

Regulation on Procedures and Principles Concerning the Implementation of Law on the Ombudsman Institution

(Official Gazette dated 28/03/2013 No. 28601)

CHAPTER ONE

Objective, Scope, Basis and Definitions

Objective and Scope

ARTICLE 1 – (1) This Regulation shall cover procedures and principles for complaint applications by natural and legal persons to Ombudsman Institution established to examine, investigate and submit recommendations on all sorts of acts and actions, as well as attitudes and behaviours of the administration within the framework of an understanding of human rights-based justice and legality and conformity with principles of fairness, taking good governance principles into account with the purpose of creating an independent and efficient complaint mechanism in the functioning of public services.

Basis

ARTICLE 2 – (1) This Regulation has been prepared on the basis of Law on Ombudsman Institution dated 14/6/2012 and numbered 6328.

Definitions

ARTICLE 3 – (1) Within this Regulation;

- a) Chief Ombudsman refers to the Chief Ombudsman,
- b) Office of the Chief Ombudsman refers to the Office of the Chief Ombudsman of the Ombudsman Institution
- c) Ombudsman refers to the Ombudsman,
- d) Secretary General refers to the Secretary General of the Ombudsman Institution,
- e) Office of Secretary General refers to the Office of Secretary General of the Ombudsman Institution,
- f) Administration, refers to the public administrations under the central government, social security institutions, local administrations, affiliated administrations of local administrations, local administrative unions, organizations with the circulating capital, the funds established under laws, public organizations, public economic enterprises, associated public organizations, and their affiliates and subsidiaries, professional organizations with public institution status, and private legal entities providing public services;
- g) Law refers to the Law on Ombudsman Institution dated 14/6/2012 and numbered 6328.
- h) Commission refers to the Joint Commission comprising of the members of the Petition Commission and the Human Rights Inquiry Commission of the Grand National Assembly of Turkey,
- i) Institution refers to the Ombudsman Institution,
- j) Complaint application, refers to the complaints referred to the Institution within the framework of procedures and principles stated in this Regulation,
- k) Complainant refers to the natural and legal persons who lodge a complaint to the Institution,
- l) Expert refers to the expert of the Ombudsman.
- m) Assistant expert refers to the assistant expert of the Ombudsman Institution.

CHAPTER TWO

Scope of Duties of the Institution and Good Governance Principles

Duties of the Institution

ARTICLE 4 – (1) The Institution shall examine, investigate and submit recommendations on the complaints concerning all sorts of acts, actions and attitudes and behaviours of the following:

- a) Public administration under central government and social security institutions, local administrations, affiliated administrations of local administrations, local administrative unions, organizations with the circulating capital, the funds established under laws, legal public organizations, public economic enterprises, associated public organizations, and their affiliates and subsidiaries, professional organizations with public institution status, and private legal entities providing public services,
- b) Private legal entities which satisfy a common, permanent and social need of public and offer public services under administrative regulations, supervisions and monitoring,

(2) However the complaints on;

- a) the acts of the President on his/her own competence and the decisions and orders signed by the President ex officio,
- b) the acts regarding the use of the legislative power,
- c) the acts regarding the use of judicial power,
- d) the acts of the Turkish Armed Forces, which are purely of military nature

shall fall outside the scope of the duties of the Institution.

Complaint applications not to be examined by the Institution

ARTICLE 5 – (1) Complaints concerning the disputes which are being dealt with or have been resolved by judicial organs shall not be examined.

(2) Re-lodged complaints, whose reasons, content and parties are the same and are being examined, or which have previously been ruled on shall not be examined.

(3) Complaints without a certain subject shall not be examined.

Good governance principles

ARTICLE 6 – (1) While conducting examinations and investigations, the Institution shall obey the good governance principles and monitor whether the acts and actions of the administration are fulfilled with an understanding of human rights based justice and in conformity with principles of good governance such as compliance with laws, prevention of discrimination, proportionality, abuse of power, equality, impartiality, honesty, courtesy, transparency, accountability, compliance with the fair expectation, protection of vested rights, right to be heard, right to defense, right to be informed, taking decision in a reasonable period, taking reasoned decisions, indicating remedies against decisions, notifying the decision without delay and protection of personal data.

CHAPTER THREE

Lodging a Complaint to the Institution

Right to complaint

ARTICLE 7 – (1) Natural and legal persons whose interests are violated may lodge a complaint to the Institution against any and all kinds of acts, actions, attitudes and behaviours of the administration within the framework of the procedures and principles laid down in the Law and this Regulation. However, violation of interests shall not be sought in the event that the complaint is about human rights, fundamental rights and freedoms, women rights, rights of children and general matters concerning the public.

