

Associations Law

Posted April 11, 2007

Country Turkey

Document Type Primary Legislation

Topic name Freedom of Association

Translator's notes:

Inconsistencies in style such as initial capitals reflect the original.

Article 4, paras 3/4. I am confounded as to what "surekli olarak" (continuously), inserted between these two paragraphs, refers to.

Article 34, final paragraph. The text is an accurate translation of the original, but it is not quite clear what the original is supposed to express - perhaps that federations (established by associations) are not supposed to found third organizations.

Article 89. My sources, including Dr Faruk Yalvac's "Dictionary of Banking Terms" (1997), contain no reference to "ristum".

Legislationline note: the present law has been affected by amendments passed in August 2002. They are not reflected in the text below.

SECOND SECTION

LAWS

ASSOCIATIONS LAW 1

FIRST SECTION

General Provisions

FIRST PART

Aim, Scope and Definitions

AIM

Article 1 - The aim of this Law is to lay down the principles in respect of associations established by seven persons or more who combine their knowledge and efforts in order to pursue a particular and joint aim not prohibited by law and not for the purpose of profit-sharing.

SCOPE

Article 2 - This Law encompasses provisions which regulate the right to establish an association, the procedure for establishing, operating, and organizing associations, the organs, duties and powers of associations, their supervision and winding up, membership and the rights and duties of members, activities subject to permission and prohibited activities, penalties and other issues related to associations..

DEFINITIONS

Article 3 - In the application of this Law the following definitions apply;

1. Association Headquarters: The place from which the association is managed,
2. Association Premises: The place from which management activities are carried out,
3. The Most Senior Representative of Government: The Provincial Governor or Local Governor,
4. Higher Organization: Federations and confederations established by associations,
5. Public Service Personnel: Personnel with civil servant status working for public bodies and organizations and other public personnel the nature of whose work is other than manual labour.

SECOND PART

The Right to Found an Association, and Associations which are Prohibited from being Founded

THE RIGHT TO FOUND AN ASSOCIATION

Article 4 - Everyone qualified to exercise civil rights over the age of eighteen has the right to establish an association without prior notice.

However, the following persons, even if they have benefitted from an amnesty, may not found an association:

1. Members of the high court, judges and prosecutors, professional members of the exchequer and audit department, and prosecutors thereof and their assistants, personnel who are part of the civil administration, members of the Turkish Armed Forces and of the general and special police forces, teachers and governors of official or private primary schools, middle schools, high schools or equivalent, teachers or other personnel working in the central or provincial organizations of the Ministry of National Education, and other persons in public service or students in official or private primary or middle schools who are forbidden in special laws from founding an association,

2. a) Persons convicted of any of the following offences: shameful offences such as embezzlement, dishonesty, bribery, theft, fraud, forgery, abuse of religious belief, fraudulent bankruptcy, offences of smuggling other than for manufacturing supply or consumption, improper interference in official competitive tender procedures, procurements and sales.
 - b) Any persons convicted of those offences appearing in the first chapter of Book Two of the Turkish Penal Code, or of open incitement to commit such offences,
 - c) Any persons convicted of incitement to enmity and hatred on grounds of differences of class, race, language, religion or region under paragraph two of Article 312 of the Turkish Penal Code or counterfeiting under Articles 316, 317 or 318 of the same code.
 - d) Any persons convicted of committing, for political and ideological purposes, those actions mentioned in the first, second or third paragraphs of Article 536 of the Turkish Penal Code or those in the first, second, third, fourth or fifth paragraphs of Article 537 of the same code,
3. Any persons convicted of any offence and sentenced to 5 or more years' imprisonment,
 4. Those who found associations forbidden by law and those who are officials of associations closed by order of court on the grounds that they have engaged in activities forbidden for associations, as from the date on which the order for closure is confirmed, any person expelled from a political party in accordance with paragraph (d) of Article 101 of the Political Parties Law or any member of a political party who, by reason of their activities, causes the closure of that political party, for a period of five years dating from the written notification of the expulsion decision or the closure decision of the Constitutional Court.

ASSOCIATIONS WHICH IT IS FORBIDDEN TO FOUND

Article 5 - No association may be founded which is in contravention of the basic principles indicated in the preamble to the Constitution;

It is forbidden to found an association for the purpose of:

1. Destroying the indivisible unity of the Turkish State and nation,
2. Threatening or destroying, on grounds of differences of class, race, language, religion or region, the existence of the Turkish Republic described in the Constitution.
3. Destroying the basic rights and freedoms described in the Constitution,
4. Engaging in any activity in breach of laws, national sovereignty, public order and the general peace, the public good, general moral values or measures for the protection of health,

5. Engaging in any activity on the grounds of or in the name of any region, race, social class, religion or sect,

6. Putting forward the proposition that there are minorities within the Turkish Republic based on differences of class, race, language, religion or region, or creating minorities by protecting, promoting or spreading languages or cultures separate from the Turkish Language and culture, or making people from any region or race or class or any religion or sect dominant over or privileged above others,

7. (Abolished: 12/4/1991 - 3713/Art 23)

8. (Abolished: 12/4/1991 - 3713/Art 23)

9. Abolishing or changing the revolutionary laws described in Article 174 of the Constitution of the Turkish Republic, or resurrecting anything prohibited by these laws.

10. Insulting or diminishing the person of Atatürk, his principles, works or his memory,

11. Engaging in any form of political activity, including coordinating the activities of trade unions or any public professional organizations, or supporting or working against a particular political party, securing collaboration between political parties, supporting a party or its candidate or candidates, or an independent candidate or candidates, or securing their victory, or preventing their victory, or securing their collaboration, in elections for the Turkish Grand National Assembly, any local authority, for the post of local superintendent (head man) or council of elders,

12. Insulting or diminishing the spiritual personality of the Turkish State,

13. Committing crime or inciting or encouraging crime.

In higher education institutions no more than one student association may be founded.

PROHIBITION ON THE USE OF CERTAIN NAMES, SIGNS AND LANGUAGES

Article 6 - Associations may not use:

1. The name, emblems, signs, rosettes and similar signs of any political party or closed political party or trade union or confederation or association or higher organization closed by a court in accordance with Article 76 of this Law, nor any flag, emblem or pennant associated with any society belonging to any former Turkish States,

2. (Abolished: 12/4/1991 - 3713/Art 23)

3. Languages forbidden by law, in their statute or in the writing of any other of the association's regulations or publications, in their general meeting, or in any of their private or official, open or closed meetings,
4. Any banner, sign, placard, audio or video tape, brochure, pamphlet, declaration or similar in a language forbidden by law in any meeting closed or open, organized by the association, or in which the association is participating,
5. On seals or headed paper, any names or symbols other than the name and symbol, if any, of the association,

It is forbidden for members of the association to use signs, symbols forbidden under paragraph 2 or signs redolent thereof in the course of any of the association's meetings or activities.

PROHIBITION ON INTERNATIONAL ACTIVITIES

Article 7 - While reserving the provisions of Articles 11 and 12 of this Law;

1. No association may be founded with the aim of undertaking international activities.
2. Associations founded in Turkey may not join national or international associations or organizations founded abroad.
3. Associations whose headquarters are abroad may not open branches in Turkey.

SECOND SECTION

Foundation

FIRST PART

Statute and Notification of Foundation

THE STATUTE OF THE ASSOCIATION

Article 8 - Every association shall have a statute. This statute must show the following:

1. The name and headquarters of the association,
2. The aim of the association, the activities it is to pursue in order to achieve those aims, and its working methods,
3. The names and surnames of the founders of the association, their profession or trade, their address and nationality,

4. The conditions and forms of enrolment for membership, resignation and removal from membership,
5. The method of establishment and frequency of meeting of the association's general council,
6. The duties and competence of the general council, and the methods and forms of voting and decision making,
7. The duties and competence of the board of management and audit board, how they are to be elected, the number of permanent and reserve members
8. Whether or not the association is to have branches, and if there are to be branches, how they are to be founded, their duties and competences, and how they are to be represented in the general council,
9. The yearly subscription to be paid by members,
10. The association's methods of internal audit,
11. How the statute can be changed,
12. How the property of the association can be discharged if the association is wound up.

