has to comply with the Law within six months. Provisions of the ROP concerning the loss of mandate shall be applied to the deputies who act against the Law (Art. 3, 7, Law No. 3069).

## **Parliamentary Immunity**

Deputies are granted certain legal immunities regulated by the Constitution, which allows them to perform their duties outside threats or interference and ensures the proper functioning of the Assembly. Under the title of “Parliamentary Immunity,” Article 83 of the Constitution contains two traditional forms of immunity: The principle of non-accountability, which guarantees the freedom of speech, and the principle of inviolability, which protects deputies from any risk of criminal prosecution and arbitrary arrest. Immunity applies not only to the deputies but also to the ministers who are not parliamentarians (Art. 112/4, Const.).

## **Non-Accountability**

Deputies cannot be held accountable in respect of opinions expressed and votes cast in parliamentary proceedings. Non-accountability also includes the repetition of the same opinions



*Deputies cannot be held accountable in respect of opinions expressed and votes cast in parliamentary proceedings. Any deputy who is alleged to have committed an offence before or after the elections cannot be detained, interrogated, arrested, and tried without the decision of the Assembly.*

(expressed in the Assembly) outside the Assembly unless the Assembly decides otherwise (Art. 83/1, Const.).

The scope of non-accountability is limited to the parliamentary proceedings, which include anything said in the plenary sittings or committee meetings and anything put in writing that forms part of a parliamentary proceeding (questions, motions, votes, bills, etc). Non-accountability also covers the votes cast and statements expressed in a parliamentary committee working outside the Assembly in the exercise of the parliamentary mandate.

Non-accountability provides an absolute protection, which means that:

- deputies cannot be held liable through civil or criminal proceedings,
- non- accountability cannot be waived by the Assembly, and
- non- accountability lasts beyond the term of office.

## Inviolability

Any deputy who is alleged to have committed an offence before or after the elections cannot be detained, interrogated, arrested, and tried without the decision of the Assembly (Art. 83/2, Const.).

There are two exceptional cases where there is no immunity for deputies. In the following cases, the competent authority has the duty to notify the Assembly immediately (Art. 83/2, Const.).

- Cases of flagrante delicto related to serious offences are excluded from the scope of the immunity. If a deputy is caught in flagrante delicto (while committing an offence), which requires heavy imprisonment or imprisonment for more than five years, he/she may be arrested, detained, or interrogated without prior authorization of the Assembly.
- Cases identified by Article 14 of the Constitution are beyond the scope of the immunity provided that investigation was initiated before the elections.<sup>2</sup>

Inviolability also implies that the execution of the punishment imposed on a deputy before or after the election will be postponed for the duration of his/her term of office. However, the statute of limitations suspends during the term of office (Art. 83/3, Const.).

<sup>2</sup> Article 14/1 of the Constitution states that "None of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the state with its territory and nation, and endangering the existence of the democratic and secular order of the Turkish Republic based upon human rights."

Inviolability does not cover all legal proceedings. The Constitution states that “No member of the Assembly...can be detained, arrested, interrogated, tried”. It is possible to file a suit, to conduct a preparatory investigation, to search or examine a deputy’s house or premises, to seize a deputy’s property, or to call the deputy as a witness.

In summary, inviolability provides protection only against criminal prosecutions but not against civil proceedings for the duration of the term of office and suspends the execution of criminal punishment until the end of the parliamentary mandate.

## **The Procedure for Lifting Immunity**

The procedure to be followed for lifting the legislative immunity is detailed by the Rules of Procedure. It must be repeated that contrary to non-accountability, which cannot be lifted in any case, it is possible to lift inviolability by a resolution of the Assembly. Moreover, inviolability is a matter of public interest and cannot be waived by the deputy individually.

A request for lifting the immunity of a deputy can be filed by prosecutors and courts. This request is forwarded to the Prime Ministry by the Ministry of Justice to be submitted to the Office of the Speaker.

The Office of the Speaker forwards the request to the Joint Committee composed of the members of the Committee on the Constitution and Committee on Justice. The Joint Committee is chaired by the chairperson of the Committee on the Constitution (Art. 131, ROP).

A preparatory committee of five members is formed to examine the related documents and to submit a report to the Joint Committee within a month after beginning its proceedings. The committee may hear the deputy concerned but may not hear witnesses (Art. 132, ROP).

The Joint Committee debates the report of the preparatory committee and concludes its report within a month. The Joint Committee may either decide to lift the immunity or to suspend the investigation until the end of the deputy’s term of office (Art. 133/2, ROP).

If the Joint Committee (in its report) requests to suspend the investigation, the decision is read out in the plenary. If no objection is raised against that decision within 10 days, the report becomes final (Art.133/3, ROP). However, if the Committee requests to lift



the immunity or if an objection is raised in accordance with the previous paragraph, the report is debated and voted in the plenary. A vote of absolute majority of the deputies who are present is required for the resolution to lift the immunity (Art. 133/4, ROP).

The deputy concerned has the right to defend himself/herself personally or by another deputy in the preparatory committee, Joint Committee or in the plenary (Art. 134, ROP).

Any deputy concerned may appeal against the resolution to the Constitutional Court within seven days (after the resolution) on the ground that the resolution is not in conformity with the provisions of the Constitution, laws, and ROP. The Constitutional Court must decide on the appeal within 15 days (Art. 85, Const.).

## Salary, Allowances, and Retirement

Article 86 of the Constitution states that “salary, travel allowance, and retirement arrangements of the deputies 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 exceed half of that salary.”

According to the Law on Salary, Travel Allowance, and Retirement of Members of the Grand National Assembly of Turkey, travel allowances of deputies shall not be confiscated by any means. Deputies shall benefit from the same financial and social rights of the most senior civil officers (Art. 1, Law No. 3671).

Deputies shall have the right to monthly salary and travel allowance as soon as their mandates begin. When a deputy loses his/her mandate, salary and travel allowance shall not be paid beginning from the next month after the loss of the mandate. However, if a deputy has been paid three months’ salary and travel allowance in advance, these payments shall not be reclaimed in the case of a renewal of elections or death of the deputy (Art. 6, Law No. 3671).

Upon the death of a deputy, a certain amount of money shall be paid as a death allowance from the budget of the Assembly. For former deputies, half of the abovementioned amount is paid (Art. 7, Law No. 3671).

Deputies and ministers who are not parliamentarians are affiliated with the Pension Fund of the Turkish Republic at the beginning of the next month after they have been elected or appointed. Retirees from the Assembly, upon their wish, are affiliated with the Pension Fund of the Turkish Republic at the beginning of the next month after they request to be affiliated (Art. 2, Law No. 3671).

The monthly salary and travel allowances paid to the deputies shall not necessitate the suspension of payments of pensions and similar benefits by the Pension Fund of the Turkish Republic (Art. 86, Const.).

The medical treatment costs of former deputies and former ministers who were appointed from outside Assembly and their dependents are covered by the Assembly (Art. 4, Law No.3671).

## Exercise of Parliamentary Mandate

### Attendance and Leave of Absence

Deputies are obliged to attend plenary and committee meetings. A deputy who failed to be present, without a valid excuse or a leave of absence, during voting by roll call or public ballot in the plenary or committee meeting is deemed absent for that sitting day.

Deputies who will not be able to attend the plenary sittings or committee meetings may apply to the Speaker in writing for a leave of absence. The Speaker may grant a leave of absence for a period of ten days (Art. 151/2, ROP). A leave of absence for more than ten days may only be granted by a decision of the Plenary on the proposal of the Bureau of the Assembly. The Plenary votes on the proposal of a leave of absence by show of hands without prior debate (Art. 151, ROP).

The Bureau of the Assembly keeps a non-attendance register, which indicates the absentees in the plenary or committee meetings. The Bureau sends relevant parts of the non-attendance register to the deputies concerned. A deputy may raise an objection against the records on the non-attendance register within seven days after the receipt of the records. The Bureau is responsible for looking into whether the deputy's objection is based on valid grounds. It may ask for required documents or information from the deputy concerned. After the Bureau completes its examination, it publishes a new non-attendance register.

The non-attendance register is published at least three times in a parliamentary year (Art. 152, ROP).

### Sanctions for Absence

Deputies are expected to attend plenary sittings and committee meetings regularly unless they have a leave of absence or a valid excuse that may prevent them from being able to attend. Any deputy who frequently fails to attend plenary sittings or committee

meetings without a valid excuse or a leave of absence is subject to certain penalties (loss of membership and financial sanctions) envisaged in the Constitution and the ROP.

A deputy who fails to attend parliamentary business, without a valid excuse or leave of absence, for five sitting days in total during a one-month period loses his/her seat if loss of membership is approved by the Assembly (Art. 84/4, Const.).

When the Bureau of the Assembly identifies the case of non-attendance, it submits the case to the Joint Committee, which is composed of the members of the Committee on the Constitution and Committee on Justice. The Committee examines the case of non-attendance and submits its reports to the Plenary for deliberation. The deputy is entitled to defend himself/herself in the Joint Committee or in the Plenary.

Loss of membership shall be voted in the Plenary no sooner than 24 hours after the completion of the debates on the Joint Committee's report. If the Assembly adopts a resolution for loss of membership by an absolute majority of the total number of deputies, the deputy concerned loses his/her seat (Art. 138, ROP).

A deputy who has lost membership due to non-attendance may appeal to the Constitutional Court against the resolution of the Assembly within seven days (following the resolution) on the ground that the resolution is not in conformity with the Constitution, laws, or the ROP. The Constitutional Court shall decide on the appeal within 15 days (Art. 85, Const.).

Deputies are also under obligation to participate in committee meetings regularly. Attendance registers filed by the committees are presented to the Office of the Speaker and leadership of political party groups. Any deputy who did not attend committee meetings, without valid reason or leave of absence, three times successively or one-third of the committee meetings within a year may be withdrawn from committee membership by the party group he/she belongs to (Art. 28, ROP).

Another sanction imposed on deputies who are frequently absent is a cut in their travel allowances. Any deputy who failed to attend, without valid excuse or leave of absence, more than 45 sittings in total in a parliamentary year, may have a cut in his/her travel allowance of three months (Art. 153, ROP).

Salaries and travel allowances are paid to the deputies who have taken leave of absence for more than two months continuously only if the Plenary decides so. The Plenary shall vote by show of hands on this subject without prior debate (Art. 154, ROP).

*Deputies are obliged to attend plenary and committee meetings. A deputy who fails to attend parliamentary business, without a valid excuse or leave of absence, for five sitting days in total during a one-month period loses his/her seat if loss of membership is approved by the Assembly.*

## Parliamentary Discipline

The Assembly is authorized to discipline its members in various ways if their misconduct constitutes a violation of the Constitution or the ROP. The Speaker may call the deputies to order if, for example, they use abusive language or interrupt the speaker.

The Assembly has the right to issue a reprimand to express its disapproval of the conduct of a deputy and suspend a deputy from parliamentary proceedings due to several serious misconducts listed in the ROP.

Apart from these common forms, the Assembly may discipline its members in other ways such as loss of membership as an ultimate sanction in case of non-attendance or incompatibility.

The ROP describes three forms of sanctions for the deputies who fail to respect the rules of the Assembly (Art. 156, ROP).

These are:

- Warning (call to order).
- Reprimand (censure, condemnation).
- Temporary suspension from the Assembly.

### Warning (Call to Order)

The Speaker has the authority to call a deputy to order (Art. 158/1, ROP) if the deputy (Art. 157, ROP):

- interrupts the speaker,
- disturbs the peace and order of plenary sittings, or
- makes personal remarks offensively (engages in personalities).

If the deputy who has been called to order requests an opportunity to defend himself/herself (or to explain his/her conduct), the floor must be given to him/her at the end of the sitting or, if the Speaker decides, immediately. If the Speaker finds the explanation sufficient, he/she may decide to revoke the sanction (Art 158/2, 3, ROP).

If a deputy is called to order twice in the same sitting, the call to order shall be recorded in the summary of the minutes (Art. 158/4, ROP).

A deputy who has been called to order twice in the same sitting may be deprived of the right to speak until the end of the sitting. Such a decision can be taken by the Plenary without debate through voting by show of hands on the proposal of the Speaker (Art. 159, ROP).