Procedure and places for lodging a complaint

ARTICLE 8 – (1) The complaint shall be lodged with a petition written in Turkish. However, a petition in a different language in which the complainant can express himself/herself better may be accepted provided that it is deemed to be fair and reasonable by the Institution.

(2) Complaint petitions may be delivered by hand to the Institution or the offices established by the Institution in places deemed necessary as well as via mail, electronic mail or fax. Complaints may also be lodged through the electronic system developed by the Institution. In addition, the complaints may be lodged by hand or via mail through governorates in provinces and district governorates in districts. Governorates and district governorates shall send the complaints and their annexes, if applicable, to the Institution after having recorded a date and a number in three working days at the latest.

(3) Unless the originals of the petitions belonging to complaints lodged via fax or electronic mail are delivered to the Institution within fifteen days, the complaint shall not be valid. This condition shall not apply to the complaints lodged through registered electronic mail.

Lodging a Complaint

ARTICLE 9 – (1) Complaints shall be lodged by filling out the Complaint Form for Natural Persons (Annex 1) or Complaint Form for Legal Persons (Annex 2) which are included in the annex to this Regulation and published in the official website of the Institution. Provided that the required information and documents specified in this Regulation are included, a complaint may also be lodged without using the said forms. In the event that a justified reason exists, complaints lodged orally shall also be accepted by helping the complainant in filling out the form in the place where she/he delivers her/his complaint.

(2) Complaint applications shall be written or filled out in a legible and clear manner.

(3) If available, information and documents concerning the subject of the complaint shall be attached to the complaint.

(4) No price shall be charged due to any reasons for lodging a complaint.

(5) Following aspects shall be included in the complaint:

- a) If the complainant is a natural person;

- 1) Name, surname and signature,
 - 2) Citizenship ID number for the citizens of the Republic of Turkey and passport number, nationality and if available, identity number for foreigners,
 - 3) Residential or work address subject to the notification,
 - 4) Administration against which the complaint is lodged, subject matter of the complaint and request,
 - 5) Date of the application to the administration and date of the response of the administration,
 - 6) If available, e-mail address, telephone and fax number subject to the notification.
- c) If the complainant is a legal person;
- 1) Title,
 - 2) Residential address, telephone number and if available, electronic notification address subject to the notification,
 - 3) Name, surname, title, signature and if available, e-mail address, telephone and fax number of the authorized person subject to the notification,
 - 4) Administration against which the complaint is lodged, subject of the complaint and request,
 - 5) Date of the application to the administration and date of response of the administration,
 - 6) Original or certified copy of the authorization certificate of the authorized person,
 - 7) Central legal entity number, if available.

Lodging a complaint in electronic media

ARTICLE 10 – (1) Complaints may be lodged on electronic media via official website of the Institution. Conditions specified in the Article 9 shall be present for the complaints lodged on electronic media. Signature obligation shall not be sought in these complaints, but the Institution may decide on requiring safe electronic signature for lodging a complaint in electronic media.

(2) Documents regarding the complaint shall be attached to the electronic complaint.

Lodging a complaint through a legal representative or an assignee

ARTICLE 11 – (1) The complaint may be lodged by a legal representative or an assignee. In complaints lodged by a legal representative or an assignee, a valid authorization certificate or an evidence document proving the representation or power of attorney shall be submitted.

(2) In the event that the complaint is lodged by a legal representative or an assignee, the following information of the legal representative or the assignee shall be provided with the complaint:

- a) Name, surname and signature,
- b) Citizenship ID number for the citizens of the Republic of Turkey,
- c) Passport number, nationality and if available, identity number for foreigners,
- ç) Residential or work address subject to the notification,
- d) E-mail address, telephone and fax number subject to notification, if available.

(3) Notifications shall be made to the legal representative or the assignee if the complaints are lodged by them.

Exhaustion of administrative remedies

ARTICLE 12 – (1) In order to be able to lodge a complaint to the Institution, the following provisions stated in Administrative Jurisdiction Procedures Law dated 6/1/1982 and numbered 2577 shall be fulfilled:

- a) Pursuant to Article 10 of the aforementioned Law, filing an application to the administrative authorities for an act or action which may be a subject of an administrative proceeding,
- b) Asking a higher authority, or the authority which took the action, if a higher authority does not exist for termination, withdrawal, changing of the administrative action or taking a new action pursuant to the Article 11 of the aforementioned Law within the term of filing an administrative litigation,
- c) Pursuant to the Article 12 of the aforementioned Law, asking within the term of filing an administrative litigation a higher authority, or if a higher authority does not exist the authority which took the action, for the compensation of the damages arising from the administrative action ,
- d) Pursuant to the Article 13 of the aforementioned Law, applying to the relevant authority for the fulfillment of a right within one year if the administrative action is notified in writing or in other ways and within five years following the date of the action in any case.