NOTIFICATION OF FOUNDATION AND RECOGNITION OF INCORPORATION

Article 9 - Association achieve incorporation by submitting their notification of foundation and appendices to the most senior representative of government in the district in which the headquarters is located.

The notification of foundation must contain the name of the association to be founded, its address, the name, surname, date and place of birth, the profession or trade, nationality and address of the founders, and this notification must be signed by all the founders and accompanied by a copy of the identity cards of the founders, a copy of their judicial record document, written and signed declarations for each of the founders that they fulfil the conditions for founding an association, and four copies of the statute signed by all the founders.

The names of the person or persons who are authorized to carry out correspondence and receive notifications, and the names, surnames and addresses of provisional board members authorized to represent the association and run its business until such time as the organs of the association have been established, must be provided.

Upon receiving the notification and documents, the representative of government will give a document of receipt.

The foundation notification and appendices of associations which are to be active in more than one province will be sent to the Interior Ministry within one week by the most senior representative of government..

EXAMINATION OF THE FOUNDATION NOTIFICATION AND THE STATUTE

Article 10 - The correctness of the foundation notification and appendices thereto of associations which are to be active within one province will be examined by the local governor within thirty days, while the correctness of the foundation notification and appendices thereto of associations which are to be active in more than one province will be examined by the Interior Ministry within ninety days.

The provisional board will be required in writing to rectify any omission or any point in contravention of the law in the foundation notification, the statute or in the legal status of the founders. If the omissions or contraventions of law have not been rectified within 30 days from delivery of this written communication, the Public Prosecutor shall, upon notification by the most senior local representative of government apply to the competent court for the association to be wound up. He may also demand that the activities of the association be stopped.

However, the activities of associations founded for purposes prohibited under Article 5 of this Law and whose notification of foundation and statute have been examined by the provincial governor or whose notification of foundation and statute have been examined by the Interior Ministry may, on the request of the Interior Ministry, be stopped by a decision of the governor of the province in which the association's headquarters are situated. This decision shall be communicated within three days to the Public Prosecutor. The activities shall be halted until such time as a court shall give a decision to the contrary.

If there is no omission or contravention of law in the notification of foundation or the statute, or if omissions or contraventions of law are rectified within the time stipulated in paragraph 2, the decision of the authority which examined the notification of foundation and the statute shall be communicated in writing to the association.

ACTIVITIES ABROAD BY ASSOCIATIONS FOUNDED IN TURKEY

Article 11 - In circumstances where benefit is seen in international fellowship and collaboration;

1. The foundation of associations with international activities
2. Existing associations carrying out such activities
3. Associations as indicated in paragraphs 1 or 2 opening branches abroad or joining associations or organizations founded abroad for similar purposes, are subject to

permission by the Council of Ministers upon the initiative of the Interior Ministry, having sought the opinion of the Foreign Ministry.

Associations or higher bodies wishing to join a foreign association or organization must submit to the Interior Ministry two notarized copies of the statute of that association or organization, translated into Turkish.

If associations or organizations to which associations in Turkey have joined or with whom they have collaborated, carry out activities which contravene our laws or national interests, the relations of the association established within Turkey may be stopped by a decision of the Council of Ministers upon the initiative of the Interior Ministry, having sought the opinion of the Foreign Ministry.

ACTIVITIES OF FOREIGN ORGANIZATIONS IN TURKEY

Article 12 - Permission for associations founded abroad and having the aim of achieving international fellowship and collaboration

1. To open branches in Turkey,
2. To be founded or to carry out international activities in conformity with Article 11, to join organizations or associations authorized by the Council of Ministers, or to collaborate with such organizations or associations, may be given by the Council of Ministers, upon the initiative of the Interior Ministry, having sought the opinion of the Foreign Ministry, provided that the collaboration or joint activities are beneficial.

If the associations mentioned in the foregoing paragraph engage in activities not in conformity with our laws and national interests, the Council of Ministers has the authority to close such branches as have been opened or to withdraw such permission as has been given, upon the initiative of the Interior Ministry, having sought the opinion of the Foreign Ministry.

NOTICE

Article 13 - Within 15 days of receipt of notification as described in the fourth paragraph of Article 10 of this Law, the statute and address of the association shall be published in a local newspaper, or, in places where there is no local newspaper, in a newspaper appearing in the provincial capital. Five copies of this newspaper shall be given by the most senior government representative in the place where the headquarters of the association is situated, by the provisional board of management.

Notification of changes in the statute and address of the association will be given in the same manner.

FIRST GENERAL COUNCIL MEETING

Article 14 - Associations must hold their first general council meeting and establish their organs within six months following the date on which their statute was published in a newspaper.

If an association fails to conform to this requirement, the most senior local representative of government shall give a decision for the association to be considered to have wound itself up.

THE REGISTER OF ASSOCIATIONS AND REGISTRATION PROCEDURES

Article 15 - The Interior Ministry shall establish a register of associations in which associations will be registered at the General Directorate of Security or, in the provinces, at police headquarters.

All confederations, federations and associations, including associations and their branches and the branches opened in Turkey by associations whose headquarters are abroad shall be recorded in the register of associations held at the General Directorate of Security.

RIGHT OF MEMBERSHIP

Article 16 - Everyone qualified to exercise civil rights over the age of eighteen has the right to become a member of an association.

However, provided that there are not provisions to the contrary in special laws;

1. Of those shown in paragraph number (1) of Article 4 of this law;

a) Members of the Constitutional Court, subject to permission given by the Constitutional Court,

b) Members of the Appeal Court, subject to permission given by the Primary Presidential Council of the Appeal Court,

c) Members of the Supreme Administrative Court, subject to permission given by the Presidential Council of the Supreme Administrative Court,

d) Members of the Exchequer and Audit department, subject to permission given by the Council of Chambers of the Exchequer and Audit Department,

e) Judges and prosecutors, subject to permission given by the Ministry of Justice, on advice from the High Council of Judges and Prosecutors,

may become members of associations.

2. Other public service personnel indicated in Article 4 of this Law may become members of such associations identified and announced by the ministry to which they are attached.

Those indicated in subsections (2) and (3) of the second paragraph of Article 4 of this Law and persons mentioned in other laws as not authorised to join associations, primary and middle school students, may not be members of associations.

Those mentioned in subsection (4) of the second paragraph of Article 4 of this Law may not become members of associations for the duration of the prohibition mentioned in this subsection.

Those who are not students may not become members of higher education student associations, public servants who do not work in the relevant public organizations and institutions may not become members of those associations indicated in Article 39 of this Law, and neither those who are not members of professions working in the public service, nor parliamentary deputies, may join associations founded by members of professions working in the public service.

Persons who are not Turkish citizens may become members of associations if they show those qualities looked for in Turkish citizens and have right of residence in Turkey. The right of residence is not required for honorary membership.

The board of management of an association must reject or accept applications for membership and inform the applicant in writing within a maximum of thirty days.

Applications to student organizations from students of higher education must be accepted, provided that their application is accompanied by the student documentation obtained from their institution.

CONCLUSION OF MEMBERSHIP

Article 17 - For those whose status as students is concluded, their membership of student organizations also concludes, for those who leave a public institution or organization or leave public service for any reason other than retirement, their membership of associations established by public service personnel according to article 39 also concludes, those who have lost their right to be a member of an association, or who are expelled from membership because of actions contrary to the statute of the association also lose membership of the associations in which they are registered.

If any of the above situations is identified, the board of management shall strike out the membership in question from the record.

RIGHTS OF MEMBERSHIP

Article 18 - No person may be forced to become or remain a member of an association. Every member has the right to resign.

Members of association have equal rights. Association statutes may not contain provisions which make distinctions of language, race, colour, gender, religion or sect, family, caste or class, and no provision may be imposed upon the statute which would disrupt equality or recognize privileges to some members.

However,

1. Public service personnel as indicated in the fourth paragraph, those who may become members in accordance with Article 16,

2. Members of the Grand National Assembly of Turkey ,

may not serve on management and audit boards of associations working for the public good and which are provided by law with special resources or special sources of income.

(Amended 2/3/1988-3415/Article 1) Every member shall have one vote at the general council but must use their vote in person.