*The Speaker may call the deputies to order if, for example, they use abusive language or interrupt the speaker.*

*The Assembly has the right to issue a reprimand to express its disapproval of the conduct of a deputy and suspend deputies from parliamentary proceedings due to several serious misconducts listed in the ROP.*

## Reprimand (Censure)

The Assembly has the power to officially reprimand or censure a deputy due to the acts identified by the ROP. The Plenary may issue a reprimand against a deputy who (Art. 160, ROP):

- has been called to order twice in the same sitting but refuses to comply with the request,
- has been called to order three times in a month,
- makes abusive and offensive remarks and actions,
- assaults other deputies (acts of physical violence) or
- makes noise and causes fight in the Assembly and initiates or provokes a collective action in order to prevent the Assembly from exercising its functions.

A reprimand may solely be ordered by the Plenary, voting by show of hands and without prior debate, on the proposal made by the Speaker (Art. 163/1, ROP). The reprimand must be recorded in the summary of the minutes (Art.163/3, ROP).

## Temporary Suspension from the Assembly

A deputy may be temporarily suspended for a period up to three sitting days if the deputy:

- has been reprimanded three times in the same sitting,
- has been reprimanded five times in a month,
- insults or threatens or swears at the President, the Assembly, the Speaker, the Bureau, the Vice-Speakers, or swears at the Republic of Turkey and the constitutional order of the Republic during the debates,
- encourages and provokes people, state forces, public organs, institutions, and public officers into starting unlawful actions and riots or into disrupting provisions of the Constitution,
- carries weapons within the precincts of the Assembly, or
- engages in unlawful actions within the precincts of the Assembly (Art. 161, ROP).

The temporary suspension of a deputy is the ultimate penalty, which is applicable immediately. If a deputy who has been temporarily suspended refuses to comply with the measures of suspension (refuses to leave the plenary), the Speaker suspends the sitting and orders to the quaestors to exclude the deputy from the plenary (Art.162/2, ROP).

A deputy who is temporarily suspended cannot take part in parliamentary business of the Plenary, committees, Bureau, and the Board of Spokespersons for the duration of the suspension (Art. 162/3, ROP).

The authority to temporarily suspend a deputy from the parliamentary business rests with the Plenary. Without prior debate and through voting by show of hands, the Plenary may suspend a deputy on the proposal of the Speaker. The same as the reprimand, temporary suspension must be recorded in the summary of the minutes (Art.163/1, 3, ROP).

The deputy concerned has the right to defend himself/herself or to have a colleague speak on his/her behalf. If the deputy concerned requests permission to take the floor and presents an apology, he gains the right to be present in the Assembly (Art. 163/2, 4, ROP).

Disciplinary sanctions are also applicable for the members of the Council of Ministers (Art.163/5, ROP).





# Legislative Procedure







# LEGISLATIVE PROCEDURE

All stages of the legislative process from the introduction of the bills to the final approval by the Plenary are regulated by the ROP. The Constitution also contains some general rules pertaining to the legislative procedure such as the right to introduce bills (Art. 88), publication of the laws by the President (Art. 89), quorum (Art. 96), publicity, and publication of the plenary meetings (Art. 97).

The legislative process starts with the introduction of a bill to the Assembly. A bill must be examined first in the parliamentary committees and adopted by the Assembly before becoming a law. In this section, a brief outline of the legislative procedure will be provided.

The following table indicates the number of bills introduced and adopted between 1995 and 2011. It can be inferred from the table that the number of bills passed has increased in recent years compared with 15 or 20 years ago.

*Bills, 1995–2011*

Parliamentary Terms	Introduced/Adopted	Adoption Percentage
20th (95-99)	1965/369	19 %
21st (99-02)	2253/438	19 %
22nd (02-07)	2153/1083	50 %
23rd (07-11)	1685/786	47 %

The tables below show the number of bills introduced to the Assembly and adopted in each parliamentary term between 1987 and 2011. The main conclusion to be drawn from the data is that although the Private Members' Bills introduced to the Assembly outnumbered Government Bills; more than two-thirds of the bills passed are Government Bills.

*Government Bills, 1987-2011*

Parliamentary Terms	Introduced/Adopted	Adoption Percentage
18th (87–91)	350/254	73 %
19th (91–95)	599/290	48 %
20th (95–99)	604/226	37 %
21st (99–02)	975/353	36 %
22nd (02–07)	1110/796	72 %
23rd (07–11)	786/513	65 %
<b>TOTAL</b>	<b>4424/2432</b>	<b>55 %</b>

*Private Members' Bills, 1987-2011*

Parliamentary Terms	Introduced/Adopted	Adoption Percentage
18th (87–91)	581/93	16 %
19th (91–95)	1583/153	10 %
20th (95–99)	1361/143	11 %
21st (99–02)	1278/85	07 %
22nd (02–07)	1043/288	28 %
23rd (07–11)	899/255	28 %
<b>TOTAL</b>	<b>6745/1017</b>	<b>15 %</b>

## Right to Introduce Bills

Only the Council of Ministers and deputies may introduce bills (Art. 88, Const.). Bills that are introduced by deputies are Private Members' Bills (teklif), and those introduced by the Council of Ministers are Government Bills (tasarı). This classification is not related to the content of the bill but to the source. The legislative process for Government Bills is not different from that for Private Members' Bills.

### ***Government Bills***

Government Bills are drafted by the experts in the governmental departments and forwarded to the relevant ministries and departments for consultation by the Prime Ministry. All ministries and state departments are under obligation to draft bills in accordance with the Regulation (No: 2005/9986) adopted by the Council of Ministers. This regulation sets the rules and procedures to be followed in drafting legislation.

Draft bills must be signed by all members of the Council of Ministers before being submitted to the Assembly. Government Bills must be accompanied by an explanatory memorandum that provides brief information about the provisions of the bill, specifying the amendments and setting out the intention of the bill or amendments.

The Speaker directly forwards Government Bills to the relevant committees and ensures their publication in the Journal of Minutes and notification on the Notice Board (Art.73, ROP).

### ***Private Members' Bills***

Deputies have the right to introduce bills. Private Members' Bills must be introduced to the Assembly with an explanatory memorandum. Private Members' Bills may be signed by more than one deputy. The Speaker forwards the bills to the responsible committees.

The same as the Government Bills, Private Members' Bills submitted to the Assembly appear on the Order Paper<sup>3</sup> of the

<sup>3</sup> The Order Paper is a list that includes all the bills, committee reports, official statements/ notices (resmi tezkereler), motions of questions, general debate, parliamentary inquiry, parliamentary investigation, and censure. The Order Paper must also separately specify items that are referred to the Plenary. The Order Paper is published every day, except holidays, and distributed on each sitting day and annexed to the parliamentary minutes (Art. 51, ROP).

relevant day that is annexed to the minutes of the next plenary sitting and put up on the Notice Board (Art. 51, ROP).

The Private Members' Bills submitted to the Assembly must be sent to the Prime Ministry immediately (Art. 40, ROP).

### **Limitations to the Right to Introduce Bills**

Bills rejected by the Assembly cannot be re-introduced for a period of one year following the date of rejection during the same parliamentary term (Art. 76, ROP).

As the Constitution explicitly defines some provisions as “unamendable” at any time and under any circumstances, deputies or the Council of Ministers cannot propose bills that envisage amendments to the “unamendable” provisions of the Constitution (Art. 4, Const.).

The deputies, during plenary debates, are banned from proposing amendments to the Budget Bill that involve an increase in expenditures and decrease in revenues (Art.162/5, Const.).

### **Withdrawal of Bills**

The government and deputies, by informing the Plenary, may withdraw their bills at any time before they are placed on the agenda of the Plenary. However, the debate continues if another deputy or the committee responsible supports the withdrawn bill. Once a bill has been placed on the agenda of the Plenary, withdrawal is possible only if it is decided by the Plenary (Art. 75, ROP).

All bills that have not been adopted by the Assembly during a parliamentary term are deemed void. Since bills that are not passed in a parliamentary term are not carried over the next term, a new parliamentary election will kill all the bills before the Assembly. However, the government and deputies may re-introduce these bills (Art. 77/1, ROP).

### **Removal of the Government and Bills Before the Assembly**

Deliberation of the bills in the plenary and the committees, except constitutional bills and proposed amendments to the ROP, shall be suspended during the period from the resignation or removal of the government to the adoption of a vote of confidence for a newly formed government. However, the Plenary continues to consider bills that have been declared urgent by the Council of Ministers (Art. 78, ROP).

*The deputies, during plenary debates, are banned from proposing amendments to the Budget Bill that involve an increase in expenditures and decrease in revenues .*

## Consideration of Bills in Committees

After the bills are introduced, they are immediately referred to the standing committees for a detailed examination. When the Speaker refers the bill to more than one committee, he/she must also designate which committee is responsible to draw up and submit a formal report to the Plenary.

The ROP defines the committee that is responsible to submit the formal report to the Assembly as the “committee responsible” and the committee that assists the committee responsible by presenting its opinion on the subject and articles of the bills as the “committee concerned” (Art. 23/1, 2, ROP). The committee concerned has to conclude its work within ten days. This period can be shortened or if requested extended for an additional ten days (Art. 37/4, ROP). Even if the committee concerned cannot provide an opinion within the agreed time, the committee responsible has to conclude its work on a bill within a specific time (Art. 23/5, ROP).

The examination of the articles of a bill in detail takes place in the committee stage. The committee may start examination of a bill after 48 hours from the date of referral. The text referred to the committee may be printed and distributed to the committee members by the chairperson of the committee on his/her own initiative or upon the request of five committee members in writing. In this case, the committee starts considering of the bill 48 hours later from the distribution of the text (Art. 36/1, ROP).

The committee must conclude its examination within 45 days after the bill has been referred (Art. 37/1, ROP). At the end of this period, the government or the sponsor of the bill may request the bill to be placed directly on the agenda of the Plenary. The committee, the government, and the sponsor of the bill and one deputy may take the floor for a maximum of five minutes to speak on the request. The Plenary decides on the request by show of hands (Art. 37/2, ROP).

If the representative of the government is not present during the examination of the bill, the committee may delay the meeting once if it deems necessary. In this case, the Prime Ministry or minister concerned must be informed of the delay in writing. The committee asks them to ensure the presence of the representative at the next meeting (Art. 39, ROP).

Committees cannot introduce bills and may only work on the bills referred to them (Art. 35/2, ROP). Committees have the authority to accept or reject the bills with or without amendments. The committees may deliberate all the bills together concerning the

*After the bills are introduced, they are immediately referred to the standing committees for a detailed examination. When the Speaker refers the bill to more than one committee, he/she must also designate which committee is responsible to draw up and submit a formal report to the Plenary.*

same subject matter (Art. 35/1, ROP). The committees cannot divide a bill into parts and submit them as separate texts to the Plenary (Art. 35/2, ROP). Only the committee members may introduce the motions of amendment to the bill (Art. 31/2, ROP).

Standing committees are under obligation to examine the conformity of the bills with the Constitution and reject those that are unconstitutional before the debate commences on the articles of the bill (Art. 38, ROP).

The committees may submit a report recommending adoption or rejection or modification of a bill. The committee report shall include the final text of the bill as adopted by the committee and justification of the amendments to the bill (Art. 42/1, ROP).

Committee members who disagree with the whole report or parts of it and wish to annex their dissenting opinions to the report have the right to do so, provided that they specify the articles with which they disagree (Art. 42/6, ROP). During the plenary debate or other committee meetings, committee members who signed the report may express their objections only over the matters about which they have already declared their objections and abstentions in the committee report (Art. 42/4, ROP).

*Committee members who disagree with the whole report or parts of it and wish to annex their dissenting opinions to the report have the right to do so, provided that they specify the articles with which they disagree.*

Deputies who agree with the report but wish to make supplementary comments have the right to append these opinions to the report, provided that this right is used before the deadline fixed by the chairperson of the committee (Art. 42/7, ROP).

The committee reports are printed and distributed to the deputies and annexed to the minutes of the next sitting (Art. 42/5, ROP).

## Consideration of Bills in the Plenary

After the committee completes its work on a bill, the committee report is placed on the agenda of the Plenary and published in the Order Paper. Any report or text referred to the Plenary cannot be deliberated before 48 hours has elapsed from the distribution of the report or text unless otherwise decided (Art. 52/1, ROP). The government or the committee may request from the Plenary that the committee report or the text to be debated before 48 hours after its distribution (Art. 52/2, ROP).

The Plenary can start deliberation of a bill only if a representative of the committee responsible is present at the plenary sitting (Art. 45/1, ROP). The committee report is not read out at the beginning of the plenary debate, however, the Speaker announces that the report is printed and distributed as a printed paper with their numbers (Art. 79, ROP).