(2) In the event that the remedies provided for in subparagraph (a) of the first paragraph are exhausted, no additional administrative remedies shall be resorted to as per subparagraphs (b) and (c).

(3) In order to be able to lodge a complaint to the Institution, obligatory administrative remedies stated in special laws are required to be exhausted.

(4) In cases where damages which are hard or impossible to compensate arise, the Institution may accept complaints lodged even if the administrative remedies are not exhausted.

(5) Administrative remedies are not required to be exhausted for the complaints lodged against attitudes and behaviours of the administration.

(6) A complaint may directly be lodged to the Institution against actions of the administration which are clearly indicated in the law.

Term of application for a complaint

ARTICLE 13 - (1) Pursuant to the Article 12 of the aforementioned Law, complaints may be lodged to the Institution against an application to the administration within six months;

a) as of the date of receipt of the reply by the administration,

b) as of the end of the term, if the administration does not give any response in sixty days.

(2) Complaints may be lodged to the Institution against attitudes and behaviours of the administration and against the actions which are clearly stated in the Law within six months as of the performance or notification date of attitude and behaviour or as of the notification date of the action.

Registration and date of the complaint

ARTICLE 14 – (1) Complaint lodged or delivered to the Institution shall be registered by assigning a date and a number and a certificate of receipt shall be given in return. (2) Date of the complaint refers to the date

a) when the complaint is lodged to the Institution, its offices, governorate or district governorates,

b) when the mail, e-mail or fax is delivered to the Institution,

c) when the complaint lodged in electronic environment is delivered to the electronic system of the Institution.

Complaints of the disabled

ARTICLE 15 – (1) The Institution shall take necessary measures to enable the disabled to lodge complaints.

Confidentiality of the complaint

ARTICLE 16 – (1) Complaint shall be kept confidential at the request of the complainant. Any and all kinds of measures for keeping the complaint confidential shall be taken by the Institution.

Suspension of the term of litigation

ARTICLE 17 – (1) Complaint lodged during the term of litigation shall suspend the ongoing term of litigation.

CHAPTER FOUR

Preliminary Examination

Office for complaints and distribution office

ARTICLE 18 (1) Office for Complaints comprises a sufficient number of personnel who are assigned by the Chief Ombudsman.

(2) Duties of the Office for Complaints shall be as follows:

To register, assign numbers and file the complaints lodged to the Institution.

b) To send the complaint to the Distribution Office.

c) To perform other duties assigned to them by the Chief Ombudsman.

(3) Distribution Office shall comprise a sufficient number of experts or assistant expert and other personnel to be appointed by the Chief Ombudsman.

(4) Duties of the Distribution Office shall be as follows:

a) To send the complaint to the relevant Ombudsman on the basis of division of work.

b) To perform other duties assigned to them by the Chief Ombudsman.

(5) Experts or assistant experts who are to be assigned in the Distribution Office by turns, shall perform the duty of sending the complaint to the relevant Ombudsman on the basis of division of work.

(6) The doubt pertaining to whose area of responsibility the complaint falls into is ruled out by the Chief Ombudsman himself or the Ombudsman assigned by him.

Performing the preliminary examination

ARTICLE 19 – (1) Complaints shall be subjected to a preliminary examination prior to the examination and investigation phase. In the preliminary examination, the complaint shall be examined in terms of whether

- a) it falls within the scope of duty of the Institution,
- b) it is lodged within proper term,
- c) its reasons, content and parties are the same with the ones of another complaint which is being examined and investigated,
- d) Its reasons, content and parties are the same with the ones formerly finalized by the Institution,
- e) It is about the disputes being handled or decided on by the judicial organs,
- f) The administrative remedies are exhausted or not,
- g) It is lodged within the framework of the first paragraph of Article 8,
- h) It includes a certain content,
- i) It contains the information required for lodging a complaint pursuant to the Law,
- j) It contains a violation of interest.

Actions and decisions to be taken upon preliminary examination

ARTICLE 20 – (1) In the event that the complaint does not fulfill the conditions stated in Article 19 apart from paragraph (e), the decision of unexaminability shall be taken. This decision shall be notified to the complainant and the suspended term of litigation shall continue from its former point.

(2) The complaints lodged without exhausting the administrative remedies shall be decided to be sent to the relevant administration. This decision shall also be notified to the complainant. The date, when the complaints are lodged to the Institution shall be considered as the complaint date lodged to the administration. Upon delivery of the complaint to the relevant administration by the Institution, a new complaint may be lodged to the Institution within six months following:

- a) as of the notification of the response given by the administration to the complainant,
- b) as of the end of the term, if the administration does not give any response in sixty days.

(3) In the event that the administration, against which the complaint is lodged is incorrect, the Institution shall determine the right administration and pass on to the investigation phase.