Honorary members may pay a subscription at their own discretion. Honorary members do not have the right to vote.

SECTION THREE

The Organs of the Association

ORGANS OF AN ASSOCIATION

Article 19 - Every association must establish

1. A general council,
2. A board of management
3. An audit board

Associations may establish other organs, but the competences of the general council and audit board may not be transferred to such organs.

GENERAL COUNCIL MEETINGS

Article 20 - General council;

1. Ordinary general council meetings will be held at intervals indicated in the statute of the association,

2. Extraordinary general council meetings will be held at such times as the board of management or the audit board see fit, or at the written request of one fifth of the members of the association.

Ordinary general council meetings must be held at least once every two years.

The board of management shall issue invitations to general council meetings.

If the board of management fails to issue invitations to a general council meeting within one month of a written request from the audit board or from one fifth of the membership of the organization, the audit board, or any one of the association members who requested the meeting may apply to the local peace magistrate and a delegation of three members of the association will be formed to issue invitations to a general council meeting.

METHOD OF INVITATION

Article 21 - The board of management shall prepare a list of members entitled to participate in a general council meeting. Members who can participate in the general council meeting are invited to the meeting by a local newspaper advertisement, at least fifteen days prior to the date of the meeting, stating the date, hour, place and agenda of the meeting. In this invitation it will be stated on what date a second meeting will be held if the meeting cannot be held as a result of failure to achieve a majority. Not less than a week shall be left between the first and second meeting.

The most senior local representative of government shall be informed in writing of the date, hour, place and agenda of the meeting not less than fifteen days before that meeting, and a list of the members to attend will be appended.

If the meeting is postponed for any other reason, the members shall be informed of this situation, together with the reasons for the postponement by inserting a second advertisement in the newspaper in which the notice of the meeting was posted. The second meeting must be held within at least two months of the original date.

The members shall be invited to the second meeting according to the principles indicated in the first paragraph and the details of the meeting shall be communicated to the most senior local representative of government in the manner indicated in the second paragraph.

A general council meeting may not be postponed more than once.

PLACE OF MEETING

Article 22 - The general council meetings may not be held other than where the headquarters of the association is located.

General council meetings of student associations shall be held in the relevant educational institution. The date, our and meeting agenda, together with a list of those members who will attend, will be submitted to the relevant educational council at least 15 days prior to the meeting.

MEETING QUORUM

Article 23 - The general council shall assemble if more than half of the number of members entitled to attend the general council meeting are present. If an insufficient number attends the first meeting, a majority will not be sought in the second meeting. However, the number of members attending this second meeting may not be less than twice the total number of members in the management board and audit board.

CONDUCT OF THE MEETING

Article 24 - The general council meetings of the association shall be carried out at the date, time and place indicated in the newspaper advertisement and communicated to the most senior local representative of government.

Members who are to attend the general council shall sign opposite their name on a list prepared by the board of management and enter the meeting place.

If a quorum has been achieved as indicated in Article 23, a record of this will be taken and the chairperson of the board of management or a member of the board of management delegated by the chair will open the meeting.

It is not necessary to postpone the meeting if a government commissioner has not come to the meeting.

After the opening of the meeting a chairperson, a sufficient number of deputies and secretaries will be elected to manage the meeting.

Management of the meeting will be conducted by the chair of the general council. The secretaries will take minutes of the meeting and sign them, together with the chairperson.

After the meeting all records and documents will be given to the management council.

ISSUES TO BE DISCUSSED IN THE MEETING

Article 25 - Only items appearing on the agenda may be discussed at the general council meeting. However, issues which at least one in ten of those members present wish to discuss must be brought onto the agenda.

DUTIES AND COMPETENCE OF THE GENERAL COUNCIL

Article 26 - The following issues may be discussed and decided at the general council meeting.

1. Election of the organs of the association,
2. Alteration of the association's statute,
3. Discussion of reports by the board of management and the audit board; discharging the management committee,
4. Discussion of the budget drawn up by the management board and approval of the budget as submitted or after amendment,
5. Authorization of the board of management to purchase property for the purposes of the association or to sell existing property,
6. Participation of the association in a federation or quitting a federation,
7. International activities of the association, participation of the association as a member of a foreign association or organization, or quitting such an association or organization,
8. Winding up the association,
9. Carrying out other duties within the constraints of regulations and the statute of the association as indicated by the general council.

COMPOSITION AND DUTIES OF THE BOARD OF MANAGEMENT

Article 27 - The board of management, consisting of not less than five permanent and five reserve members, shall be elected by secret ballot by the general council. Where a permanent seat on the board becomes vacant, the reserve members must be summoned to take over the duty.

The board of management shall undertake the following:

1. To represent the association or to authorize one or more of its own members to fulfil this function,
2. To decide on the opening of branches, and to give authority to the founders of such branches,
3. To carry out procedures related to the income and expenditure accounts of the association, to prepare a budget for the forthcoming period and submit it to the general council,

4. In the case of acceptance of persons who are not Turkish citizens as members, to inform the most senior local government representative of this fact within ten days,

5. To carry out other activities demanded by the regulations and statute of the association and to exercise the relevant authority.

IN THE CASE THAT THE BOARD OF MANAGEMENT CANNOT BE MADE UP TO STRENGTH WITH RESERVE MEMBERS

Article 28 - If the number of members of the board of management falls below the level of half the total membership as a result of vacancies in the board being substituted with reserve board members, a general council shall be called within one month by the existing board of management members or by the audit board. If the general council is not called, any one of the association members may apply to the local peace magistrate and a delegation of three members of the association will be formed to issue invitations to a general council meeting within one month.

COMPOSITION AND DUTIES OF THE AUDIT BOARD

Article 29 - The audit board shall consist of not less than three permanent and three reserve members elected by the general council.

This board will carry out its audit functions as indicated in the statute of the association at intervals of not more than six months and submit the findings of its audit to the management board, and to the general council when it assembles.

NOTIFICATION TO THE AUTHORITIES OF THOSE ELECTED TO THE ORGANS OF THE ASSOCIATION

Article 30 - Within seven days following the election at the general council, the chairperson of the management board shall inform the most senior local government representative in the place in which the headquarters of the association is situated of the name, surname, father's name, date and place of birth, profession and address of the permanent and reserve members elected to the management and audit boards and to the other organs of the association. Student associations shall in addition inform the relevant higher education institution of elections to the organs of their association.

ESTABLISHMENT OF BRANCHES

Article 31 - Associations may open branches wherever they see fit, provided that this is indicated in their statute. Associations, other than those beneficial to the public good, may not open more than one branch in any one provincial capital, town, and village.

For this purpose, at least three people delegated by the management board of the association shall apply in writing to the most senior representative of government in the place at which it is planned to open the branch. This written notification shall include

name, surname, father's name, date and place of birth, profession or trade, nationality and address of the founders, together with the address of the branch center, the authorization document and two copies of the statute of the association.

The founders of a branch must have been resident for at least six months in the place at which the branch is to be opened.

BRANCH ORGANS

Article 32 - Every branch must establish;

1. A general council,
2. A board of management,
3. An audit board or auditor

The duties and competence of these organs shall be indicated in the statute of the association.

PROVISIONS WHICH SHALL APPLY TO BRANCHES

Article 33 - The provisions of this Law shall also apply to branches of associations.

However,

1. Advertisement of the branch general council may be carried out through the local newspaper, but may also be carried out using local methods and resources.
2. Ordinary general council meetings in branches must be carried out at least 15 days prior to the headquarters' general council meeting.

FOURTH PART

Federations and Confederations

FOUNDATION

Article 34 - A federation consists of at least three associations founded with the same aim and working for the public good coming together as members in order to achieve their aims; a confederation consists of at least three federations founded with the same aim coming together as members in order to achieve their aims.

The provisions of Articles 5, 6 and 7, and the Articles contained the First and Third Parts of the Second Section and the Third, Fourth, Fifth, Sixth, Seventh and Eighth Sections shall apply also to federations and confederations.

If the number of members of federations and confederations should fall below three and this situation is not remedied within three months, the provisions concerning automatic winding up which appear in Article 51 shall apply.

Associations may not organize themselves other than as federations, and federations may not organize themselves other than as confederations.