If the committee report that recommends the rejection of the bill is approved by the Plenary, the bill is deemed rejected. However, if the report is not approved by the Plenary, the bill is referred back to the committee (Art. 80, ROP).

If the committee submits a report in favor of a bill with or without amendments, the Plenary debates the final text of the bill adopted by the committee responsible. In general, the consideration of a bill in the Plenary includes a debate on the whole bill and a debate on the articles.

1. A general debate is held on the bill as a whole. In this stage, unless otherwise decided by the Plenary upon the request of the Board of Spokespersons, the committee and government are entitled to 20 minutes of speaking time. The deputies may have the floor maximum of ten minutes each (Art. 81/3, ROP).
2. After the debate on the whole bill has been concluded, the deputies may ask questions to the government or the committee. The time allotted for questions and answers is 20 minutes. The deputies may ask questions from their seats in the order of request after the speeches are completed (Art. 60/6, 7, ROP).
3. A vote takes place to decide whether or not to continue debate over the articles of the bill. If the Plenary does not agree to begin discussions over articles, the bill is deemed rejected (Art. 81/5, ROP).
4. If the Plenary decides to debate the articles of the bill, the articles are deliberated in the order in which they appear in the bill. However, the Plenary may change the order in which the articles are debated (Art. 83, ROP). The articles of the bill together with the motions of amendments are debated and voted in the Plenary. The speaking time on the articles allotted to each party group and government is ten minutes and to each deputy is five minutes.
5. Before the voting on the whole bill takes place, two deputies, one against and the other in favor of the bill, are given the floor to explain their vote with a brief and clear speech including their reasons (Art. 86, ROP).
6. Finally, the whole bill is put to vote. If the Plenary accepts the bill by absolute majority of the deputies present (at least 139 deputies), the bill is considered adopted.

The committee responsible and government may request a bill or some articles of the bill under debate to be referred back to the



committee once. This request shall be accepted without debate. If a bill as a whole is requested back to the committee, all the motions of amendment are referred to the committee responsible. If only some articles of a bill are sent back to the committee upon the request, the motions of amendments related to those articles are sent to the committee responsible as well (Art. 88, ROP).

Before a bill as a whole is put to final vote, the committee responsible or the government may request the articles of the bill to be re-deliberated in the Plenary by stating the reasons for the request. Such a request is voted by show of hands without prior debate after consultation with the Board of Spokespersons. This provision shall not be applied to constitutional bills (Art. 89, ROP).

## **Motions of Amendment**

Each deputy, the government, and the committee responsible may propose amendments to a bill addressed to the Office of the Speaker after the bill is published and distributed. However, motions of amendment may be tabled only by at least five deputies after plenary debate on the bill begins (Art. 87/2, ROP).

A motion of amendment is inadmissible if it fails to meet the requirements set out below:

- Motions of amendment may only be tabled for the rejection of an article in a bill; referral of a bill or one of its articles back to the committee; amendment of an article; or addition of supplementary or transitional articles to the bill (Art. 87/1, ROP). This rule implies that the motions of amendment cannot propose a new article that is not already in the bill. No motions of amendment that propose an addition or amendment in other laws and are not related to the main subject matter of the bill under debate may be tabled (Art. 87/3, ROP).
- Motions of amendment must contain rationale and specify the articles of the bill to be amended, repealed, or added (Art. 87/5, 6, ROP).
- The number of motions of amendment tabled by deputies is limited to seven. Each political party group has the right to introduce one motion of amendment. If a party group does not use its right to propose amendments, other party groups or independent deputies may use it (Art. 87/1, ROP).
- The Constitution states that during the plenary debates on a Budget Bill, no deputy may introduce a motion of amendment that may result in an increase in public expenditure or a decrease in public revenues (Art. 162/5, Const.).

The motions of amendment are read out in chronological order and deliberated in the order of inconsistency with the bill under debate (Art. 87/8, ROP).

Motions of amendment demanding the rejection of some articles of a bill based on a claim that the articles are incompatible with the Constitution must be voted before other motions of amendment (Art. 84, ROP).

The Speaker first asks the committee and government whether they agree with the motion of amendment or not. The government and the committee have the right to explain their reasons for not agreeing with the motion. The sponsor of the motion of an amendment that has been rejected by the government and committee is given the floor to make further explanations for five minutes. Finally, each motion of amendment shall be voted separately by show of hands (Art. 87/9, ROP).

The committee may request a motion of amendment and related article to be referred back to the committee if it is adopted by the Plenary in spite of its disagreement. If the request is accepted by the Plenary, the motion of amendment is sent back to the committee responsible. The committee may propose a new text by taking account of the motion or persist in its final text. It is the Plenary that has the final say (Art. 87/10, ROP).

## **Official Publication of the Laws**

A bill becomes a law when it is adopted by the Assembly. In other words, bills that have completed all stages in the Assembly do not require the consent or approval of the President of the Republic to become a law. The President may publish a law or refuse to publish and send it back to the Assembly for re-consideration within 15 days. However, the President is obliged to publish budget laws in any case (Art. 89/1, 2, Const.).

The President of the Republic sends a law back to the Assembly for re-consideration with objections if he/she does not approve the publication of the law wholly or partially (Art. 89/2, Const.).

If the President returns a law back to the Assembly for re-consideration because he/she disapproves of publishing only some articles of the bill, the committee or the Plenary may deliberate and vote only on those articles because of which the bill is sent back. However, the Plenary may decide to deliberate and vote the law as a whole without prior debate (Art. 81/6, ROP).

The Assembly may pass the law with or without amendments. If the Assembly adopts the same law without amendments, it must be

published by the President of the Republic. However, the President may return the law back once again if the Assembly has passed the law with amendments (Art. 89/3, Const.).

No law passed by the Assembly can come into force until it has been published in the Official Gazette. A law comes into effect on the 45th day after its publication in the Official Gazette unless a longer or shorter term is provided by the law itself. An article that appears at the end of each law states the date when it will come into force.

## Special Legislative Procedures

### Special Procedure for Ordinary Bills

Article 91 of the ROP provides a special debate and voting procedure to be followed for certain bills to which the Plenary gives the status of “basic law.” This special procedure allows deliberation of certain bills in sections of a maximum of 30 articles and limits the number of motions of amendment.

If the Plenary decides, following bills can be debated and voted in accordance with the special legislative procedure (Art. 91/a/1, ROP):

- Bills amending an existing law completely or comprehensively or introducing a new law that includes general principles that could systematically amend a particular branch of law completely or comprehensively,
- Bills that are related to a considerable part of personal and social life,
- Bills that indicate the basic concepts of special laws in a particular area, ensure that the special laws are implemented in harmony, and necessitate the protection of integrity and relations between the articles in terms of areas it regulates,
- Bills that had been subjected to special debate and voting procedure, and
- Proposals that amend the ROP completely or comprehensively.

The Plenary decides on whether to debate a bill as “basic law” upon the request of the government or committee responsible or a political party group and on the unanimous proposal of the Board of Spokespersons (Art. 91/1, ROP). However, if the Board of Spokespersons cannot reach an agreement, the Plenary may decide to apply this procedure upon the request of a political party group (Art. 91/b, ROP).

If the Plenary decides in favor of the request, the sections are debated separately according to the same rules applied to the articles. The articles are not read out during the debate over sections. However, articles are voted separately. The time allocated for questions-and-answers is limited to 15 minutes.

Deputies, the committee responsible, or government has the right to introduce motions of amendment. Deputies can introduce a maximum of two motions of amendment per article. The political party groups have the right to introduce one motion of amendment (Art. 91/2, ROP).

Since no debate on articles is held and a bill is debated in sections of a maximum of 30 articles, and the right to propose motions of amendments is limited in number, this special procedure accelerates the legislative process.

The statistics indicate that the number of bills deliberated and adopted under the status of “basic law” has been increasing for the last three legislative terms. 7, 29, and 40 bills had been adopted through special legislative procedure during 21st, 22nd, and 23th parliamentary terms respectively. The Law on Customs, Civil Law, Public Procurement Law, Law on Banking, Law on Municipalities, Law on the Social Security Institution, Law on Settlement, Law on Agriculture, Law on Court of Accounts, Law of Obligations, and Commercial Law are some examples that have been adopted through the special procedure since 1999.

## **Constitutional Bills**

The Constitution defines the stages through which the constitutional bills must proceed to become a law. The Constitution involves special provisions that make the constitutional amendments more difficult than ordinary laws. The Constitution requires a qualified majority and a delay between plenary readings and referendum (obligatory or optional) for constitutional amendments.

### ***Right to Introduce Constitutional Bills***

Constitutional bills shall be proposed in writing by at least one-third of the total number of the deputies (Art. 175/1, Const.).

Constitutional bills are different from ordinary bills in two ways. First, the Constitution grants the right to introduce a constitutional bill only to the deputies whereas the government does not have the right to do so.

*The Constitution grants the right to introduce a constitutional bill only to the deputies. At least one-third of the total number of deputies is required to introduce it.*

Second, although even one deputy can submit an ordinary bill, at least one-third of the total number of deputies is required to introduce a constitutional bill.

The Constitution places some limitations on the Assembly's power to amend the Constitution. The republican form of the state (Art. 1), characteristics of the Republic (Art. 2), and the indivisible nature, language, national anthem, flag, and capital of the state (Art. 3) shall not be amended, nor shall their amendment be proposed (Art. 4, Const.). Excluding irrevocable provisions, any article of the constitution is amendable.

### ***Consideration of Constitutional Bills***

The constitutional bills are examined in the Committee on the Constitution before they are submitted to the Plenary.

Constitutional amendments require two separate readings in the Plenary. During the first reading, debate and voting over the constitutional bill are conducted in accordance with the general provisions of the ROP. The second reading can begin no sooner than 48 hours has passed after the first reading. In the second reading, only motions of amendment over articles are debated and voted (Art. 93, ROP). To be accepted, the motions of amendments must obtain the votes of a three-fifths majority of the total number of the deputies (Art. 94/3, ROP). The voting on the bill as a whole takes place at the end of the second reading.

### ***Adoption of Constitutional Bills***

Approval of the articles in the first and second reading and of the bill as a whole in the second reading require the support of at least a three-fifths majority of the total number of deputies (Art. 94/1, ROP).

Voting of the articles and the bill as a whole shall be conducted by secret ballot (Art. 175, Const.). The aim of this provision is to ensure that deputies can cast their vote independently, avoiding the party discipline.

### ***Official Publication of Constitutional Bills and Referendum***

The qualified majority with which the bill was adopted is important in determining the procedure that should be followed by the President.

Firstly, if the constitutional law is adopted with a majority of more than three-fifths but less than a two-thirds majority of the total number of deputies (in other words, if ayes are between 330 and 367), the President of the Republic may refer it back to the Assembly for re-consideration. If the President chooses not to do

so, the constitutional law shall be published in the Official Gazette and submitted to referendum. This is a compulsory referendum in nature.

If the constitutional law that is sent back to the Assembly for reconsideration is adopted with a majority of more than three-fifths of the total number of members but less than two-thirds of the total number of members, the President shall submit it to mandatory referendum. If the bill is adopted by two-thirds majority of the total number of deputies, the President may publish it (as a whole or in part) or submit it to referendum (as a whole or in part). In this case, referendum is optional.

Secondly, if the constitutional bill is adopted by votes of at least two-thirds of the total number of deputies, the President has three options. He may publish the bill in the Official Gazette or refer it back to the Assembly for further deliberation, or submit it to popular referendum. If President refers it back to the Assembly, a two-thirds majority of the total number of deputies is required in order to override the veto of the President. If the Assembly adopts the bill with the required majority, the President may ratify it or submit it to referendum. In this case, the referendum is optional.

A constitutional law that is submitted to the referendum (compulsory or optional) shall require the approval of more than half of the valid votes cast (Art. 175/6, Const.).

During the adoption of the constitutional bill, the Assembly shall also decide on the articles that shall be submitted to referendum together or separately (Art. 175/7, Const.).

There have been 17 amendments to the 1982 Constitution. Four out of these 17 amendments were submitted to the referendum in 1987, 1988, 2007, and 2010.

*There have been 17 amendments to the 1982 Constitution. Four out of these 17 amendments were submitted to the referendum in 1987, 1988, 2007, and 2010.*

## Budget Bills

According to the Constitution, spending of the state and public corporations other than state economic enterprises is determined by annual budgets (Art. 161/1, Const.). The Budget Bill cannot include provisions not related to the budget (Art. 161/4, ROP).