(4) Provided that the inadequacies are eliminated in line with the unexaminability decision, another complaint may be lodged to the Institution within its term.

(5) If the complaint meets the conditions set out in Article 19, then the examination and investigation phase shall begin.

(6) When it is later understood that the preliminary examination condition is not met, unexaminability decision or decision to send the complaint shall also be taken.

Aspects to be included in the unexaminability decision and decision to send the complaint

ARTICLE 21 – (1) Following aspects shall be included in the unexaminability decision and decision to send the complaint:

- a) Complaint number and decision number and their respective dates.
- b) Name, surname and address of the complainant and representative, if applicable.
- c) Administration against which the complaint is lodged.
- d) content of the complaint.
- e) Justification.
- f) Decision.
- d) Administrative remedies concerning the content of the complaint, term thereof and the authority to apply to.
- e) Signature and seal.

CHAPTER FIVE

Examination and Investigation

Procedure of examination and investigation

ARTICLE 22 – (1) Any and all kinds of acts, actions and attitude and behaviours of the Administration shall be examined and investigated with an understanding of justice based on human rights in terms of legality and fairness and good governance principles with a sense of justice based on human rights.

(2) The complaint shall be examined and investigated by the Chief Ombudsman, Ombudsman or the expert or assistant experts to be assigned.

(3) Complaints lodged with the same reason and content may be combined and examined accordingly.

(4) In the event that content of the complaint is about human rights, fundamental rights and freedoms and women and children rights, then the examination and investigation may be conducted in situ. For the complaints concerning the general issues of public, examination and investigation may be conducted in situ at the request of the complainant and the administration against whom the complaint is lodged. Relevant administrations and authorities shall provide all necessary conveniences to ensure for the aforesaid situation.

Requesting information and document from the administration

ARTICLE 23 – (1) Chief Ombudsman or ombudsman may request information and documents concerning the subject matter under examination and investigation from the relevant administration. Administration shall immediately send the requested information and documents to the e-mail address of the Institution via e-mail and they shall deliver original copies of the sent information and documents within thirty days following the date request has been notified. Relevant authority shall launch an investigation with Chief Ombudsman's or ombudsman's demand on the ones who do not submit or submit incompletely within this term without a reason. Relevant authority shall inform the Institution about the act of opening an investigation and the result of the investigation.

(2) Information and documents having state secret or trade secret value may not be submitted, provided that its reason is clearly explained by the highest authority or board. However, information and documents having state secret value may be examined in situ by the Chief Ombudsman or the ombudsman that s/he assigns. The examined information and documents with state secret value shall not be disclosed and they shall not be included in the decision.

Assigning a referee

ARTICLE 24 – (1) Chief Ombudsman or ombudsmen may assign a referee for subject matter under examination and investigation in case they require special or technical expertise. Referees may also be chosen among people who are included in the lists determined by justice commissions of courts of first instance of ordinary justice and also among faculty members or members of professional chambers.

(2) People to be assigned as a referee are required to:

- a) Have at least five years of experience in their profession,
- b) Be in a condition of not having been convicted of offences against the State such as, embezzlement, corruption, fraud, falsification, breach of confidence, fraudulent bankruptcy or other offence such as, smuggling, conspiring to rig an official bidding and purchase and sale, giving misleading expertise and perjure, even if s/he have been pardoned or the sentence is suspended,
- c) Be in a condition of not having been dismissed from the profession due to disciplinary reasons or civil service or suspended from practice.

(3) Experts shall not perform their duty for the complaints lodged against the administration where they work or with which they have a working relationship and complaint lodged by themselves, their spouses and their relatives by blood or by marriage not being distant than the third degree.

(4) If the expert has not sworn in a board with regard to her/his duty before, then s/he shall swear, expressing the words "I swear on my honour and on my conscience that I will perform my duty impartially by abiding justice, in compliance with science and reason"

(5) The referee shall submit her/his report to the Institution within a period determined by the Chief Ombudsman or an ombudsman. This period shall not be more than two months as of the date the duty is assigned. This period may be extended to one extra month, in the event that the content is comprehensive and complicated.

(6) The referee is liable to keep the secret information s/he has learned during the performance of her/his duty confidential and to abstain from using them for the sake of herself/himself or the other parties.

(7) Referees shall be paid in accordance with Article 19 paragraph (2) of the Law.

Hearing the witnesses or relevant persons

ARTICLE 25 – (1) Chief Ombudsman or ombudsmen shall decide on hearing witnesses or relevant persons in connection with the subject matter under examination and investigation. Witnesses or relevant persons may be heard by the Chief Ombudsman or ombudsmen.

(2) Witnesses or relevant persons may be heard by using visual and voice communication tools.