Whatever names federations and confederations may be organized under, they may not form organizations and open forms of representation which carry out activities outside their headquarters.

STATUTES

Article 35 - Every federation and confederation shall have a statute.

In this statute, apart from the provisions noted in paragraphs 1, 2, 4, 5, 6, 7, 20, 11 and 12 of Article 8, it must also show;

1. The names of the associations or federations which make up the organization, together with their headquarters and address.
2. The contributions to be paid by the members to the organization,
3. The name, surname and address of the provision management council members who are authorized to conduct the affairs of and to represent the federation or confederation until such time as it has established its organs, and also the name and surname of the person or persons authorized to receive correspondence and notification.

ACHIEVING INCORPORATED STATUS

Article 36 - Federations and confederations achieve incorporated status with the delivery to the most senior local government representative of four copies of their statute appended to their notification of foundation.

To the notification of foundation shall also be appended four copies of the decision made by associations making up a federation or federations making up a confederation at their general council stating that they wish to join a higher organization.

Copies of the statute and the general council decisions shall be sent to the Interior Ministry. These shall be dealt with as indicated in Article 10.

THIRD SECTION

Prohibited Activities and Activities Subject to Permission

PROHIBITED ACTIVITIES

Article 37 - Associations

1. Associations may not carry out activities outside the aim indicated in their statute or outside the purposes and methods indicated in order to achieve those aims.
2. Associations may not carry out activities with the aims prohibited for associations in Article 5 of this Law.
3. They may not carry out any activities application of legal provisions in respect of the services of Turkish Armed Forces or the police, or the rights of any members thereof, or for the imposition of new provisions in respect thereof.

The officials of an association may not participate as representatives of their association in any meetings or demonstration marches, or make any declarations which are not in accordance with the aims and forms of activity indicated in the statute of their organization, and shall not encourage members of their association to engage in such activities.

AIMS AND ACTIVITIES OF STUDENT ASSOCIATIONS

Article 38 - Students registered in institutions of higher education may only found associations for the purpose of meeting their requirements for education, work, moral support, nutrition, recreation, development of physical or mental health, or representation by students in respect of such issues vis-a-vis the institution in question or other organizations. Student organizations may not carry out activities for purposes other than these.

AIMS AND ACTIVITIES OF ASSOCIATIONS FOUNDED BY PUBLIC SERVICE PERSONNEL

Article 39 - Public service personnel working for a particular institution or organization, irrespective of whether or not they work at the same institution or organization may only establish associations for the purpose of meeting the mutual social, economic, recreational, cultural or professional needs of such public service personnel. These associations may not carry out activities other than the above.

PROHIBITION ON ACTIVITIES IN PREPARATION FOR THE NATIONAL DEFENCE, CIVIL DEFENCE OR POLICE SERVICES

Article 40 - Associations may not carry out educational and training activities in preparation for military service, or for national defence, civil defence or police services. They may not open camps or training places for such purposes.

FACILITIES WHICH ASSOCIATIONS MAY OPEN, SUBJECT TO PERMISSION

Article 41 - Associations may, in order to fulfil the purposes indicated in their statute and subject to permission, open lodgings, guest houses, libraries and reading rooms for the purpose of education and training not forbidden by law, kindergartens, old people's homes and canteens for the purpose of social assistance activities, sportsgrounds and halls for sporting activities and camp facilities in non-residential areas. A regulation to be passed by the Council of Ministers 2 will indicate from which body permission shall be obtained for which facilities, and establish the principles and procedures for obtaining permission.

PROHIBITION ON BEARING ARMS

Article 42 - It is forbidden to bear firearms and ammunition, explosive materials, any dagger, dirk, attack knife, stiletto, swordstick, switchblade, scimitar, sword, bayonet, any grooved and pointed knife, club or club-ended whip, strangling wire or chain, knuckleduster, or any similar tool or instrument solely used for defence or attack, nor any inflammable or corrosive or wounding chemical, any form of poison or gas in the headquarters of the association or its branches or any institution or annex thereto.

LINKS WITH FOREIGN ASSOCIATIONS AND ORGANIZATIONS

Article 43 - Invitations by associations to members of foreign associations and organizations, and visits abroad by association members or representatives to foreign associations and organizations in response to invitations therefrom

are subject to permission from the Ministry of the Interior in consultation with the Foreign Ministry and other relevant ministries.

PUBLICATION OF LEAFLETS

Article 44 - Associations may not prepare or distribute leaflets, declarations or similar publications without a decision from the board of management. Decisions to publish any leaflets, declarations or similar publications must bear the name, surname and signature of the chairperson and members of the board who gave the decision to published the said items.

A copy of the decision to publish a leaflet, declaration or similar, together with a copy of the text of the publication in preparation must be submitted, as a notification of publication, to the most senior local representative of government and the Public Prosecutor, in exchange for a receipt showing the day and hour upon which it was delivered. The leaflet, declaration or similar may not be distributed or given to the press for 24 hours after submission to the most senior local representative of government.

If the leaflet, declaration or similar is written in any language or script forbidden by law, or threatens the internal or external security of the nation, or its indivisible unity, or if it is of a nature which would give incitement to commit a crime, or riot or revolt, or if it discloses secret documents of the state, or infringes others' reputation or rights, or their

private and family life, and only if delay would present a risk, the publication in question may be postponed or prevented or, if it has been distributed, confiscated on the orders of the most senior local representative of government. The most senior local representative of government must inform the primary court bench of this decision within 24 hours. The judge will examine the decision of the senior local representative of government within 48 hours at most and give a decision. If a decision is not given within this period, the decision of the senior civil servant shall be deemed void.

The above provisions shall not apply to political parties.

FOURTH SECTION

Inspection of Associations

GENERAL AUDIT

Article 45 - All administrative premises, buildings and annexes, all books, accounts and proceedings of associations are subject to inspection at any time by the Interior Ministry or the most senior local representative of government. The Interior Ministry may carry out such inspections through the Ministry Inspection Council, the Inspection Council of the General Directorate of Security, members of the Special Associations Supervision Group, other civil servants employed in the Ministry or in the central organizations of the General Directorate of Security, personally by the most senior local representative of government or by a civil servant or servants delegated by the most senior local representative of government.

Associations may be inspected by the ministries responsible for the area of their aims and activities, and also student associations may be inspected by the relevant institution of higher education, religious associations may be inspected by the Ministry for Religious Affairs, and sport associations and clubs may be inspected by the General Directorate for Physical Training.

In the course of such inspections, the officials of the association shall show or hand over all manner of books, documents and proceedings in writing which may be required by the authorized civil servants, and must provide access in response to any demand to enter the administrative premises, buildings and annexes.

During inspections carried out by Governors and Local Governors, or inspectors [illegible], members of the Special Associations Supervision Group of the Interior Ministry and officials of the relevant institute of higher education may temporarily remove from office any chairperson or member of the management council or relevant personnel who:

1. Declines to permit a safe or cash box to be checked, show moneys, paper representing moneys or accounts and records thereof, respond to questions, permit access to the headquarters, buildings or annexes,

2. Commits any important offence of fraud, theft, deception, forgery, abuse of religious belief or smuggling,
3. Commits any offence requiring the imposition of a heavy prison sentence,
4. Forges a document.

If the inspection has been carried out by a civil servant or servants appointed by a governor or local governor, any decision by such a civil servant or servants to remove an official from duty shall take effect upon approval by the governor or local governor.

A decision to remove an official from post and the reasons for the said decision shall be communicated by the office of the governor in question to the Public Prosecutor within three days.

ESTABLISHMENT OF A SPECIAL ASSOCIATIONS SUPERVISION GROUP

Article 46 - A Special Associations Supervision Group shall be established within the General Security Directorate of the Interior Ministry in order to supervise whether or not associations are carrying out activities in line with their aim as stated in their statute, and whether their proceedings, books and accounts are being kept in accordance with regulations and their statute. The foundation of the Special Associations Supervision Group, its principles and methods of inspection shall be established by a regulation 3

FINANCIAL INSPECTION OF ASSOCIATIONS WORKING FOR THE PUBLIC BENEFIT

Article 47 - Inspection of the accounts of associations working for the public benefit, and of books and documents relevant to these accounts may be carried out by the Finance Ministry, where necessary.