Both the Constitution and the ROP provide special deadlines for the budgetary process. The budgetary process begins when the government submits the budget of central administration and a report of the national budget estimates to the Assembly before 75 days from the beginning of the fiscal year (Art. 162, Const.). The government has to present the Budget Bill to the Assembly before the 17th of October. The Assembly has to approve the Budget Bill before the 1st of January.

*The Assembly may reject the budget of the government. Although it is not legally considered as a vote of no-confidence, there are some examples of governments' resignation after the Assembly rejected the Budget Bill.*

The Budget Bill and the report of budget estimates are deliberated only in the Committee on Plan and Budget. The committee is composed of 40 members. Twenty-five seats must be reserved to the ruling political party or parties and the remaining seats are distributed to the political party groups and independent deputies in accordance with the principle of proportional representation (Art. 162/2, Const.).

The Committee on Plan and Budget must examine the Budget Bill and adopt a final version of the bill within 55 days. The committee has the right to amend the Budget Bill without any formal limitation. After concluding its deliberations, the Committee submits its report to the Plenary.

The Plenary has to examine and decide on the Budget Bill before the 1st of January. During the plenary debate, the deputies can explain their opinions on the budgets of each spending agencies only when the budget of the ministries or departments are deliberated as a whole. The sections of the budget and motions of amendment are read out and voted without prior debate (Art.162/4, Const.).

Deputies have the right to propose amendments to the Budget Bill but no deputy can introduce amendments that involve an increase in the expenditures or a decrease in the revenues during the plenary debate (Art.162/5, Const.).

Approval of the annual budget by a law can be seen as the authorization of the government to collect revenues and to spend the public money. Restrictions imposed on the government by the Constitution clearly indicate that the Assembly is the sole organ that has the final say over the budget. The government cannot exceed the maximum levels of expenditure laid by the budget law and cannot be empowered to amend the budget law by a decree having the force of law. Government Bills that envisage an increase in appropriations in the current annual budget or bills that require additional burden on the current and future budget cannot be submitted to the Assembly unless fiscal resources to cover this expenditure is indicated (Art. 163, Const.).

The Assembly may reject the budget of the government. Although it is not legally considered as a vote of no-confidence, there are some examples of governments' resignation after the Assembly rejected the Budget Bill.

## Final Account Bills

The government is required to submit a Final Account Bill for the previous year within seven months following the end of the fiscal

year unless a shorter period is prescribed by law. After 75 days from the introduction of the Final Account Bill, the Court of Accounts<sup>4</sup> presents a “statement of general conformity” to the Assembly. The statement of general conformity is a report that states whether or not the figures and disclosures shown in the Final Account Bill fairly represent the actual results of budgetary implementation.

The Final Account Bill is debated and concluded first by the Committee on Plan and Budget and later by the Plenary together with the Budget Bill (Art.164 Const.). Approval of the Final Account Bill can be regarded as the consent of the Assembly with the budgetary implementation of the government in the previous year.

## Enabling Laws and Decrees Having the Force of Law

The Council of Ministers may issue decrees having the force of law in accordance with the enabling law passed by the Assembly. The enabling law must define the purpose, scope, principles, and operative period of the decree having the force of law, and whether more than one decree will be issued within the same period (Art. 91/1-2, Const.).

Decrees having the force of law must be referred to the Assembly on the same day they are published in the Official Gazette (Art.91/7, Const.). The enabling laws and decrees having the force of law are debated promptly in the committees and Plenary before other bills (Art. 91/8, Const.).

Decrees submitted to the Assembly may not be withdrawn by the government. The Assembly, by a law, may reject or approve the decrees having the force of law with or without amendments (Art. 90/2, ROP).

Decrees having the force of law are deliberated as a whole together with the amendments. Amendments to the decrees cannot be made by dividing them into parts (Art. 90/4, ROP).

If the Assembly rejects a decree having the force of law, it is referred to the committee responsible for drafting a text of rejection. The committee shall draft the text in that sitting or until the next sitting. The text drafted by the committee is voted in the plenary without prior debate and becomes a law if the Plenary adopts it (Art. 90/5, ROP).

*The enabling law must define the purpose, scope, principles, and operative period of the decree having the force of law, and whether more than one decree will be issued within the same period.*

<sup>4</sup> The Court of Accounts is a constitutional organ responsible for auditing the revenues, expenditures, and property of public administration on behalf of the Assembly.







## Plenary Debates





# PLENARY DEBATES

## Plenary Agenda

The Plenary agenda is composed of items of business to be dealt with during Plenary sittings. The order in which items of business are placed on the agenda of the Plenary is as follows (Art. 49, ROP):

1. Presentations of the Office of the Speaker to the Plenary
2. Items to be included in special agenda<sup>5</sup>
3. Elections
4. Items to be voted
5. Reports of the committees of investigation
6. Prior debates concerning the conduct of general debate or parliamentary inquiry

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<sup>5</sup> A special agenda may be defined as “one of the categories of items of business that contain particular matters that need to be debated within a fixed time period.” The Board of Spokespersons may set up a special agenda for particular matters that require to be debated within a specific time period in accordance with the mandatory provisions of the Constitution and the ROP. The items of business in the “special agenda” are debated after the presentations of the Office of the Speaker and before other items on the agenda (Art. 50, ROP).

## 7. Oral questions

### 8. Bills and other items of business submitted by the committees

A list of items on the agenda of the sittings is printed and distributed to the deputies on sitting days.

Specific days and hours in each week may be set aside for the 3rd, 4th, 6th and 7th categories of the agenda by the Plenary on the proposal of the Board of Spokespersons (Art.49/2, 3, ROP).

The Assembly proceeds with the items of business in the order in which they stand on the agenda of the Plenary. The items of business in each category are deliberated in the order in which they are received by the Office of the Speaker (Art. 49/4, ROP).

The Board of Spokespersons may propose the Plenary to change the order in which items of business in the 8th category are debated. The government, committee responsible, or sponsors of the bills may also request for a change in the order of the items of business in the 8th category on the agenda. Such requests are to be considered by the Board of Spokespersons. Hence, certain bills or other items submitted by the committees may be entered at an earlier point on the agenda if the Plenary agrees with the proposal of the Board of Spokespersons.

As a general rule, any report or text referred to the Plenary cannot be deliberated sooner than 48 hours from the distribution of the report or any other text unless the Plenary decides otherwise upon the request of the government and committee responsible (Art. 52, ROP).

## Representation Of Government

From the beginning to the end of each debate, the prime minister or minister concerned or an authorized public officer must be present in the Plenary to make explanation on behalf of the government. If none of them is present at the beginning of the debate, the debate on that topic is suspended until the next sitting. In case of necessity, the President of Court of Accounts or head of departments or a member authorized by the President of Court of Accounts may make an explanation (Art. 62, ROP).

## Representation Of Committees

The committees are represented in the Plenary by the chairperson or vice-chairperson or special spokesperson/s designated for the subject debated. The plenary debate cannot begin if the representative of the committee is not present at the sitting.



The representative of the committee is under obligation to defend the position of the committee. If the quorum (absolute majority of the committee members) is present at the plenary meeting, the committee may decide on the motions of amendment during the debate. However, if the quorum does not exist, the representatives of the committee have to reject any proposal that modifies the final text of the bill adopted by the committee or request the articles of the bill about which amendments are proposed to be referred back to the committee (Art.45, ROP).

## Speeches

The rules related to the speeches in the plenary debates clearly indicate that the political party groups, government, and committees are given an advantage in comparison with the deputies. They are given a priority in the order of speeches and granted more speaking time than the individual deputies.

## Leave to Speak

Deputies may speak only if their names are entered in the list of the speakers or deputies are granted leave to speak by the Speaker.

Secretaries cannot put the names of deputies on the list of speakers, if they ask leave to speak on subjects other than those pertaining to the matters included in the agenda.

Speakers must address their speeches to the Plenary from the rostrum. The Speaker may grant a deputy leave to speak from his/her seat for short speeches.

Deputies may read any written statement from the rostrum or if the Speaker permits one of the secretaries may read it (Art. 60, ROP).

## Number of Speeches

The ROP provides a general rule about the number of speeches, which states that unless provided otherwise, only one deputy on behalf of each political party group and two deputies on their names are entitled to speak once in the plenary. However, if the Plenary decides to continue the debate, party groups and the deputies, upon request, gain the right to make second speeches (Art. 72, ROP).

*Deputies may speak only if their names are entered in the list of the speakers or they are granted leave to speak by the Speaker.*

## Length of Speeches

The ROP sets out general time limits applied to speeches in the plenary debates. In principle, the speeches on behalf of political party groups, government, or committee(s) cannot be longer than 20 minutes. Each deputy may speak for ten minutes. For second speeches, length of speaking time is ten minutes for political party groups, government, or committees and five minutes for each deputy.

However, the ROP may envisage special time limits applied to debate on a particular subject. Moreover, the Plenary has the authority to change the speaking time upon the request of the Board of Spokespersons (Art. 60/8, ROP).

## Order of Speeches

Deputies are called to speak in the order in which their requests are received or registered.

If the Plenary deems necessary, the floor may be given to the speakers who want to speak for, against, or about the matter under debate successively. The Speaker reads out the names of the speakers in the order of speeches before the debate starts.

The government, committee responsible, and political party groups are given precedence over the individual deputies. The



floor is granted to the committee responsible, the government, and political party groups respectively. Party groups may speak in the order in which their request is received.

Final word belongs to the deputies. Deputies may assign their turn to speak to each other (Art. 61, ROP).

## **Interruption of a Speaker by the SPEAKER**

Only the Speaker may interrupt a speaker in order to invite him/her to conform to the ROP and ask him/her not to depart from the subject. The speeches must be relevant to the subject under debate.

In spite of having been warned for the second time, a speaker who does not obey the directions of the Speaker and persists in speaking on irrelevant subjects, the Speaker may propose the Plenary not to grant him/her leave to speak on the same subject at the same sitting. The Plenary votes by show of hands on the proposal without prior debate (Art. 66, ROP).

## **Using Abusive and Insulting Language**

The Speaker may invite a speaker who uses abusive and insulting language to discontinue his/her speech and ask him to leave the rostrum if he/she persists in his/her speech. If the Speaker deems necessary, he/she may order to exclude the speaker from the Plenary.

Abusive and insulting words cannot be used in the texts and motions addressed to the Office of the Speaker. Otherwise, the Speaker sends the text or the motion back to the sponsor for necessary corrections (Art. 67, ROP).

## **Special Speeches in the Plenary**

### ***Correction of Statements***

If a deputy or minister requests leave to speak about the correction of his/her statement that is recorded in the minutes of a previous sitting, the Speaker shall grant him/her the floor for maximum five minutes (Art. 58, ROP).

### ***Speeches on Matters not placed on the Agenda***

In cases of extra-ordinary urgency if it is considered a matter of necessity to inform the Plenary, the Speaker may give the floor to three deputies on matters not placed on the agenda of the Plenary. The speeches are limited to five minutes. The government has the right to give an answer to the speeches.



When requested by the government, the Speaker shall grant leave to speak to the government's representative without time limit. At the end of the speech, each political party group may speak for ten minutes and one of the independent deputies for five minutes (Art. 59, ROP).

### ***Speeches on the Procedure***

Deputies may ask leave to speak about procedural matters. Debates on procedural matters take precedence over other matters. The necessity to hold a debate, calling the Speaker to comply with the agenda or working procedure of the Assembly or giving precedence to a subject or putting the subject back are the examples of procedural matters given by the ROP.

If the deputies ask leave to speak about the procedure, two deputies in favor and two deputies against the subject are given the floor to explain their opinions. If voting is required at end of the debate, the voting is conducted by show of hands (Art. 63, ROP).

### ***Right to Make Explanation***

The government, committee, political party groups, or deputies may request leave to speak in order to make explanations or give answers about opinions that have been attributed to them or offensive remarks that have been made.

Deputies who want to make an explanation are required to notify the Speaker about their motives. However, to grant leave to speak to the deputy or minister concerned is at the discretion of the Speaker. He/She also determines when to call the speaker to the floor during the same debate. If a deputy or a minister insists on making an explanation, the Plenary makes final decision through voting by show of hands without prior debate (Art. 69, ROP).

## **Voting**

The ROP states that voting shall be conducted by show of hands or public ballot (recorded vote) or secret ballot (Art. 139/1, ROP). Before voting begins, the Speaker may briefly explain the meaning of the vote to be cast (Art. 149, ROP).