(3) Witnesses or relevant persons shall be heard in a location, place and a procedure to be determined by the Chief Ombudsman or an ombudsmen according to the nature of complaint.

(4) The witness shall swear expressing the words “I swear on my honour and on my conscience that I will say the truth.”

(5) Statement of the witness or relevant persons shall be written to a minute and the minute shall be signed by the declarant and the official who hears the statement.

(6) Witnesses or relevant persons shall be paid according to the provisions of Travel Expenses law dated 10/2/1954 and no. 6245.

Withdrawing a complaint

ARTICLE 26 – (1) Complainant may withdraw her/his complaint until the decision is taken. In this case, the Institution shall terminate the examination and investigation.

Compliance with the request by the administration

ARTICLE 27 – (1) The Institution shall terminate examination and investigation in the event that the request is fulfilled by the relevant administration before a decision is taken.

Death of the complainant or termination of legal entity

ARTICLE 28 – (1) The examination and investigation shall be terminated, in case of death of the complainant if s/he is a natural person or termination of legal entity. However, the examination and investigation shall continue, in the event that the complaint concerns the successors.

Filing a lawsuit about the complaint which is being examined

ARTICLE 29 – (1) If a lawsuit is filed against the content of complaint, while the examination and investigation is carried out, the Institution may suspend the examination and investigation until the lawsuit is concluded or may terminate the examination and investigation according to the nature of the complaint. Institution shall decide on the examination and investigation according to the case result concerning the suspended complaint.

Cases where the examination and investigation cannot be terminated

ARTICLE 30 – (1) The examination and investigation may continue, when the content of the complaint is about human rights, fundamental rights and freedoms, women rights, children rights and general matters concerning public, in cases where the complaint is withdrawn, the request is complied and death of the complainant or termination of legal entity.

CHAPTER SIX

Decisions to be Taken as a Result of Examination and Investigation

Types of Decisions

ARTICLE 31 – (1) The Institution shall issue recommendations, decisions of refusal or decisions as to no ground exists for taking decisions as a result of examinations and investigations concerning the complaint.

Recommendation

ARTICLE 32 – (1) When the complaint is found appropriate as a result of examination and investigation, a recommendation shall be issued. In such recommendation decision, one or more the one of the following recommendations shall be included:

- a) Admitting the mistaken behaviour.
- b) Compensating damage.
- c) Taking acts or action.
- d) Making amendments to the legislation
- e) Withdrawing, aborting, changing or correcting the action.
- f) Correcting the implementation.
- g) Making a compromise.
- h) Taking measures.

(2) The Institution may issue another recommendation apart from the recommendations stated in the first subparagraph.

(3) Relevant authority shall inform the Institution within thirty days of its justification, when it does not consider the act, measure or recommended solution feasible.

Decision of refusal

ARTICLE 33 – (1) When the complaint is found inappropriate as a result of examination and investigation, a decision of refusal shall be issued.

Decision as to no ground exists for taking decisions

ARTICLE 34 – (1) The Institution shall decide that there is no ground to take a decision in the following cases:

- a) When the complainant withdraws her/his complaint,
- b) In case of death when the complainant is a natural person or termination of the legal entity,
- c) Compliance with the request by relevant administration,
- d) When a lawsuit is filed against the complaint while examination and investigation is going on and termination of examination and investigation concerning the complaint is decided, the Institution shall decide that there is no ground to take a decision.

Aspects to be included in decisions

ARTICLE 35 – (1) Following aspects shall be included in the decisions taken as a result of the examination and investigation:

- a) Complaint number and decision number and their respective dates.
- b) Name, surname and address of the complainant and representative, if applicable.
- c) Administration against which the complaint is lodged and its address.
- d) Content of the complaint, legal reasons and summary of the request.
- e) Summary of the information and documents in the file
- f) Justification.
- g) Decision taken and conclusion.
- h) Remedies concerning the subject matter of the complaint, term thereof and the authority to apply to.
- i) Signature and seal.

Decision making period

ARTICLE 36 – (1) The Institution shall finalize its examination and investigation within six months at the latest following the date of application. In the event that the examination and investigation is not finalized within this period, the complainant shall be notified of the justification for non-finalization and that the term of litigation has resumed and the Institution shall go on with examination and investigation; however, provisions of Article 29 shall be reserved.

Notice of decision

ARTICLE 37 – (1) The Institution shall notify the relevant authority and complainant of its decisions.

(2) Recommendation decision issued about private legal entities offering public services may also be submitted to the ministry or public institution or organization responsible for supervision and monitoring.

Resuming of the term of litigation

ARTICLE 38 – (1) When the complaint is refused by the Institution, suspended term of litigation shall resume, as of the reasoned decision is notified to the relevant persons.