COMPETENCE OF THE EXECUTIVE AND POLICE AUTHORITIES

Article 48 - The police may at any time enter the administrative premises, buildings, facilities and annexes of associations at any time, upon the written orders of the most senior local representative of government.

The provisions of Article 8 of the Law on the Duties and Powers of Police dated 4/7/1934 No 2559 shall be applied to the premises and annexes if:

1. Persons under 18, or middle school or middle education students are admitted without their guardian or protector present,
2. Prostitution, gambling or activities contrary to public morals are conducted,
3. Any narcotics are used

4. Weapons, tools or materials forbidden by the law, pictures, posters, placards or writings representing any regime, doctrine or ideology prohibited by law, or any writings prohibited by a decision of a court are present, or if any activity contrary to law is being conducted,

5. If shelter is being given to criminals,

6. If alcohol is used without permission.

Those younger than 18, students of middle-school and middle education may be admitted to the administrative center, buildings, facilities and all manner of annex of an association, and alcohol may be consumed in the association clubroom if permission is given by the most senior local representative of government upon the application of the management officials.

FIFTH SECTION

Conclusion of Incorporated Status

WINDING UP BY DECISION OF THE GENERAL COUNCIL

Article 49 - The general council of the association may decide at any time to wind up the association. For the general council to make a decision to wind up the association, two thirds of the members entitled, under the terms of the statute, to attend the general council must be present. If this majority is not achieved at the first meeting, the members may be called to a second meeting using the procedures contained in Article 21. Whatever the number of members at the second meeting, the proposition of winding up the association may be discussed. A decision to wind up the association must have a majority consisting of two thirds of those present at the meeting.

The winding up of the association must be communicated to the most senior local representative of government within five days.

If the general council of an association which is the subject of an ongoing prosecution for closure gives a decision for winding up, this shall not affect the continuation of the prosecution, or the legal consequences of any decision for closure.

WINDING UP BY COURT JUDGMENT

Article 50 - Associations may be wound up upon a decision by the primary court in a case opened by the Public Prosecutor on the basis of a complaint by the most senior local representative of government,

1. If the omissions or contraventions of law in the foundation notification and appendices are not remedied within 30 days in spite of a written request from the relevant authorities in line with Article 10,

2. If the ordinary general meeting is not held within the period stated in the statute of the association, or if those organs required by law are not established, and such irregularities are not remedied within three months of notification by the most senior local representative of government.

WHEN AN ASSOCIATION DISSOLVES OF ITS OWN ACCORD

Article 51 - Where an association is unable to hold two successive general council meetings due to the fact that it has lost the aims and conditions of its founding, or because it has had insurmountable difficulties, or it has proved impossible to establish a board of management according to the terms of the statute, it shall be deemed to have dissolved

of its own accord. Whether or not an association has dissolved of its own accord shall be decided by the most senior representative of government in the location of the headquarters of the association.

CLOSING AN ASSOCIATION BY COURT JUDGMENT

Article 52 - An association can only be closed down by court judgment in circumstances provided for in this law and other laws.

A court may at any point in a case decide on its own initiative or upon an application made to it, to prohibit all activities of an association.

CLOSING AN ASSOCIATION WHICH HAS BECOME A SOURCE OF CRIMINAL ACTIVITY

Article 53 - If it is established by judgment of a court that:

1. Albeit in various parts of the country,
 - a) The management of the association, or the management of the association with the participation of the members have committed a crime with political or ideological aims,
 - b) Or that a crime with political or ideological aims was committed by association members subsequent to the provocation, incitement, pressure, assistance or accommodation of the management of the association,
2. Or that the association has become a source of activities deemed criminal, the association may be closed down up the request of the relevant governor or Public Prosecutor in the case of associations active within one province, or upon the request of the Interior Ministry or the governor or Public Prosecutor of the province in which the headquarters of the association is located.

SUSPENSION OF AN ASSOCIATION BY A GOVERNOR

Article 54 - Where delay would be unacceptable because of the need to prevent crime, protect the rights and freedoms of citizens, public morality, public order, national sovereignty, national security or the indivisible unity of the nation and people, an association may be suspended from activity by the reasoned decision of a provincial governor. Such a decision is similarly valid for branches of the organization. A decision for suspension of the activities of a branch shall only apply to that branch and shall not affect the whole of the association of which it is a part.

Where a decision to suspend activities has been taken by reason of criminal actions, a file prepared by the relevant governor shall be submitted as soon as possible to the Public Prosecutor.

A suspension of activities shall be valid until such time as the defendants are acquitted or granted a decision not to prosecute or a reverse decision is given by an administrative judge or until the governor withdraws the suspension. The suspension shall not exceed three months if no application is made to judicial authorities.

An association may not open a new branch to replace a suspended branch while the decision to suspend activities remains in force. The local peace court shall be appointed trustee for the protection of the material and legal affairs of an association under suspension.

WINDING UP

Article 55 - The liquidation of property, money and legal rights belonging to associations deemed to have wound up or dissolved of their own accord shall be carried out according to the principles in their statute. Where assessment of the property, money and legal rights is, according to the statute, to be conducted by decision of the general council and the general council has failed to assemble or take a decision, all the money, property and rights of the association shall accrue to the treasury.

The winding up of associations closed down by a court and the transfer of all money, property and rights to the treasury shall be accomplished under the supervision of a government commissioner or a representative of the treasury. These proceedings shall commence as from the date on which the association dissolves of its own accord, is wound up or closed.

Following the liquidation and transfer to the treasury of the money, property and rights of an association concerning which a dissolution, winding up or closure decision has been made, the records and activities of the association within the "register of associations" shall be struck out upon the approval of , in the case of associations confined to one province, the most senior local representative of government, and of the Interior Ministry in the case of associations present in more than one province.

If a judgment for winding up and therefore transfer of property has been made concerning an association in respect of which an investigation or case for closure has been opened,

the handover procedure may not be carried out until the investigation or case has concluded.

PROHIBITION ON ASSUMING DUTIES IN STUDENT ORGANIZATIONS

Article 56 - A student who has completed their period at an institution of higher education to which the term system applies, or who has failed to graduate when they have fulfilled their number of terms, or have not reached the conclusion of their studies in the manner normal in the educational institution in which they are enrolled within two years of their proper date of conclusion, even in another educational institution, may not become chairperson, member of the management or audit board or otherwise take office in student associations, and may not be elected as student representative of an association. If, after election, a student should fall into the categories mentioned above, they shall lose the office they had won.

YOUTH AND SPORT CLUBS

Article 57 - Associations may be founded by members of public institutions and organizations, organizations of higher education and private organizations within the structure of the said institutions and organizations for the purpose of organizing sporting activities and using free time.

Such associations, associations founded for the purpose of participation in youth activities and associations for participation in sporting activities of the Ministry of Youth and Sport shall be entered in the registers of the General Directorate for Physical Training. The terms and conditions of registration of youth and sport clubs will be set out in regulations 4 to be prepared by the Ministry of Youth and Sport and the General Directorate for Physical Training.

Associations thus registered and founded for the purpose of sports activities, sports clubs, youth clubs founded in order to make profitable use of spare time and associations with the aim of carrying out both activities shall take the name youth and sport club.

It is not necessary that persons participating in the activities of clubs or using facilities should be members. Those younger than 18 and middle school students must obtain the written permission of their parent or guardian in order to participate in activities of such clubs.

The organs of clubs which acquire their name through registration, the duties and competences of such organs, the principles to which they must conform, the principles and procedures for developing higher organizations and the

forms and conditions of [illegible] to be made to such associations shall be laid out in regulations which will be established by a decision of the Council of Ministers.

Disciplinary measures with respect to administrative and technical managers of youth activities, their members and those participating in such activities will be laid out in regulations 5 to be prepared by the General Directorate for Physical Training as well as those concerning sports activities to be prepared by the Ministry of Sport and Youth.

SIXTH SECTION

Various provisions

DEFINITION OF WORKING FOR THE PUBLIC GOOD

Article 58 - In order for an association to be deemed as working for the public good,

1. The association must have been operating for at least one year
2. The aim of the association and the activities undertaken in pursuit of this aim must be of a scope and nature to produce positive effects throughout the nation.