### **Voting by Show of Hands**

Voting by show of hands is carried out either by raising hands (by sitting or in case of any hesitation by standing) or by division of the deputies into two groups, those voting for and against. The latter is applied only if five deputies request to do so by standing up at their seats (Art. 139/2, ROP).

As a general rule, voting in the Plenary is held by show of hands when voting by public or secret ballot is not obviously required by the Constitution, laws, or ROP. In some cases, the ROP clearly requires voting by show of hands (Art. 140, ROP).

After the Speaker announces that the voting is about to take place, first those who are in favor and later those who are against raise their hands. Votes are counted by the Speaker together with the secretaries and finally the secretaries inform the Speaker about their votes. The result is then announced by the Speaker to the Plenary by saying “adopted” or “not adopted.” However, if the Speaker and the secretaries cannot reach an agreement about the result of the voting or cannot count the votes, then the Speaker announces that the voting will be repeated by standing.

Right after the voting by standing, if five deputies stand up and request the voting to be repeated on the ground that the result is not clear, then voting must be repeated by division (Art. 141, ROP).

In practice, voting by standing or by division is not used. If there are doubts about the result of the voting between the Speaker and the secretaries or if five deputies request voting by division, the voting by show of hands is carried out by electronic device. Deputies vote by pushing buttons on their desks. In this case, only the total number of “yes” and “no” votes appears in the screen before the Speaker. It is not possible to record the way each deputy voted. The result is announced by the Speaker by saying “adopted” or “not adopted”. The result of the voting by show of hands is not recorded in the minutes of that plenary sitting.

*As a general rule, voting in the Plenary is held by show of hands when voting by public or secret ballot is not obviously required by the Constitution, laws, or ROP.*

## **Voting by Public Ballot (Recorded Vote)**

Voting by public ballot is conducted by placing the ballot paper that bears the name of the deputy and his/her constituency into ballot boxes or by using the electronic voting system, or by roll call voting. The Plenary has the authority to decide on the manner of the voting by public ballot.

In the voting by roll call, the deputies are called in alphabetical order of first constituency and then surnames to reply aloud as “Yes,” “No,” or “Abstain” by standing at their seats. The replies are recorded by the secretaries (Art. 139/3, ROP).

Voting by public ballot is obligatory on certain items detailed in Article 142 of the ROP. The Assembly shall vote on Budget Bills, finance bills, long-term development plans, and approval of the ratification of international treaties by public ballot. The Plenary shall adopt a resolution on a vote of (no) confidence (Art. 124/4,

*The Assembly shall vote on Budget Bills, finance bills, long-term development plans, and approval of the ratification of international treaties by public ballot.*

ROP) and renewal of parliamentary election only by public ballot (Art. 95, ROP).

Bills that are not subjected to the voting by public ballot shall be voted by show of hands or if it is requested by 20 deputies, by public ballot (Art. 81, ROP).

In cases where voting by secret ballot or by show of hands is not required by the Constitution, laws, or ROP, the written request of at least 15 deputies is required to hold voting by public ballot. Such a request must be submitted to the Speaker before the voting begins. In this case, the Plenary votes on the request for voting by public ballot after the Speaker ascertains that the initiators are present in the plenary. If at least 15 deputies who sponsored the request are not present in the plenary or do not take part in voting, the request of public voting will be considered withdrawn (Art. 143/1, 2, 3, ROP).

Voting by public ballot is held if the Plenary accepts the request for public ballot. At the end of the classification of votes, if it is found that at least one of the 15 deputies who signed the request has not placed voting ballot in the ballot box, the voting will be considered as being conducted by show of hands (Art. 143/4, ROP).

After the Speaker announces that the voting is completed, the deputies shall not be permitted to vote. The votes are counted by the secretaries and the result is announced by the Speaker in the same meeting (Art. 144, ROP).

In addition to the results of the voting by public ballot, the vote of each deputy shall be recorded in the minutes of the sitting in alphabetical order of the deputies' names.

## **Voting by Secret Ballot**

During a voting held by secret ballot, deputies put one of the circular ballot papers with different colors into the ballot box at the rostrum. The white ballot paper means "yes," the red ballot paper means "no," and the green ballot paper means "abstention" (Art. 139/5, 6, ROP). In practice, deputies take ballot papers and an envelope, and then put the ballot paper into the envelope in polling booths designated for this purpose.

The ROP lists cases where the voting cannot be held by secret ballot. Voting cannot be held by secret ballot when the Constitution, laws, or ROP clearly require public voting or voting by show of hands or when public voting is to be conducted upon the request. In other cases, voting may be conducted by secret

ballot only if it is requested by at least 20 deputies and accepted by the Plenary. The Plenary shall vote by show of hands on that request without prior debate (Art. 147, ROP).

Voting must be conducted by secret ballot in the following cases:

- Election of the Speaker (Art. 94, Const.),
- Constitutional amendments (Art. 175/1, Const.)
- Resolutions on loss of membership due to incompatibility with parliamentary mandate (Art. 84/3, Const.),
- Resolutions on the motion of parliamentary investigation and decision on the report of committee of investigation (Art. 100/1, 3, Const.), and
- Election of the chairperson, vice-chairperson, and secretaries in committees (Art.24/3, ROP).

## Quorum for Plenary Sitzings

The quorum for plenary sittings exists when one-third of the total number of the deputies are present in the Plenary (Art. 96, Const.). It is currently 184.

If the Speaker has doubts about the presence of the quorum at the beginning of the sitting, he/she may call the roll. During the debates before the voting by show of hands is held, 20 deputies, may request a roll call by standing at their seats or tabling a motion. The roll call is carried out by pushing electronic buttons on deputies' seats or if deemed necessary, by reading names from the name list.

After the roll call, if it is found that there is no quorum in the Plenary, the sitting may be suspended for a maximum of one hour. If there is still no quorum after the break, the Speaker closes the sitting (Art. 57, ROP).

## Majority for Plenary Decisions

Unless otherwise provided by the Constitution, laws, and the ROP, all decisions shall be taken by an absolute majority of those present. The majority for Plenary decision, in any case, shall not be "less than a quarter plus one" of the statutory number of the deputies (Art. 96/1, Const.). Currently, the consent of at least 139 deputies is required to adopt a resolution or a bill.

As stated above, the provisions of the Constitution, laws, or ROP may require specific majorities for certain bills and resolutions.

Different majorities are required for constitutional bills (three-fifths majority), election of the Speaker (two-thirds majority in the 1<sup>st</sup> and 2nd round and absolute majority in the 3rd round), removal of the Council of Ministers or a minister following a vote of (no) confidence (absolute majority of the statutory number), and resolution about loss of membership due to non-attendance (absolute majority of the statutory number).

## Elections in the Plenary

Unless otherwise is decided by the Constitution, the relevant laws and the ROP, all elections in the plenary and committees are conducted by public ballot. At the Plenary, the deputies are called in alphabetic order to put their ballot into the ballot box. The votes are sorted and counted by a commission of five deputies. The final report of that commission is read out in the Plenary by the Speaker (Art. 150, ROP).

*Unless otherwise provided by the Constitution, laws, and the ROP, all decisions shall be taken by an absolute majority of those present. The majority for decision, currently 139, shall not be "less than a quarter plus one" of the statutory number of the deputies in any case.*

## Transparency of Plenary Meetings

Plenary meetings are open to the public and wholly published in the Journal of Minutes (Art. 97/1, Const.).

Publication of plenary debates, except secret ones, via communication channels is allowed unless the Plenary decides otherwise upon the proposal of the Bureau of that sitting.

The Parliament TV broadcasts Plenary meetings on Tuesday, Wednesday, and Thursday between 15.00 and 19.00 via a channel of the state-owned Turkish Radio and Television Corporation. Full coverage of Plenary meetings is recorded and archived by the Parliament TV and the material is available to the deputies and media upon the request.

The official website of the Assembly ([www.tbmm.gov.tr](http://www.tbmm.gov.tr)) provides information about the business before the Assembly and a database of all legislation passed since 1999. Minutes of plenary sittings since 1908 are available on the official website of the Assembly.

As a general rule, plenary sittings shall be public unless the Assembly decides otherwise. The Assembly may decide to meet in secret upon a written request of the prime minister, a minister, political party groups, or at least 20 deputies (Art.70/1, ROP).

When the motion for a secret meeting is submitted, the plenary is cleared of everyone except the deputies, and officials who are under oath. The justification of such a request is read out in the Plenary. The prime minister or a minister on behalf of the government or

a spokesperson of the political party group or the deputy who is the first signatory of the motion may have the floor to explain the motives of the request. The Plenary votes by show of hands on such a request (Art. 70/2, ROP).

Ministers and the President of the Republic (as a listener) are allowed to attend secret meetings (Art. 70/4, ROP).

Debate at the secret meeting shall be recorded by the secretaries or if the Plenary decides, by stenographers (Art. 70/3, ROP).

Anyone who is present at secret meeting has to respect the confidentiality of the debates. It is forbidden to make any explanation about the debates at a secret meeting. The information is treated and protected as a state secret (Art. 70/5, ROP).

The minutes of a plenary sitting in camera are put into an envelope. The envelope is sealed by the secretaries and sent to the Archive of the Assembly. These cannot be published within ten years following the date of the meeting in camera. However, the Plenary may decide to publish them before or after that period on the request of the Board of Spokespersons (Art. 71/1, 2, ROP).

## Minutes of Plenary Sitzings

Minutes of plenary sittings are kept by the stenographers or if required by the secretaries. The verbatim minutes of the plenary sittings are made available on the official website of the Assembly and published in the Journal of Minutes.

Deputies may apply to the Office of the Speaker in writing for necessary corrections to be made in the verbatim minutes of previous plenary sittings within 15 days after the minutes are printed and distributed. The Bureau of the Assembly considers such requests and, if necessary, makes necessary corrections and publishes them. The corrections made are annexed to the minutes of that plenary sitting (Art. 155, ROP).





# **Parliamentary Oversight of the Executive**







# PARLIAMENTARY OVERSIGHT OF THE EXECUTIVE

One of the primary functions of the Assembly is to review, monitor, and supervise the activities of government and public agencies. The oversight function of the Assembly not only includes the implementation of government programs and laws but also selected activities of the executive. Generally speaking, formal oversight functions of the Assembly are carried out in a variety of ways.

First, some standing committees have been established for the purpose of providing legislative oversight. The Committee on Human Rights Inquiry and Committee on Public Economic Enterprises are examples of these committees that have been created to review very specific issues.

The Committee on Human Rights Inquiry is charged with the responsibility of conducting inquiries regarding individual complaints about the violation of human rights, monitoring the implementations of the government, and providing reports to the Assembly about its findings in inquiries. During the previous parliamentary term (2007– 2011), the Committee conducted

*One of the primary functions of the Assembly is to review, monitor, and supervise the activities of government and public agencies.*

*Oversight tools of the Assembly are parliamentary questions, parliamentary inquiry, general debate, censure and parliamentary investigation.*

several inquiries on prison conditions, illegal immigration, misconducts of security forces, child abuse, homeless persons, etc.

The Committee on Public Economic Enterprises is another supervisory committee that was established to monitor the performance of state-owned enterprises with regard to profitability and efficiency, and compliance with the laws and development plans.

Second, the Assembly may utilize a number of oversight tools stipulated in the Constitution.<sup>7</sup> These tools are the following:

- Deputies may simply request information from the government (parliamentary questions).
- The Assembly may conduct inquiries on important issues of the day for detailed information (parliamentary inquiry).
- The Assembly may open a general debate in the plenary about subjects concerning the society or functions of the state (general debate).
- The Assembly may remove the government or one of its members by vote of no-confidence following a motion of censure (censure).
- The Assembly may impeach members of the government after a parliamentary investigation (parliamentary investigation).

Third, any government must obtain the confidence of the Assembly after its formation. So, the newly formed government must take into consideration the composition of the Assembly or priorities or policies of other political party groups in order to secure the support of the Assembly.

Fourth, the budget process provides an opportunity for a detailed examination of the budgetary performance of the government.

Finally, citizens may submit petitions to the Assembly about their individual grievances. The Committee on Petitions was established by a special law in order to deal with petitions.

## Parliamentary Questions

A parliamentary question is the most frequently used way of obtaining information from the government. It is defined by Article 98/2 of the Constitution as a “request for information from

<sup>7</sup> It should be noted that parliamentary questions and motions of general debate, parliamentary inquiry, and censure which were initiated during the previous parliamentary term automatically become void at the beginning of a new term (Art. 77/2, ROP).

the prime minister or ministers to be answered orally or in writing on behalf of the Council of Ministers.”