(2) In the event that the Institution deems the complaint appropriate and accepts it, when the relevant authority do not take any action within thirty days upon recommendation of the Institution, then the suspended term of litigation shall resume.

(3) When the Institution decides that there is no ground to take a decision, then the suspended term of litigation shall resume as of the decision is notified to the relevant persons.

(4) In the event that the Institution cannot finalize its examination and investigation within six months at the latest following the date of complaint, then the case with its justification is notified to the complainant. Suspended term of litigation shall resume following the notification.

Re-examination and re-investigation

ARTICLE 39 – (1) The office of the Chief Ombudsman may conduct re-examination and re-examination about a specific complaint after the decision has been taken, if any information or document, which may affect the conclusion, comes up.

CHAPTER SEVEN

Duties and Powers of the Chief Ombudsman and Division of Work and Working Principles

Duties and Powers of the Chief Ombudsman

ARTICLE 40 – (1) Duties and powers of the Chief Ombudsman shall be as follows:

- a) To govern and represent the Institution.
- b) To examine and investigate complaints lodged to the Institution and to submit recommendations to administration
- c) To ensure cooperation among Ombudsmen and to ensure that they work in harmony.
- d) To eliminate concerns about the scope of duty of ombudsmen.
- e) To determine and to change when needed the division of work among ombudsmen, always assigning one of them for women and children's rights.
- f) Finalize the complaint in person, when s/he deems it necessary.
- g) To prepare regulations concerning implementation of the Law and to make amendments to them, when necessary.
- h) To prepare the annual report and to submit it to the Commission.
- i) To prepare special reports on issues that s/he deems necessary, without waiting for the annual report.
- j) To announce reports to the public.
- k) To make explanations regarding actions of the Institution.
- l) To determine the ombudsman to act in her/his absence.
- m) To appoint Secretary General and other personnel.
- n) To allow for criminal proceedings and investigations taking place in the event that Secretary General, expert and assistant experts are claimed to have committed a crime during their duties.
- o) To assign referees and to hear witnesses or relevant persons.
- p) To request at temporary duty for personnel from public institutions and organisations to be assigned about needed works and matters.
- q) To request information and documents from administration with regard to the subject matter under examination and investigation.
- r) To examine in situ information and documents with state secret value related to the subject matter under examination and investigation or to have the ombudsman, who s/he assigns, examine it.
- s) To conduct in situ examinations and investigations within the scope of Article 22.
- t) To request opening an investigation from the relevant authority against administrative bodies, which do not submit the demanded information and documents.
- u) To decide on establishment of a new office in places, where deemed necessary.
- v) To carry out studies concerning the international cooperation about Institution's scope of duty.
- w) To fulfill other statutory duties.

Duties and Powers of Ombudsmen

ARTICLE 41 – (1) Duties and powers of Ombudsmen shall be as follows:

- a) To examine and investigate the complaints, which fall within the subject and area they are assigned, and to make recommendation to the Chief Ombudsman.
- b) To request information and documents from administration with regard to the subject matter under examination and investigation.
- c) To request opening an investigation from the relevant authority against administrative bodies, which do not submit the requested information and documents.
- d) To prepare special reports about the topics s/he deems necessary and to submit them to Chief Ombudsman.
- e) To make explanations about actions of the Institution, when s/he is assigned by the Chief Ombudsman.
- f) To assign experts and to hear witnesses or relevant persons.
- g) To examine in situ information and documents having a state secret value, when s/he assigned by the Chief Ombudsman.

- h) To conduct in situ examinations and investigations within the scope of Article 22.
- i) To act for the Chief Ombudsman in absentia.
- j) To assist Chief Ombudsman in performing her/his statutory duties.
- k) To perform other duties assigned to her/him by the Chief Ombudsman.

Formation and Duties of Office of Secretary General

ARTICLE 42 – (1) Office of Secretary General shall perform administrative and financial services and secretariat services of the Institution. Secretary General and other administrative personnel work under the Office of Secretary General.

(2) Duties of the Office of Secretary General shall be as follows:

- a) To conduct administrative, financial and clerical work of the Institution.
- b) To register complaints.
- c) To conduct studies concerning manpower planning and personnel policy of the Institution and to make recommendations to the Chief Ombudsman for developing the personnel system.
- d) To perform transfers and administration of personnel working in Office of Secretary General.
- e) To carry out the personal staff matters, health and social services procedures of the staff members working at the Institution.
- f) To perform assignment, transfer and promotion of the personnel working in the Institution.
- g) To prepare, implement and evaluate the training plan of the Institution.
- h) To assign personnel to participate in in-service trainings, courses etc. and to perform transactions for paying their financial rights.
- i) To conduct the procedures concerning the leaves and retirement of staff members
- j) To archive documents of the Institution.
- k) To regulate and execute general circulation of documents.
- l) To automate decisions and reports and to archive them.
- m) To perform the duties assigned to the financial services units and strategy development units under the Law No. 5018 of 10.12.2003 on Public Financial Management and Control and under Article 15 of the Law on Amendments to the Law No. 5436 of 22.12.2005 on Public Financial Management and Control and to Miscellaneous Laws and Statutory Laws.
- n) To execute transactions related to estates and assets of the Institution within the scope of related legislation.
- o) To inform the Chief Ombudsman about budgetary expenditures.
- p) To facilitate the utilization of informatics system as per the aspects within the scope of the Institution and to monitor improvements related to information systems and their automation.
- q) To perform studies in order to prepare Institution's information architecture and to establish, update and archive databases.
- r) To plan and execute civil defense and mobilization services of the Institution.
- s) To carry out press and public relations and publicity activities.
- t) To arrange protocols.
- u) To carry out administrative, financial and technical works of the Institution.
- v) To perform statutory duties or the duties assigned by the Chief Ombudsman.

Duties of experts and assistant experts

ARTICLE 43 – (1) Experts and assistant experts shall fulfill the duties assigned to them by the Chief Ombudsman or Ombudsmen.

(2) Experts and assistant experts shall fulfill the duties set out in the Regulation on Experts of the Ombudsman, in order to carry out essential services of the Institution.

Topics or fields subject to division of work

ARTICLE 44 – (1) Division of work shall be determined within the scope of the following topics or fields:

- a) Human rights
- b) Women and children rights
- c) Disability rights
- d) Protection of family
- e) Social services
- f) Training-education, youth and sports.
- g) Science, arts, culture and tourism.

- h) Justice, National defence and security
 - i) Health
 - j) Right to identity, civil rights, refugee and asylum-seeker rights
 - k) Public personnel regime.
 - l) Right of property.
 - m) Economy, finance and taxation.
 - n) Energy, industry, customs and trade.
 - o) Labour and social security.
 - p) Forestry, water, environment and urbanization.
 - q) Transportation, press and communication.
 - r) Food, agriculture and livestock.
 - s) Services carried out by local administrations.
 - t) Other aspects and areas.
- (2) Aspects or areas for which ombudsmen are responsible shall be determined by the Chief Ombudsman with a directive.
- (3) Chief Ombudsman shall ensure cooperation among ombudsmen and that they work in harmony.

Principles of division of work

ARTICLE 45 – (1) Following principles shall be taken into account with regard to division of work:

- a) Taking field of experience and expertise of the ombudsmen into account.
- b) Considering the number of complaints and periodic complaint density.
- c) Appointing the same ombudsman for similar topics.

Working principles of the Chief Ombudsman and Ombudsmen

ARTICLE 46 – (1) Ombudsmen shall work alone on a topic or field which is assigned to them by the Chief Ombudsman and submit their decision to her/him. Chief Ombudsman shall notify the complainant and the relevant authority of the decision in case he is convinced that no other aspect is left for inspection and examination or after the finalization of the complaint if s/he considers necessary.

(2) When subject matter of the complaint falls within area of duty of more than one ombudsmen, then either the chief Ombudsman may allow more than one ombudsmen to examine and investigate the complaint or the complaint may be assigned to one ombudsman. In the event that the complaint is being examined and investigated by more than one ombudsman, each ombudsman shall work alone and then submit their respective decisions to the Chief Ombudsman.

(3) Ombudsmen may conduct examination and investigation about the complaint with working groups affiliated to them. Sufficient number of experts, assistant experts and experts responsible for coordination may be assigned in a working group.

(4) Chief Ombudsman, ombudsmen and Secretary General shall not make any discrimination in terms of language, race, sexuality, ideology, philosophy, religion and creed, while fulfilling their duties.

(5) Chief Ombudsman, ombudsman and Secretary General shall not disclose or use professional or business secrets, which they learn anyhow due to their duties, for their own or others' benefits, even if they left their offices.

(6) During their terms of office, Chief Ombudsman, ombudsmen and Secretary General shall not assume official or private duties or deal in trade during their office at the Institution. The provisions of this Article shall not apply in case of making academic publications, attending national or international congresses, conferences or in-kind meetings to which they are invited in connection with their offices or professions, or being members of associations or partners at non-profit cooperatives.

Independency and impartiality

ARTICLE 47 – (1) No authority, organ, institution or person can issue orders or instructions or circulars or advises to the Chief Ombudsmen or ombudsmen in the exercise of their duties.

(2) The Chief Ombudsman and ombudsmen must act in compliance with the principle of the independence and impartiality during the exercise of their duties.

Chief Ombudsman, ombudsmen and Secretary General shall not examine complaints lodged by themselves, their spouses or their relatives by consanguinity or by marriage up to (and including) third degree.