EVALUATION OF AN ASSOCIATION AS WORKING FOR THE PUBLIC GOOD

Article 59 - An association can achieve the status of an association working for the public good by resolution of the Administrative Affairs Council of the Supreme Administrative Court and approval of the Council of Ministers, on the initiative of the Interior Ministry.

A file on this issue shall be prepared by the Interior Ministry. For this purpose, associations shall give the following documents to the provincial governor in the province in which the headquarters of the association is situated, for submission to the Interior Ministry.

1. Most recent form of the association statute,
2. A copy of the newspaper in which the statute was published,
3. The number of members of the association and the amount collected from members in subscriptions for past years,
4. The number of branches of the association, location thereof, the number and type of affiliated organizations,
5. A report describing the past and planned activities and services of the association, from the perspective of the public good,
6. Balance sheet for the past year,

7. List of the fixed and moveable property of the association,

8. The resolution of the general council to be accepted as an association working for the public good.

If it is established during the course of ordinary or special inspection that an associations deemed to be working

for the public good has lost these characteristics, the decision that it is working for the public good may be quashed by means of the procedure outlined in the first paragraph.

INCOME OF ASSOCIATIONS

Article 60 - The sources of income for an association may be;

1. Members' subscriptions

2. Association publications and activities such as lotteries, balls, entertainments, shows, concerts, sports competitions and conferences,

3. Income from the association's properties,

4. Donations and grants,

5. Contributions and grants collected in accordance with the regulation on collection donations.

Associations may receive grants from persons or incorporated bodies situated in foreign countries, with permission from the Interior Ministry.

CONDITIONS OF DONATIONS TO ASSOCIATIONS

Article 61 - Associations may not accept any form of material donation from political parties, unions of workers or employers or professional organizations, and may not make donations to such organizations.

Offices funded by the general or supplementary budget, local administrations, public economic enterprises, institutions allied thereto and organizations in which the State has more than %50 financial interest may make grants to associations working for the public good. The Ministry for Youth and Sport and the General Directorate for Physical Training may make grants to sports clubs registered according to Article 57, youth clubs and youth and sport clubs; public institutions and institutions of higher education may assist amateur clubs founded in accordance with the first paragraph of Article 57.

RECORDS AND ACCOUNTS

Article 62 - Associations shall keep the following written records:

1. Register of members in which shall be entered the identification details of persons entering the association, together with their date of entry and monthly or annual subscription.
2. Record of resolutions; the date and series number of management board decisions shall be entered into this book, with resolutions undersigned by the chairperson and members.
3. Correspondence book. Incoming and outgoing documents shall be entered into this register, together with date and number.

The originals of incoming documents and copies of outgoing documents will be kept on file.

4. Income and expenditure account; this record will show, in an orderly fashion, all moneys taken in the name of the association and all moneys spent.
5. Budget, final account and balance sheet account; the budget, final account and balance sheet are entered in this account.
6. Record of fixtures and fittings; the association's fixtures and fittings are entered in this account.

The records listed in this account must be notarized. 6

PROCEDURES IN RESPECT OF INCOME AND EXPENDITURE

Article 63 - The income of an association is collected in exchange for a receipt, and expenditure is carried out with an expenditure document. These documents must be held for five years, while reserving the provisions of any special laws which may require them to be held longer. The receipt document to be used in receiving the income of the association shall be printed by the Ministry of Finance. The form of such receipt documents, their printing, their delivery to associations, audit of their use and fee will be laid out in a regulation to be established by the Interior Ministry and the Ministry of Finance 7.

The receipt document shall show the identity and signature of the person making the payment and donation.

If the Finance Ministry does not provide the receipt document within thirty days of the written request, the association may accept subscriptions and donations in exchange for receipt documents which it may print especially and have approved by the most senior representative of government.

The most senior local representative of government shall approve the receipt documents by entering them into a statement in the form of a list.

After official receipt documents have been issued by the Ministry of Finance, the special receipt documents may no longer be used. The board of management shall nominate by resolution persons to collect subscriptions or donations and shall have the resolution registered with the most senior local representative of government.

ACQUIRING OWNERSHIP OF PROPERTY

Article 64 - Associations may only purchase buildings for their accommodation, and for purposes necessary for their aims and activities.

The Interior Ministry must be informed within three months of registry with the land registry office of any property purchased, donated or inherited. Properties established to be surplus to the requirements of the association according to the terms in the first paragraph shall be converted to money by the association within a period of time set by the Interior Ministry. The council of ministers, where it deems fit, may give permission for associations working for the public good to hold property in excess of their requirements under the terms of the first paragraph.

ASSOCIATION NAMES SUBJECT TO PERMISSION

Article 65 - Associations may only add to their names the words Turkish, Turkey, National, Republic, Atatürk and Mustafa Kemal, with any suffixes or prefixes thereto, by resolution of the Council of Ministers.

Student associations shall take the name of the higher education institutions within which they were founded. No other association may be founded under any circumstances using these names.

PLACES FORBIDDEN TO ASSOCIATION ACTIVITIES

Article 66 - The headquarters and branches and administrative units for various activities of student associations shall not be opened in student halls of residence or annexes thereto.

Associations shall only conduct meetings and other activities in public service buildings and facilities and any official or private education and training institutions or annexes thereto with the agreement of an authorized official of the said institutions and with the permission of the most senior local representative of government.

APPOINTMENT OF A GOVERNMENT COMMISSIONER

Article 67 - The most senior local representative of government may appoint as a government commissioner to be present at general council meetings, a civil servant who

shall not be a judge, prosecutor, a member of the judiciary, a member of the Turkish Armed Forces or of the general or special police forces. Where necessary the commissioner may be allocated as many assistants as necessary.

DUTIES AND COMPETENCES OF THE GOVERNMENT COMMISSIONER

Article 68 - The duties and competences of the government commissioner are as follows:

1. To establish whether or not the process of invitation to the general council has been carried out according to proper procedures,
2. To mark the list of those who are entitled to attend according to the statute, and thereby to establish who has attended the meeting,
3. To establish whether or not the course of the meeting is in keeping with regulations, the statute of the association and the items appearing on the agenda, and to warn the chairperson and deputies of the congress where proceedings are seen to be on contravention of the foregoing,
4. To request all manner of assistance from the police forces where necessary in order to establish order in the meeting, and to ensure that the meeting proceeds in a peaceful manner,
5. Where necessary, to record the proceedings of the meetings using sound recording equipment, photographs and film equipment.

INFORMING THE PUBLIC PROSECUTOR OF CONTRAVENTIONS OR LAW OR STATUTE

Article 69 - The government commissioner or the most senior local representative of government must inform the local Public Prosecutor within 24 hours if they establish that the meeting has been conducted in a manner contravening law or the statute of the association.

FEE TO BE PAID TO GOVERNMENT COMMISSIONER

Article 70 - The amount of the fee to be paid to the government commissioner and assistants thereof shall not exceed the daily pay of a domestic salaried civil servant of the first degree, to be fixed jointly by the Interior Ministry and the Ministry of Finance. This fee shall be paid by the association in question and paid into the office of the treasury cashier at least two days prior to the general council meetings.

SPECIAL CIRCUMSTANCES

Article 71 - The Red Crescent Association of Turkey shall be organized and administered in accordance with the duties and competences imposed by special laws and

by its statute drawn up on the basis of characteristics and situations provided for in international agreements and approved by the Council of Ministers.

The Turkish Aviation Council shall be organized and administered in accordance with the duties and competences imposed by law and by its statute as approved by the Council of Ministers.

The property of the Red Crescent Association and the Turkish Aviation Council shall be considered as state property. Those committing offences against them shall be dealt with as in the case of a civil servant.

ASSOCIATIONS FOUNDED ABROAD BY TURKISH CITIZENS

Article 72 - Two certified copies of the statute of any association founded by Turkish citizens abroad, together with a list showing the identity details of members of the management board and association members must be submitted to the Turkish Consulate in or nearest the place where the association is located, in order that it can be forwarded to the Ministry of the Interior.

These associations must similarly give notification of changes to the board of management or membership.