Every deputy has the right to ask questions of the prime minister or any minister on certain matters, excluding personal and private life. Questions must be signed by only one deputy but there is no limit to the number of questions that a deputy may table. Questions submitted to the Office of the Speaker must be brief and must not include any justification and personal opinions (Art. 96/1, 2, ROP).

All questions must be submitted in writing. Deputies may demand written or oral answers. The ROP defines the questions asked for oral answer as “oral questions” and questions for written answer as “written questions.” Oral questions cannot include more than 100 words.

The questions are inadmissible in the following circumstances:

- Questions demanding information that is readily available from other sources or aims at consultation only or about the matter that has already been asked by a motion of censure are inadmissible (Art. 97, ROP).
- Questions that are related to the exercise of judicial power concerning a case under trial cannot be tabled (Art. 138/3, Const.).
- The Speaker might send the questions that include abusive and insulting words back to the sponsors for necessary corrections to be made (Art. 67/2, ROP).

After the examination of the conformity of the questions to the relevant provisions of the ROP by the Office of the Speaker, the questions shall be published in the Order Paper and sent to the Prime Ministry or ministry concerned (Art. 96/3, ROP).

## Oral Questions

Oral questions are included on the agenda after five days from their referral to the Prime Ministry and ministry concerned. The ROP sets out a general rule that at least an hour at the beginning of two sittings in each week must be organized as question time on the proposal of the Board of Spokespersons and by the approval of the Plenary (Art. 98/1, 2, ROP).

Oral questions can be answered even if the owner of the question is absent. The time allotted to a minister to answer a question is five minutes. After the minister’s answer, the deputies are allowed to request supplementary explanation. The time allotted

to the supplementary explanation cannot exceed five minutes. The minister who has leave to speak may answer more than one question regardless of the order of the questions provided that Presiding Officer is informed beforehand (Art. 98/3, 4, 5, ROP).

Oral questions that do not receive an oral reply within three sittings are converted into written questions. In this case, the deputy who is the sponsor of the question may have the floor at the same sitting if he/she requests leave to speak (Art. 98/6, ROP).

#### *Oral Questions, 1995-2011*

<b>Parliamentary Terms</b>	<b>Tabled</b>	<b>Replied/ Converted Into Written</b>
1995-99	1261	353/414
1999-02	1980	467/424
2002-07	2590	981/139
2007-11	2355	1705/11

### **Written Questions**

As stated above, questions demanding written answers are defined as “written questions.” Written answers must be sent to the Office of the Speaker within 15 days after submission of the questions to the ministries concerned. The government may delay the answers by informing the Office of the Speaker for a maximum period of one month in order to provide necessary information. The Speaker immediately forwards the answers to the deputies concerned. The answers together with the questions shall be published in the minutes of the sitting in which the answer is received and in the minutes of the next sitting (as an annex).

The Speaker notifies the prime minister and the ministers who have failed to answer a question within the period mentioned above. If the questions are not answered within ten days after the notification, questions are to be announced on the Order Paper under the heading of “unanswered questions” (Art. 99, ROP).

Although a parliamentary question is a useful way of obtaining information from the government, the ministers are not under formal obligation to provide an answer to every question. The only mechanism to force a minister to answer the question is the announcement of the questions not being answered in time on the Order Paper. So, the effectiveness of parliamentary questions very much depends on the ministers’ willingness to supply the full answer.

Parliamentary Terms	Tabled	Replied/ Not Replied
1995-99	6950	4729/1964
1999-02	8240	6697/1231
2002-07	22994	14394/7585
2007-11	19243	9313/9245

## General Debate

The Constitution defines a general debate as the “deliberation of certain issues concerning the society or functions of state in the plenary” (Art. 98/4). The government, political party groups, or at least 20 deputies may propose a motion to hold a general debate in the Plenary. This motion shall be included on the Order Paper. The Plenary and the government must be informed of the motion immediately (Art. 102/1, ROP).

During the debates over the motion of a general debate, the government, political party group(s), and the deputy who is the first signatory of the motion may speak upon the request. A general debate may only take place if the Plenary approves the motion of general debate (Art. 102/3,4, ROP).

If the Plenary decides to hold a general debate, the Board of Spokespersons determines the day of the general debate. The general debate shall be held no sooner than 48 hours and no later than 7 days have passed following the decision of the Plenary.

During a general debate, the floor is granted first to the party group(s) that is/are the sponsor of the motion(s) or to the deputy who has signed the motion first (Art. 103, ROP).

No voting over the issue under discussion takes place at the end of the general debate. A general debate only provides an opportunity to deputies, government, or party groups to bring particular issues of national interest to the attention of the people and express their opinions.

## Parliamentary Inquiry

Parliamentary inquiry is defined in the Constitution as “an inquiry aiming to obtain information about a particular subject” (Art. 98/3).

The Assembly may set up a committee of inquiry to examine different aspects of a particular subject. The committees of inquiry

are established by a resolution of the Assembly, which fixes the number of committee members, duration of the committee, and specifies the content of the inquiry.

The committees of inquiry are not permanent; after they complete their work, they are dissolved. They are equipped with more powers than ordinary standing committees.

### **Scope of the Parliamentary Inquiry**

The Assembly may establish a committee of inquiry to study any matter of public interest for obtaining more detailed information. However, it is not possible to initiate or conduct a parliamentary inquiry about state and commercial secrets (Art. 105/5, ROP) and issues pertaining to the use of judicial power (Art. 138, Const.). The committees of inquiry may conduct inquiries only on the issues that are specified in the motion of parliamentary inquiry.

### **Committees of Inquiry**

Committees of inquiry are established by a decision of the Assembly. The government, political party groups, or at least 20 deputies may submit a motion to establish a committee of inquiry (Art. 104/3, ROP). If the motion includes more than 500 words, the sponsors of the motion must annex a summary not exceeding 500 words (Art. 104/2, ROP).

The Plenary and the government are notified of this motion and the motion is placed on the Order Paper.

During debates over the motion of inquiry, the government, political party groups, and one of the sponsors of the motion may take the floor to explain their opinions. The Plenary shall vote by show of hands on the motion of inquiry.

If the Assembly decides in favor of the motion, it also determines the number of members and the duration of the committee by the absolute majority of the members present upon the proposal of the Speaker. The composition of a committee of inquiry must reflect the strength of the political party groups in the Assembly. If permitted by the Plenary, committees of inquiry may conduct committee business outside Ankara (Art. 105/2, ROP).

### **Powers of the Committees of Inquiry**

Committees of inquiry are equipped with more powers than standing committees. They may request information from ministries, public institutions, local governments, and universities,

banks established by special laws, public professional institutions, and non-profit associations (Art. 105/3, ROP).

The committees of inquiry may visit and conduct investigations in the governmental institutions mentioned above within the context of a parliamentary inquiry. They may conduct their inquiries in the capital city or elsewhere if the Assembly decides so. They may hear the government officials concerned. Experts may be invited to the meetings if it is deemed necessary (Art. 105/3,4, ROP).

## Reports of Committees of Inquiry

The committees must conclude their inquiry within three months. If a committee cannot complete its work, the duration of the committee may be extended for an additional one month. If the committee fails to conclude its inquiry within this period (total of four months), a debate shall be held in the plenary within 15 days following the deadline. The debate shall be about the reasons for failure to conclude the inquiry or about the conclusions drawn up until that time by the committee. The Assembly may establish a new committee of inquiry if it does not find the debate satisfactory (Art. 105/2, ROP).

The committee of inquiry produces a report that summarizes the study it has carried out and expresses its conclusions. The report of the committee is printed and distributed to the deputies.

It must be noted that the efficiency of a parliamentary inquiry mostly depends on the general debate of the report being held in the plenary. Despite the general rule that states that the reports shall be debated in the plenary (Art.104/4, ROP), statistics indicate that the Assembly itself ignores some reports of the committees of inquiry. For example, 16 out of 89 reports of the committees of inquiry were not debated in the Plenary between 1987 and 2011.

The reports of the committees of inquiry are not put to the vote in the plenary. The Plenary does not have the power to reject or approve the report. The report is submitted to the government for notification.

## Censure

Individual censure of ministers or the whole government is an effective way of parliamentary scrutiny, which may be followed by a vote of no-confidence. A motion of censure may result in the removal of the government or one of its ministers if an absolute majority of the total number of deputies approves a vote of no-confidence.



*Since 1961, there have been two examples of governments being removed by votes of no-confidence following the motions of censure.*

Political party groups or at least 20 deputies may introduce a motion of censure. The motion is printed and distributed to the deputies within three days after it has been submitted. Within ten days following the distribution, the Plenary must debate whether to put the motion on the agenda of the Plenary or not.

During the plenary debate over the motion of censure, only one of the deputies who signed the motion, one deputy on behalf of each political party group, prime minister, or a minister on behalf of the Council of Ministers has the right to speak (Art. 99/1, 2, Const.).

When the Plenary decides the motion of censure to be included in the agenda of the Plenary, it must also allot a day for the debate of censure. Debate over censure can be held no sooner than two days and no later than seven days following the decision of the Plenary (Art. 99/3, Const.).

During the debates, the deputies or political party groups may introduce a motion of no-confidence or the Council of Ministers may ask for a vote of confidence, either of which can only be voted after one day (Art. 99/4, Const.).

Only the votes in favor of the motion of no-confidence are counted. If the absolute majority of the total number of deputies votes in favor of the motion of no-confidence, the Council of Ministers or the minister concerned is deemed dismissed (Art. 99/5, Const.).

Since 1961, there have been two examples of governments being removed by votes of no-confidence following the motions of censure. First one was a coalition government led by the Justice Party in 1977. The last example was in 1998, when the Assembly passed a vote of no-confidence against the coalition government led by the Motherland Party.

## Parliamentary Investigation

Parliamentary investigation can be described as a way of parliamentary scrutiny by which the Assembly can open the way for the prime minister and any minister(s) concerned to be tried by the Constitutional Court. The Constitutional Court tries the President of the Republic, prime minister, and ministers in the capacity of the Supreme Court. A specific number of deputies may table a motion to launch a parliamentary investigation against the prime minister or minister(s) who are alleged of having committed a criminal offence during the implementation of the general policy of the government or ministerial affairs. After the completion of parliamentary investigation, the Assembly may send the prime minister or minister(s) concerned to trial before the Supreme Court.

## Motions of Parliamentary Investigation

A motion of parliamentary investigation can only be submitted by at least one-tenth of the total number of deputies (currently 55) (Art. 100, Const.). Any motion of parliamentary investigation must indicate which acts of the prime minister or minister(s) were interpreted as the breach of particular laws (articles also), with justifications (Art. 107/2, ROP).

The motion of parliamentary investigation submitted to the Office of the Speaker is placed on the Order Paper and read out in the Plenary. A copy of the motion is sent to the prime minister or minister(s) concerned.

The Plenary, upon the proposal of the Board of Spokespersons, allots a day for de-bate on whether to launch a parliamentary investigation or not. The date of the debate cannot be later than one month following the submission of the motion. The prime minister and minister against whom a motion of parliamentary investigation is presented are notified of this date.

The debate on the motion of a parliamentary investigation is conducted by a special procedure described by the ROP. The deputy who is the first signatory of the motion or another deputy designated by him/her, three deputies on behalf of their names, and the prime minister or minister concerned have the right to speak during the debate.

After the speeches end, the Plenary votes by secret ballot on whether or not to launch a parliamentary investigation (Art. 108, ROP).

## Committees of Investigation

The parliamentary investigation is carried out by a special committee, which is composed of 15 members. The members are chosen by lot among the candidates nominated by political party groups. Each party group is entitled to present three candidates for each seat reserved to them (Art. 100/2, Const.).

The Committee elects its chairperson, a vice-chairperson, a secretary, and a spokesperson among its members. Some deputies are not eligible to be selected as a member of the committees of investigation. Deputies who are under conditions that necessitate a judge to be disqualified from trying a case or participating in a judgment according to the Law on Criminal Procedure; those who have initiated the motion of investigation; and those who have already explained their opinion over the issue in or outside the

Assembly cannot be selected as members. This provision is also valid for officials and stenographers working for the committee (Art. 109/2, 3, 4, ROP).

Committees of investigation work behind closed doors. Only the committee members may attend the meetings.

The quorum is the absolute majority of the total number of members. The committee decides by the votes of the absolute majority of the deputies present at the meeting.