(3) Chief Ombudsman, ombudsmen and Secretary General shall not be a member of political parties; behave in a way aiming at benefit or damage of any political parties or any group.

Reports

ARTICLE 48 – (1) The Institution shall prepare a report about its activities and recommendations at the end of every calendar year.. This

report shall be submitted to the Commission until the last day of January of the following year. The Commission shall discuss this report within two months excluding holidays and intermission and summarize it and prepare another report by including its own views and convictions and send it to the Speaker's Office for submittal to the General Assembly. The Commission's report shall be urgently discussed by the General Assembly.

- (2) The Institution's annual report shall be made public upon the publication in the Official Journal..
- (3) Special reports may be prepared in necessary situations without waiting for the annual report.
- (4) The Institution may make public statements as it deems necessary without waiting for the annual report.

Authority to make statements

ARTICLE 49 – (1) The Chief Ombudsman or the ombudsman assigned by the Chief Ombudsman shall be authorized to make statements on behalf of the Institution's activities..

CHAPTER EIGHT

Miscellaneous and Final Provisions

International cooperation

ARTICLE 50 – (1) The Institution may be a member of international organizations related to its scope of duty. The Institution shall participate in studies as regards cooperation with these organizations, shall ensure coordination and when necessary conduct joint projects with international organizations and their representatives.

Information and publicity

ARTICLE 51 – (1) Personnel in charge in Office for Complaints shall be liable for informing natural and legal persons about the usage of their statutory rights. This may also be done via phone.

(2) The Institution may perform any publicity activities concerning procedures and principles of lodging a complaint. Publicity activities may be in different languages.

Publishing decisions and reports of the Institution

ARTICLE 52 – (1) Decisions and reports of the Institution may be published in the official website or in other fashion, as long as there are no legal obstacles and personal data are protected.

Periods

ARTICLE 53 – (1) Relevant terms with regard to the implementation of this Regulation shall start following the date of notification.

(2) Holidays are included in these terms. If the last day of term coincides with a holiday, the term shall be extended to the end of working day following the last day of holiday.

Notification

ARTICLE 54 – (1) Notifications to be made pursuant to provisions of this Regulation shall be in compliance with Notifications Law dated 19/1/2013 and no. 7201 as well as Regulation on Electronic Notification which was published on Official Gazette No. 28533.

Lodging a complaint against acts, actions, attitudes and behaviours prior to enforcement of the Regulation

PROVISIONAL ARTICLE 1 – (1) Complaints may be lodged against all kinds of acts, actions, attitudes and behaviours about which all administrative remedies are exhausted within last six months prior to 29/3/2013, when complaints have been started to be accepted by the Institution, provided that relevant conditions are fulfilled. For the complaints lodged against local administrations, administrations and associations affiliated to them, administrative remedies should be exhausted within last six months prior to 29/3/2014.

Enforcement

ARTICLE 55 – (1) This Regulation shall enter into force in following dates:

- a) As of 29/3/2014 with regard to the complaints to be lodged against acts, actions, attitudes and behaviours of local administrations and administrations and associations affiliated to them,
- b) As of 29/3/2013 with regard to the complaints to be lodged against acts, actions, attitudes and behaviours of other administrations,
- c) As of the publication of all provisions except the ones related to lodging complaints.

Execution

ARTICLE 56 – (1) Chief Public Ombudsman shall execute the provisions of this Regulation.

OMBUDSMAN COMPLAINT FORM FOR NATURAL PERSONS

Complainant's	
Citizenship ID No.	
Name - Surname	
Passport No. Identity No. Nationality (For foreigners)	
Address	
Telephone No.	
Fax No.	
E-mail:	
Her/his legal representative's or attorney in fact's	
Citizenship ID No.	
Name - Surname	
Passport No. Identity No. Nationality (For foreigners)	
Address	
Telephone No.	
Fax No.	
E-mail:	
1. Administrative against which the complaint is lodged	
2. Date of lodging complaint, date of the administration's response and relevant information and documents, if applicable	
3. Is there a case, already finalized or still going on concerning the subject matter of the complaint	
4. Subject matter of the complaint	
5. Request	
Date - Signature	

OMBUDSMAN INSTITUTION COMPLAINT FORM FOR LEGAL PERSONS

ANNEX-2

All kinds of documents related to the complaint shall be annexed to the form.

Citizenship ID No.	
Name - Surname	
Passport No. Identity No. Nationality (For foreigners)	
Address	
Telephone No.	
Fax No.	
E-mail:	
1. Administrative against which the complaint is lodged	
2. Date of lodging complaint, date of the administration's response and relevant information and documents, if applicable	
3. Is there a case, already finalized or still going on concerning the content of the complaint	
4. Subject of the complaint	
5. Request	
Date - Signature	