Turkish citizens may not found associations abroad for purposes which are prohibited by this law, and Turkish citizens may not be members of such associations.

ASSOCIATIONS UNIT

Article 73 - Associations units shall be established by the Interior Ministry in the General Security Directorate and in the provincial security directorate in order to carry out business and procedures in respect of associations, and to supervise their services.

A regulation to be prepared by the Interior Ministry 8 will establish provisions for the foundation of such units, their duties and competences, and the principles on which the Register of Associations is drawn up.

LITIGATION PROCEDURES

Article 74 - Simple litigation procedures shall apply in the courts of law dealing with cases under this Law.

In cases requiring prosecution in respect of actions in contravention of the terms of this Law, prosecution and investigation shall be conducted according to the Law No 3005 concerning Prosecution Procedures for Crimes in Flagrante Delicto, but without requirement for consideration of grounds as indicated in Article 1, or time period as indicated in Article 4 thereof.

Public prosecutors shall gather all evidence and open public prosecutions without being bound by the time period indicated in Article 4 of Law No 3005.

SECTION SEVEN

Penal Provisions

Article 75 - Persons who found an association in spite of the fact that they do not have the right to found an association under Article 4 of this Law, persons who join associations as members when they are forbidden by law from becoming a member, board members who knowingly accept as association members person who are forbidden by law from becoming a member, or knowingly fail to strike them out, or fail to strike from membership persons who, while a member, lose the right to membership of associations, shall be punished by a fine of from five thousand to ten thousand lira 9

Article 76 - Persons who found associations forbidden under Article 5 of this Law and association board members who act in contravention of subsection two of the first paragraph of Article 37 shall be punished by imprisonment of one to three years and a fine of thirty thousand lira, provided that circumstances do not indicate an increased penalty, in addition to judgment for closure of the association.

Persons acting in contravention of the final paragraph of Article 72 shall, if they are in Turkey, be punished as indicated in the first paragraph of this article without consideration of their record of punishment as indicated in the first paragraph of Article 5 of the Turkish Penal Code.

Article 77 - Association board members acting in contravention of subsections (1), (2), (3) and (4) of the first paragraph of Article 6 of this Law shall, provided that circumstances do not indicate an increased penalty, be punished by imprisonment for six months to two years, in addition to judgment for closure of the association.

Association members acting in contravention of the final paragraph of Article 6 shall, provided that circumstances do not indicate an increased penalty, be punished by imprisonment for six months to two years.

Founders and board members of associations acting in contravention of Article 7 of this Law, board members acting in contravention of subsections (1) and (3) of the last paragraph of Article 37 or the last paragraph, or in contravention of Article 38 or 39 of this Law shall be punished by six months to two years' imprisonment. Where punishment is for contravention of Article 38 or 39, judgment shall also be given for closure of the association.

Article 78 - Association board members who fail to fulfil the requirement for notification described in Article 13 of this Law shall be punished by a fine of five thousand to ten thousand lira.

Association board members who conduct their general council meeting in contravention of law and the statute of their association shall be punished by a fine of ten thousand to twenty thousand lira, provided that their action does not require an increased penalty.

Those who fail to give notification within the period indicated in the second paragraph of Article 21 of this Law, or who do not notify the administrative authorities concerning those elected to the organs of the association within the period stated in Article 30 shall be punished with a fine of five thousand to ten thousand lira.

The court may give judgment for nullification of general council meetings held in a manner contravening law or the statute of the association.

Article 79 - Management board members who hold general council meetings other than in the place where the headquarters of the association is located, in contravention of Article 22 of this Law, and persons who authorise such an act, or who conduct meetings in places other than those indicated in the second paragraph of the article, or who permit such meetings to be held in student halls of residence shall be punished by imprisonment from three to six months.

Board members who open the headquarters of branches of the association in places forbidden by Article 66, or who engage in activities without permission, and authorized persons who permit such to occur, or who know about such activities but fail to notify the legal authorities shall be punished according to the preceding paragraph.

Article 80 - Board members acting in contravention of Article 40 of this Law shall, provided that circumstances do not indicate an increased penalty, be punished by imprisonment for not less than one year and closure of the facility.

Board members who open facilities as indicated in Article 41 of this Law shall be punished by a fine of ten thousand to thirty thousand lira and closure of the facility.

Article 81 - Those who act in contravention of Article 42 of this Law shall, provided that circumstances do not indicate an increased penalty, be punished by imprisonment of from six months to one year's imprisonment and a fine of ten thousand to fifty thousand lira.

Article 82 - Those who act in contravention of Article 43, or the first or second paragraphs of Article 44, who do not fulfil the requirement of the third paragraph of Article 45, who fail to give notification as indicated in the second paragraph of Article 64 or who do not liquidate their property within the period indicated by the Ministry shall be punished by imprisonment of three to six months.

Article 83 - Those who accept duties in contravention of Article 56 of this Law, or who fail to resign within one week of learning that such duties have been given, shall be punished by a fine of five thousand to ten thousand lira.

Article 84 - Private individuals and directors or authorized persons of organizations who assist associations in contravention of Article 61 of this Law, and association board members who accept such assistance, shall be punished by imprisonment of three months to one year.

If such assistance has been accepted, judgment shall be given for the assistance to be collected by the treasure as income.

Article 85 - Those who engage in deceit in the counting or apportioning of votes during voting in the general council or in elections in other organs of the association, or who forge, destroy or hide records or registers, shall, provided that circumstances do not indicate an increased penalty, be punished by imprisonment of from six months to three years' imprisonment and a fine of thirty thousand to one hundred thousand lira; while those who fail to keep the association's records or registers shall be punished by up to three months' imprisonment or a fine of from five thousand to ten thousand lira.

Any chairperson of the board of management or members thereof, or auditors, or any other officer of the association who spends, consumes or lends money donated to the association, or papers representing money, bonds or other property to their own benefit, or to the benefit of another person, or who sells, conceals, destroys, forges or spoils the foregoing, shall, provided that circumstances do not indicate an increased penalty, be punished by imprisonment of from six months to two years' imprisonment and a fine of not less than ten thousand lira.

Article 86 - Association members, board members and other persons who fail to abide by the main provisions of this Law, in circumstances not covered by other provisions, will be punished by a fine of three thousand to ten thousand lira, unless another punishment is provided for.

Article 87 - The penal provisions indicated in Articles 75-86 shall also apply to board members and officers of clubs, federations and confederations which come within the scope of Article 57.

SECTION EIGHT

Final Provisions

TURKISH CONFEDERATION FOR THE DISABLED

Article 88 - Associations founded for the purpose of serving the disabled must form four federations consisting of the Federation for the Blind, the Federation for the Deaf, the Federation for the Orthopaedic Disabled and the Federation for the Mentally Disabled, which must combine to form the Turkish Confederation for the Disabled.

FUNDS FOUNDED BY ASSOCIATIONS

Article 89 - Associations may establish funds for the purpose of providing essential items such as food or clothing as well as other goods and services and to meet short term credit needs, on condition that there is a provision in their statute, and that any profit is not distributed among the members of the association, and that it is not distributed to members as [ristum], interest or under any other name.

Principles for the founding and functioning of such funds shall be established by a regulation to be prepared by the Interior Ministry 10.

OPENING SOCIAL CLUBS

Article 90 - The founding and operation of social clubs by associations is subject to permission by the most senior local representative of government. Associations other than those founded for the public good may only open one social club in the place where their headquarters and each of their branches are founded.

CEMIYETLER (COMMUNITIES) AND REFERENCES TO THE LAW ON ASSOCIATIONS (DERNEKLER)

Article 91 - References in other laws to particular articles of the Communities Law No 3512 or to the Law on Associations No 1630, or in appendices or amendments thereto shall be considered as having been made to this Law or to an article or articles governing the same issue in this Law.

APPLICATION OF PROVISIONS OF THIS LAW TO PROFESSIONAL ORGANIZATIONS

Article 92 - The second paragraph of Article 21, and Articles 30, 37, 40, 42, 44, 45, 48, 65, 66, 67, 68, 69, 70 and 90 of this Law, shall also apply, together with the relevant penal articles, to professional organizations counted as public institutions, unions of workers and employers, and higher organizations thereof, provided that there are no provisions in special laws.