A committee of investigation must present its report within two months after the committee was established. If the committee fails to complete its report within two months, an additional period of two months is granted upon the request of the Committee. The Plenary shall be informed of this request. At the end of this period the committee has to submit its report to the Office of the Speaker (Art. 110, ROP).

### **Powers of the Committees of Investigation**

A committee of investigation has following powers (Art. 111, ROP):

- The committee may request necessary information and documents from government departments as well as private institutions and if it deems necessary, may seize them.
- The committee can use all the means possessed by the Council of Ministers.
- The committee may hear the ministers, people concerned, witnesses, and expert witnesses.
- The committee may ask judicial organs to provide legal assistance regarding taking evidence (witness, seizure, search, etc.) within the limits of general provisions of the Law on Criminal Procedure. Such a request must be in writing and include justifications.
- The committee must receive the plea of the prime minister and ministers concerned and related documents that the defendant intends to rely on.
- The committee may set up sub-committees to carry on investigations outside Ankara.

### **Completion of the Investigation**

The committee prepares a report for or against the motion of parliamentary investigation. Committee report must specify the relevant criminal provisions on which its decision is based.

The report is printed and distributed to the deputies and is immediately sent to the prime minister or minister(s) against whom an investigation is requested.

The debate over the report shall take place within ten days after the distribution of the report. During the plenary debate, the committee, six deputies on behalf of their names and prime minister or ministers concerned have the right to speak.

The prime minister or the minister concerned has the last word without any time limit. Once the debate is completed, the Plenary decides on the report by secret ballot. The decision of the Plenary must specify the criminal provisions on which the decision is based.

A decision by absolute majority of the total number of deputies in the Assembly is required to send the prime minister or minister concerned for trial before the Supreme Court (Art. 112, ROP).

## **Motion of (No) Confidence**

One of the basic features of the parliamentary system is that the life of the government depends on the support of the majority in the Assembly. If the government loses the support of the Parliament, it can be dismissed by votes of no-confidence by the opposition.

The Constitution stipulates three types of motion of confidence. First, a government must obtain the confidence of the parliament after it has been formed (Art. 110, Const.). Second, the prime minister may request a vote of confidence in the Assembly at any time in order to test the Assembly's confidence in the government (Art. 111, Const.). Third, political party groups or deputies may introduce a motion of no-confidence following a motion of censure (Art. 99/4, Const.).

The motion of (no) confidence is one of the items that is included on the special agenda. Therefore, a debate or a vote on the motion of (no) confidence takes precedence over the normal business for that day (Art. 124/2, 125/3, ROP).

In all cases where the government fails to obtain a vote of confidence from the Assembly or the Assembly passes a motion of no-confidence against the government, the government is deemed dismissed.

## **Vote of Confidence after the Formation of a New Government**

The newly formed government must obtain the confidence of the Assembly in order to stay in office. This is why President of the

Republic usually appoints the leader of the largest political party who can secure the confidence in the Assembly although there is no legal obligation to do so.

Following a parliamentary election, the government program is debated and a vote of confidence is held in the Plenary. If the newly formed government fails to obtain the confidence of the simple majority of deputies present in the Plenary (at least 139), it is dismissed from the office.

The procedure to grant a vote of confidence to the newly formed government is specified both in the Constitution and in the ROP. The prime minister or a minister reads out the program of the newly appointed government in the Plenary within a week after the formation of the government. If the Assembly is not sitting when the government has been formed, the Speaker recalls the Assembly from the recess or adjournment (Art. 123/3, ROP).

A debate over the program can only take place after two days following the government program has been read out in the plenary. The debate is held according to the general provisions of the ROP (Art. 124/1, ROP).

The floor shall be given to the speakers after the letter of the President concerning the list of members of the newly formed government has been read out in the plenary (Art. 124/3, ROP).

The vote of confidence is conducted by public ballot after one day following the completion of the debates over the program (Art. 124/4, ROP).

Turkey has witnessed three occasions (1974, 1977, and 1995) on which the new minority governments failed to obtain the support of the Assembly and were removed from office.

### **Motion of Confidence (by the Prime Minister)**

The prime minister may request a vote of confidence at any time if he/she deems it necessary after deliberation in the Council of Ministers (Art. 111, Const.).

The Office of the Speaker immediately informs the Plenary about this request on the “Presentations of the Speaker to the Plenary.” The Plenary can hold a debate over the request no sooner than one day after the request has been read out in the plenary. Unless the Plenary decides otherwise, the debate over the request is held according to the general provisions of the ROP (one deputy on behalf of each political party group and two deputies have the right to speak on the request) (Art. 72, ROP).

When the debate over the request has been concluded, the Plenary decides on the date of the vote of confidence upon the request of the Board of Spokespersons. The vote of confidence is held no sooner than one day has passed after the debate has been finalized (Art.125/3, ROP).

The vote of confidence shall be held by public ballot. If the government fails to obtain the confidence of the Assembly (if at least 276 deputies vote against the government), the government is deemed dismissed (Art. 125/4, 5, ROP).

## **Motion of No-Confidence (by Opposition)**

During the debate on a motion of censure, deputies or political party groups can put down a motion of no-confidence against the prime minister or a minister. The procedure followed in the case of a motion of censure has already been discussed under the heading of “Censure” in this chapter.

## **Budgetary Oversight**

As in most parliamentary systems, the government has the responsibility to draft and implement the national budget and the Assembly has the duty to oversight the budgetary performance of the government. Debates on the Budget Bill and the Final Account Bill during the committee or plenary meetings present an opportunity to the Assembly to review the fiscal and economic (even social) priorities of the government for the next year.

Second, the Assembly may mobilize the tools of parliamentary oversight prescribed in the Constitution (parliamentary questions, general debate, parliamentary inquiry, investigation, and censure) in order to request any information related to the budgetary implementation or to hold the relevant ministers politically or criminally accountable.

Last, the Court of Accounts audits the spending of public agencies on behalf of the Assembly and submits special reports over the implementation of budgetary provisions to the Assembly.

The Budget Bill is not only a legal document recording the expenditures and revenues but also is the political expression of the government. As the right to approve or reject the budget is vested in the Assembly, the government has to seek the support of the Assembly to execute its provisions. After the Budget Bill has been submitted, the Assembly may use its prerogatives to understand and debate the general policies and priorities of the government

*There are three  
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and may have considerable influence over the budget by mobilizing public opinion and public pressure.

There are three main actors in the budgetary process: the government, the Assembly and the Court of Accounts. It is government's responsibility to draw up and submit the national budget to the Assembly as a bill. The bill can be approved, rejected, or amended by the Assembly. Finally, the Court of Accounts has the duty to monitor the execution of the budget on behalf of the Assembly.

The consideration and approval of the Budget Bill and Final Account Bill are subject to a special legislative procedure governed by the Constitution and the ROP. The legislative procedure applied to the Budget Bill and Final Account Bill has been addressed in Chapter Six.

## Right to Petition

The Constitution regulates the right to petition under the title of "political rights." Every Turkish citizen or foreign residents based on the principle of reciprocity have the right to present a petition to the Assembly about their requests and grievances (Art. 74, Const.). The manner in which the petitions are examined is regulated by the Law on the Right to Petition (Law No. 3071) and by the ROP.

Petitions that are sent to the Assembly shall be examined and concluded within 60 days by the Committee on Petitions. Public institutions are under obligation to reply to the petitions forwarded to them by the Committee on Petitions within 30 days (Art.8/1, Law No.3071).

## Examination of Petitions by the Bureau of the Committee on Petitions

The Bureau of the Committee is composed of a chairperson, vice-chairperson, spokesperson, and secretary. To be admissible, a petition must conform with the following rules:

- A petition must include the signature, name, surname, and address of the petitioner (Art. 4, Law No. 3071).
- A petition must contain a subject matter (Art. 6, Law No. 3071).
- A petition cannot necessitate the introduction of a new law or an amendment in a law (Art. 116, ROP).

- A petition shall not be related to the matters within the competence of the judicial organs (Art. 6, Law No. 3071).
- A petition must include a copy of final reply that has been provided from the competent authorities (Art. 116, ROP).

If it is found that a petition does not meet the requirements mentioned above, the Bureau of the Committee decides not to deliberate the petition. The Bureau's decisions of inadmissibility are published and distributed to the deputies. After the decisions have been distributed, if there are no objections to them within 15 days, they are deemed finalized and petitioners are informed about the result in writing (Art. 116, ROP).

## **Examinations of Petitions by the Committee on Petitions**

Petitions that were declared inadmissible but have been objected to within 15 days and petitions that meet the rules are referred to the Committee on Petitions. The Committee has the duty to examine and make a final decision on the admissibility of the petitions (Art. 117, ROP).

The decision of the Committee on Petitions is printed and distributed to all deputies and ministers (Art. 118, ROP). The decision over a petition will be final if no objection is raised by any deputy within 30 days. The objections must state the reasons. When an objection is raised, the Committee prepares a report on the petition concerned and submits it to the Office of the Speaker. The Plenary examines the subject and makes the final decision (Art. 119/1, 2, ROP).

The petitioner and the ministers concerned are informed of the final decisions of the Committee on Petitions and the Plenary (Art. 119/3, ROP).

## **Final Decisions of the Committee on Petitions**

The relevant minister must provide a response to the Committee about the manner in which the final decisions of the Committee has been dealt within 30 days after the date of notification. If the Committee is not satisfied with the implementation of the relevant ministry or if the relevant ministry does not inform the Committee within 30 days, the Committee may request the subject to be debated and decided in the Plenary. In both cases, the Committee submits a report including its opinion to the Office of the Speaker.



The decision of the Plenary is final. The petitioner and relevant ministry are informed of the final decision. (Art.120, ROP).

***Petition Statistics, 1995-2011***

<b>Legislative Terms</b>	<b>Petitions Received</b>	<b>Petitions About Which a Decision Has Been Made</b>
1995-99	2313	2142
1999-02	3187	2958
2002-07	12448	11579
2007-11	8677	8015



## Committees





# COMMITTEES

A parliamentary committee may be defined as a small group of deputies established to conduct more detailed examination concerning particular matters referred to them before the subject matters are presented to the plenary debate. Parliamentary committees play important roles in the legislative process and scrutiny of the executive branch. Most of the detailed work is carried out by the committees before the subject matter is placed on the agenda of the Plenary. Since committees offer an opportunity for a detailed examination of the matter in a small group, it presents an opportunity for the members to develop expertise in specific areas.

## Classification of the Committees

The parliamentary committees may be classified in terms of their legal basis, duration of mandate, and the functions they perform.

Most of the standing committees are established at the beginning of each parliamentary term under the provisions of the ROP.

The Committee on Human Rights Inquiry, Committee on Equal

*Most of the detailed work is carried out by the committees before the subject matter is placed on the agenda of the Plenary.*

Opportunity for Women and Men, Committee on Public Economic Enterprises, and Committee on European Union Harmonization were established by special laws and perform their duties in accordance with these laws and the ROP. The Committee on Plan and Budget and committees of investigation are regulated by the Constitution.

The committees are traditionally classified as ad-hoc committees and standing committees with regard to their term of office. The committees of inquiry and investigation that are established by a resolution of the Assembly to deal with specific subjects are ad-hoc committees. They cease to exist immediately after reporting to the Assembly on the matters assigned to them. Standing committees are permanent committees that are established by the Constitution, laws, and the ROP and serve for the duration of parliamentary term.

The committees of the Assembly can be classified according to the functions they perform. Most of the standing committees are established only for detailed examination of the bills referred to them. Bills must be considered first in the committee responsible before the Assembly can take a decision. However, the committees do not have the right to make final decisions on a bill. They only examine the bills and submit their conclusions in a report to the Assembly, which is the sole authority to say the final word. The Committee on Petitions and Committee on Public Economic Enterprises have been set up for particular purposes other than examination of bills such as dealing with petitions and oversight of public economic enterprises.

The Assembly may set up ad-hoc committees by a resolution to conduct parliamentary inquiries or investigations. These committees are formed with a view to examining particular subjects and dissolved when they complete their work. In addition, there is a Joint Committee composed of members of the Committee on the Constitution and Committee on Justice, which has the duty to examine cases pertaining to lifting parliamentary immunity and loss of membership due to non-attendance.