APPLICATION OF THE TURKISH PENAL CODE

Article 93 - In circumstances not covered by this law, the provisions of the Turkish Penal Code shall apply.

REGULATION

Article 94 - Regulations anticipated by this Law 11 shall enter into force within six months, upon publication in the Official Gazette. Until these regulations are issued, the provisions of existing regulations, where such do not contradict the provisions of this Law, shall continue to apply.

PROVISIONAL ARTICLES

Provisional Article 1 - Confederations, federations and associations in existence on the date on which this Law enters into force shall bring themselves into line with the provisions of this Law within six months and even where no change is made, shall provide four copies of their statute to the most senior local representative of government.

The management boards of confederations, federations and associations shall be entitled to make the changes in their statute necessary to bring them into conformity with this Law, within the period laid down in the first paragraph. Such changes to the statutes shall be submitted for decision by the next ordinary or extraordinary meeting of the general council.

Confederations, federations and associations which fail to submit their statute to the most senior representative of government in the place in which their headquarters are situated within the period indicated in the first paragraph, shall be considered, upon a decision by the most senior representative of government, to have dissolved themselves.

Provisional Article 2 - Confederations, federations and associations in existence on the date on which this Law enters into force shall give notification of the property in their ownership, appending relevant land deeds and tax registration, and of their requirements, to the most senior representative of government in the place in which their headquarters is situated, to be forwarded to the Interior Ministry.

Those properties which are identified by the Interior Ministry as not necessary for the confederation, federation or association under the terms of Article 64, shall be converted into money within a stated period.

Provisional Article 3 - If federations and confederations in existence on the date on which this Law is published are unable, within two years of the Law coming into force, to achieve the membership and characteristics necessary to establish themselves as federations and confederations as provided for in the conditions contained in Article 34, they shall be considered, upon a decision by the most senior representative of government, to have dissolved themselves.

Provisional Article 4 - Those federations, confederations and associations which, on the date on which this Law comes into force, are operating halls of residence, guest houses, libraries, reading rooms, kindergartens, old people's homes, canteens, sportsgrounds or meeting rooms and camp facilities are obliged to obtain, within six months of the coming into force of the regulation envisaged in Article 41, permissions from the authorities indicated in that regulation. Those facilities for which permission has not been sought or given shall be closed down at the end of this term.

Provisional Article 5 - The membership of those persons whose membership of associations is subject to permission under subsection 1 of the second paragraph of Article 16 of this Law, and who fail to obtain the necessary permission within six months of the Law coming into force, shall automatically be terminated.

The names of associations which public service employees, as mentioned in the second subsection of the second paragraph of the same article, may join will be announced by ministries within a maximum of six months of this Law coming into force. Relevant persons' membership status with associations other than those so announced shall automatically terminate within three months of the date of the announcement.

In the above case, the membership registrations shall be struck out upon the application of the relevant persons or ex officio by the association board members.

Provisional Article 6 - Associations founded with the aim of assisting disabled persons, but which fail to join the relevant federation within three months of the foundation of federations and confederations as envisaged in Article 88 shall be counted as having dissolved themselves, and shall be wound up as provided for in Article 55 of this Law.

ABOLISHED LAWS

Article 95 - The Associations Law No 1630 of 22/11/1972 and appendices and revisions thereto have been abolished.

VALIDITY

Article 96 - This Law shall enter into force on the date of its publication.

EXECUTIVE

Article 97- The provisions of this law shall be executed by the Council of Ministers.

LAW ON THE ESTABLISHMENT OF INTERNATIONAL ORGANIZATIONS 12

Article 1 - Where it is perceived to be in the interests of fraternity and cooperation at an international level, Turkish and foreign real and legal bodies, or legal bodies alone, for purposes not prohibited by law and other than profit sharing, in order to develop cooperation in economic and technical fields and to take mutual advantage of information, experience and technologies, both in Turkey and abroad, may,

- a) Where they are at least seven in number, establish an international union, federation or similar organization or open branches of such organizations already established,
- b) Participate in international activities,
- c) Participate in or collaborate with existing organizations and similar associations,

subject to permission by the Council of Ministers on the Initiative of the Ministry of the Interior in consultation with the Foreign Ministry.

Organizations as provided for in sub-section (a), where established in Turkey, shall become incorporated by submitting their notification of foundation and appendices to the most senior representative of government in the place where the headquarters is situated.

Where such organizations lose the original aims and conditions with which they were established, or fail to fulfil their responsibilities under law and their statute, they shall be deemed to have dissolved themselves.

Upon the permission of the Council of Ministers in consultation with the Foreign Ministry, public organizations and institutions may also participate in international unions, federations or similar organizations active in the same area, along the lines envisaged in the first paragraph.

Article 2 - Concerning the supervision of organizations founded according to this Law, the winding up of such incorporated bodies and suspension of their activities, the provisions of the Law on Associations No 2908 shall apply, and in situations where there is no relevant provision in this Law, general provisions shall apply. However, where it is understood that such organizations are operating in a manner contrary to our laws, or our national interests or the principles on which the said organizations were founded, the activities of the said organizations may be temporarily suspended by the Council of Ministers on the initiative of the Interior Ministry in consultation with the Foreign Ministry.

The membership, organs, meetings, procedures for resolution, activities and similar issues will be indicated in their statute for approval by the Interior Ministry in consultation with the Foreign Ministry.

Provisional Article 1 - (This was a provisional article of Law 3335, concatenated as number m under Law 3520 dated 1/2/1989)

Such organizations already in existence must bring their legal status into line with this Law within one year. Organizations which fail to regularize their situation within this period shall be deemed to have been legally wound up, without requirement for any further action.

Article 3 - This law shall enter into force from the date of publication.

Article 4 - The provisions of this law shall be executed by the Council of Ministers.

**LAW CONCERNING ASSOCIATIONS OF TURKISH RETIRED
COMMISSIONED OFFICERS, RETIRED NON-COMMISSIONED OFFICERS,
DISABLED VETERANS, MARTYRS, WIDOWS, ORPHANS, AND WAR
VETERANS 13**

AIM AND SCOPE

Article 1 - This Law establishes the principles and practice relating to Associations of Turkish Retired Commissioned Officers, Turkish Retired Non-Commissioned Officers, Turkish Disabled Veterans, Martyrs, Widows, Orphans, and Turkish War Veterans established in order that those leaving the Turkish Armed Forces can relive their shared memories relating to their military career, continue their solidarity and meet their social and cultural needs.

FOUNDERS

Article 2 - Of such associations subject to this Law:

- a) Turkish Retired Commissioned Officers' Associations; shall be founded by commissioned officers leaving the Turkish Armed Forces through retirement or disability,
- b) Turkish Retired Non-Commissioned Officers' Associations; shall be founded by non-commissioned officers, master sergeants, and master gendarmerie sergeants leaving the Turkish Armed Forces through retirement or disability,
- c) Turkish Disabled Veterans, Martyrs, Widows and Orphans' Associations; by those disabled during war and duty,
- d) Turkish War Veterans' Associations; by those who have served in time of war.

INCORPORATION

Article 3 - The statute of any organization founded under the terms of this Law shall be examined by the Ministry of National Defence and forwarded to the Interior Ministry in its final form after necessary additions or changes have been made. The association shall be deemed as incorporated upon its entry into the register of associations by the Interior Ministry.

The statute in its final form shall be communicated to the founders, together with the date of registration.

The same procedure shall apply for any alterations in the statute.

MEMBERSHIP CRITERIA

Article 4 - The membership criteria for associations established under Article 2 are as follows:

- a) Turkish Retired Commissioned Officers' Associations; those who are entitled to found such an association and their widows,

b) Turkish Retired Non-Commissioned Officers' Associations; those who are entitled to found such an association and their widows,

c) Turkish War Veterans, Martyrs, Widows and Orphans' Associations; those who are entitled to found such an association, their widows, and the widows and orphans of martyrs.

d) Turkish War Veterans' Associations; those who are entitled to found such an association, members of the Armed Forces, those who have engaged in battle irrespective of whether or not there has been a declaration of war, those who resist forces of occupation, those who fight against the armed forces of a state party to a conflict and their widows,

may be members.