## Standing Committees

There are 17 standing committees in the Assembly, which are generally established in parallel with the ministerial structure of the country. It must be noted that, except for committees established by special laws, the area of jurisdiction for each committee is not expressly defined by the ROP. The explanatory memorandum of the ROP and parliamentary practice may help us to clarify the area

of jurisdiction for each committee. The standing committees with their areas of jurisdiction are stated below:

1. **Committee on the Constitution** considers constitutional bills, bills related to the parliamentary elections, functions of the Assembly, status of the deputies, proposals related to the ROP, bills and decrees having the force of law related to the organization, and the working procedure of the Prime Ministry and other ministries, plus bills on the status of political parties.
2. **Committee on Justice** examines bills related to the judicial affairs and fundamental laws such as civil law, criminal law, commerce law, etc.
3. **Committee on National Defense** is responsible for deliberating on bills related to the national security, defense, and military service.
4. **Committee on Internal Affairs** deals with bills related to the central and local administration, internal security (police), gendarmerie, emergency situations, citizenship, local government, passport services, status of foreign citizens, intelligence, establishment of new sub-provinces and provinces, etc.
5. **Committee on Foreign Affairs** deliberates bills approving the ratification of international treaties and bills related to the organization of foreign affairs.
6. **Committee on National Education, Culture, Youth, and Sport** considers bills regulating the right of education, protection of youth, promotion of sport, protection of history, cultural and natural assets, and promotion of art.
7. **Committee on Settlement, Development, Transport, and Tourism** deals with the bills related to the settlement, development, transport, and tourism. Bills related to the postal service, information and communication, transport systems (aviation, rail, roads, shipping), tourism incentives, etc. are examples of bills that are currently on the agenda of the committee.
8. **Committee on Environment** examines bills related to environmental policies such as protection of the environment, prevention of water and air pollution, conservation of natural resources and biological diversity.
9. **Committee on Health, Family, Employment, and Social Affairs** considers bills related to the health, health insurance,

*There are seventeen standing committees in the Assembly which are established in parallel with the ministerial structure of the country.*

working life, pensions systems, social security systems, employment, protection of family, and social aids.

10. **Committee on Agriculture, Forest, and Rural Affairs** deals with bills regulating food and agriculture, animal protection, and protection of forests.
11. **Committee on Industry, Trade, Energy, Natural Resources, Information, and Technology** deliberates bills about industry, mining, fuel products, natural gas, domestic and foreign trade, renewable energy, etc.
12. **Committee on Petitions** examines the petitions submitted by the citizens to the Assembly about their requests and grievances.
13. **Committee on Plan and Budget** considers Budget Bills, Final Account Bills, bills on taxes, levies and charges, and bills requiring additional financial burden in the state budget.
14. **Committee on Public Economic Enterprises** is responsible for scrutinizing the activities of public economic enterprises.
15. **Committee on Human Rights Inquiry** has the monitoring and supervisory functions in the field of human rights. The committee receives and considers individual complaints about the violation of human rights, and monitors the implementations of the obligations that Turkey has assumed under international treaties, the Constitution, and laws.
16. **Committee on Equal Opportunity for Women and Men** deals with matters about the protection and improvement of women's rights and promoting equality between women and men, and if requested, submits opinions to the committees responsible about the bills and decrees having the force of law.
17. **Committee on European Union Harmonization** is responsible for harmonizing the domestic legislation with the *acquis communautaire* in order to prepare Turkey for full membership and examine the activities of the government on that matter.

## Sub-Committees

Standing committees, except the Committee on Human Rights Inquiry (Art. 6/2, Law No. 3686) and Committee on Public Economic Enterprises (Art. 5, Law No.3346), are not formally empowered to establish sub-committees. According to the provisions of the ROP, only the committees of investigation may

create sub-committees in order to perform a particular task outside Ankara. However, in practice, standing and ad-hoc committees find it convenient to establish sub-committees in order to carry out specific and more detailed studies. Sub-committees cease to exist once they submit their final report to the main committees. The main committees are not bound by the report or findings of sub-committees.

## Composition of the Committees

The composition of each committee must reflect the numerical strengths of the political party groups in the Assembly. The Plenary (with some exceptions discussed in the following paragraphs) has the authority to determine the number of committee members on the proposal of the Board of Spokespersons (Art. 20/2, ROP).

The Speaker ascertains the number of seats to be allocated to each political party group in committees (Art. 21/1, ROP) in proportion to their percentage within the total membership of all party groups (Art. 11/1, ROP). In practice, starting from the smallest political party group to be represented by at least one member, other seats are distributed among party groups in proportion to their sizes.

As a general rule, any deputy who is not a member of a party group does not have the right to serve as a committee member. Moreover, any deputy who is a member of a political party that could not form a party group cannot be a member of any standing committee.

The number of members in the Committee on Plan and Budget and Committee on Public Economic Enterprises and the manner by which the membership is distributed among the political party groups have been determined by the Constitution and special laws. The Committee on the Plan and Budget is composed of 40 members and 25 memberships are reserved to the political party groups that formed the government. The Committee of Public Economic Enterprises is composed of 35 members. Another difference of these committees is that deputies who are not members of any party group shall be represented in both committees proportionally with their total numbers.

Political party groups nominate candidates for seats allocated to them within a specified period of time. The lists of all candidates for each committee are voted separately by show of hands in the Plenary.

Deputies may serve in more than one committee. However, deputies who have been elected as members of the Committee on



Plan and Budget and Committee on Petitions cannot serve in any other parliamentary committees. The members of the Bureau of the Assembly and the Council of Ministers are not allowed to be a member of any parliamentary committee (Art.21/4, ROP).

The standing committees are re-constituted every two years. Committee members elected for the second term continue to hold office until the new members are elected (Art. 20/3, ROP).

### **Chairperson, Vice-Chairperson, Spokesperson, and Secretary**

*The composition of each committee must reflect the numerical strengths of political party groups in the Assembly.*

When the elections of the committee members are completed, the Speaker summons the committees to meet. At the first meeting, the committees must elect their chairpersons, vice-chairpersons, spokespersons, and the secretaries by secret ballot. The quorum for this election is the absolute majority of the total number of the members. To be elected, votes of an absolute majority of the members who are present is required (Art. 24/1, 2, 3, ROP).

If necessary, the committee, upon the request of the chairperson, may elect special secretaries or a spokesperson for specific business by the votes of the absolute majority of the members present (Art. 24/4, ROP).

New election for the chairperson, vice-chairperson, spokesperson, and secretary must be held within ten days after the newly formed government receives a vote of confidence from the Assembly if it is requested by the party group(s) of political parties in power (Art. 24/5, ROP).

### **Vacancy in Membership**

A committee retains the same powers and duties even if a vacancy arises. The vacant seat must be filled immediately.

Any member ceasing to be the member of a political party automatically loses his/her membership in any committee. Moreover, the mandate of any committee member ceases spontaneously when the political party he/she belongs to loses its right to form a political party group (Art. 22/3, ROP).

If the composition of a committee does not reflect the numerical strengths of the party groups due to changes therein, the Speaker takes the necessary actions in accordance with the provisions set out by Article 21 of the ROP after he/she identifies the situation (Art. 22/4, ROP).

## Committee Meetings

A committee shall be convened by the chairperson on his/her own initiative (Art. 26/1, ROP) or upon the request of at least one-third of the committee members (Art. 26/4, ROP). The chairperson can call a committee meeting before at least two days from the day of the meeting unless it is not a matter of urgency. The call of meeting must also specify the agenda of that meeting (Art. 26/2, ROP).

The committee members, the Prime Ministry, ministers concerned, political party groups, bureaus of other committees, and the first signatory deputy whose proposed bill is on the agenda shall be informed about the call of meeting and agenda. The call of meeting and agenda are also placed on the Notice Board (Art. 26/3, ROP).

The Plenary, upon the proposal of the Speaker, shall determine the committees that will work during the period of recess and adjournment (Art. 25, ROP).

### Agenda of Committee Meetings

In principle, the agenda of a committee meeting is determined by the chairperson of the committee. However, the agenda drawn up by the chairperson is not binding upon the committee. The members of the committee are entitled to propose new items to be placed on the agenda for the committee meetings. The committee may decide to place proposed items on the agenda by an absolute majority of its members who are present (Art. 26/2, ROP).

### Presiding Committee Meetings

Committee meetings are convened and chaired by the chairperson of the committee. In the absence of the chairperson, the vice-chairperson chairs the committee meetings. The committee secretary chairs the meetings if the chairperson and the vice-chairperson are not present (Art. 27, ROP).

The chairperson has the authority to maintain order if someone interrupts the speaker(s) or engages in personalities and acts disorderly. If necessary, the chairperson may suspend or adjourn the meeting and informs the Speaker about the situation to take necessary actions (Art. 46, ROP).

### Quorum and Majority for Decision

At least one-third of the total number of members constitutes a quorum for committee meetings. The decisions of the committees shall be made by an absolute majority of members who are present (Art. 27/2, ROP).

*At least one-third of the total number of members constitutes a quorum for committee meetings. The decisions of the committees shall be made by an absolute majority of members who are present.*

## **Attendance at Committee Meetings**

Committee members have the duty to attend committee meetings regularly. The committees shall keep the attendance register and present it to the Office of the Speaker and political party groups.

Any committee member who fails to attend three successive meetings or at least one-third of the committee meetings within a year without excuse or leave of absence may be removed from the membership by the party group he/she belongs to. The vacancies are filled by another member of the party group immediately (Art. 28, ROP).

## **Leave to Speak**

Committee members, deputies who have attended committee meetings (but who are not members of that committee), and members of the Council of Ministers may request leave to speak during a committee meeting (Art. 31/2, ROP).

The speakers are granted leave to speak in the order of request. The chairperson of the committee and representative of the government are not bound by the order of request and they may have the floor whenever they wish. The experts invited to the committee meetings are given the floor when the chairperson deems necessary (Art. 29, ROP).

## **Committee Hearings**

The prime minister or a minister may participate at the committee meetings or they may authorize a senior official to represent them in the committees (Art. 30/1, ROP).

Standing committees may invite experts to present their views (Art. 30/2, ROP). It should be noted that the ROP do not include any provision that gives the committees formal power to demand the attendance of government members to the committee meetings.

## **Right to Attend Committee Meetings**

Deputies, members of the Council of Ministers, and government representatives are entitled to attend and get leave to speak at the committee meetings but only the committee members may initiate amendments and have the right to vote (Art. 31, ROP).

## **Transparency of Committee Meetings**

The committee meetings are not open to the public. As stated by the ROP, only the deputies, prime minister, and ministers



*A committee meeting*

and experts or officials invited by the committee are allowed to attend committee meetings. However, the ROP do not include any provision that expressly forbids or permits the press or other visitors to attend committee meetings. In practice, with the discretion of the committee, the press may attend and watch the committee meetings.

### **Committee Meetings in Camera**

Committee meetings are open to other deputies who are not members of the committee unless the minister concerned and one-third of the committee members request to hold a secret meeting. If the committee approves the request, only the committee members and relevant minister may participate in committee meetings which will be held behind closed doors. Persons participating at a meeting in camera are not allowed to disclose information about the debates (Art. 32, ROP).

### **Minutes of Committee Meetings**

The debates in committee meetings are not fully recorded unless the committee decides otherwise. The secretary of the committee

prepares the summary of the minutes and signs it together with the Chairperson.

Members who are present may annex their objections to the summary of the minutes. Committee debates may be recorded in full if the committee decides so (Art. 33/3, ROP). However, the minutes or summary of the minutes of committee debates are not directly open to the public.

### **Time and Place of Committee Meetings**

The committee meetings do not take place during the Plenary sittings, unless an exceptional decision is taken by the Bureau of the Assembly upon the request of the committee.

The committees can only hold meetings in the buildings of the Assembly and in certain places allotted to them by the Office of the Speaker (Art. 35/1, 2, ROP).

### **Powers of the Committees**

Standing committees cannot introduce bills and can only work on the bills referred to them. Committees may accept or reject bills referred to them with or without amendments (Art. 35/2, ROP).

The committees cannot deal with matters other than those referred to them. In other words, the committees cannot discuss any matter on their own initiative. The standing committees have the right to request necessary information directly from the ministries but do not have the power to compel them for co-operation (Art. 41, ROP).

### **Committee Reports**

When a committee completes the examination of a bill, it prepares a report detailing its recommendations. The report shall include the opinion of the committee about the subject and the justification of amendments made by the committee (Art. 42/1, ROP).

The report is signed by members who take part in the final voting (Art. 42/2, ROP). The members of the committee who disagree with the whole report or parts of it and wish to annex their dissenting opinions to the report have the right to do so, provided that they specify the articles that they disagree with (Art. 42/6, ROP)

# NOTES



