



THE OMBUDSMAN INSTITUTION

The Ombudsman Institution



Constitutional and Legal Basis:

Our institution is a Constitutional public entity with special budget, affiliated with the Grand National Assembly of Turkey and established with Law no. 6328 on 14/06/2012, which reviews complaints on the functioning of the Administration pursuant to the provision in Article 74 of the Turkish Constitution and the Constitutional amendment made in 2010.

Duties, Powers and Responsibilities



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- **Our institution, established with Law no. 6328, is in charge of:**
Examining, investigating, and submitting recommendations to the Administration upon complaint, with regard to
 - **All sort of acts and actions of the Administration;**
 - **Attitudes and behaviours;**
 - **With a sense of justice based on human rights,**
 - **In terms of legality and fairness.**

Applications can be made to the ombudsman institution for acts and actions of the following:

- **Public administrations and social security institutions under the central government;**
- **Local administrations, administrations affiliated with the local administrations, local administrative unions;**
- **Working capital establishments, their foundations established by law, organisations belonging to a public entity,**
- **State economic enterprises, organisations which the state owns more than 50% of the shares, and their subsidiaries and affiliates;**
- **Public professional organisations,**
- **Legal persons of private law providing public services,**

Duties, Powers and Responsibilities

However;

Complaints regarding:

- 1) Acts related to the use of legislative power;**
- 2) Decisions related to the use of judiciary power;**
- 3) Entirely military operations of the Turkish Armed Forces**

fall outside the jurisdiction of the institution.

The Chief Ombudsman and Ombudsmen



☐ Selection Process:

The Chief Ombudsman and Ombudsmen are selected by the **Grand National Assembly of Turkey** for **four year** term. A person who has already held the office of the Chief Ombudsman or ombudsman can only be selected for **another term** as a Chief Ombudsman or ombudsman.

☐ Independence:

No office, body, authority, or person can **issue an order and give directives, issue a mandate, make recommendations and suggestions** to the Chief Ombudsman and ombudsmen in relation to their duties.

☐ Impartiality:

The Chief Ombudsman and ombudsmen should act in accordance with the principle of **impartiality** while performing their duties.



PROCEDURES FOR FILING A COMPLAINT

- ❑ **Natural persons** (all persons including foreign citizens regardless of any nationality and reciprocity)
- ❑ **Legal persons** (companies, non-governmental organisations, associations, foundations, syndicates etc.)

whose rights and freedoms are violated and whose interests are infringed upon as a result of the Administration's procedures and actions as well as attitudes and behaviours can file a complaint to our institution.





FILING A COMPLAINT

- ❑ There is **no additional complicating condition** for filing a complaint to our institution.
- ❑ There are various methods of application to our institution and they are all very easy, including by hand, through the post, e-mail, fax and the e-application system, as well as through the governorship in the provinces and the district governorship in the districts. In addition, children can also file a complaint through the website www.kdkcocuk.gov.tr.
- ❑ There is **no charge** to file a complaint to our institution.
- ❑ A legal representative or attorney can also file a complaint.
- ❑ The term of litigation is frozen when a complaint is lodged to our institution.
- ❑ Our institution resolves applications **within such a short period of time as 6 months**.



FILING A COMPLAINT

- ❑ **Infringement of interests is sought where the complaint is filed with regard to human rights, fundamental rights and freedoms, women's rights, children's rights, and other matters concerning the general public.**
- ❑ **Turkish Citizens as well as foreign nationals can file a complaint to our institution. We are also the only institution that receives direct applications from children.**

EXAMINATION IN TERMS OF GOOD MANAGEMENT VALUES

The institution, during the examination and investigation, checks whether the administration has acted in accordance with good management principles in their procedures and actions, including:

- **legality,**
- **non-discrimination,**
- **proportionality,**
- **prevention of abuse of power,**
- **equality,**
- **impartiality,**
- **fairness,**
- **kindness,**
- **transparency,**
- **accountability,**
- **meeting justified expectations,**
- **protection of earned rights,**
- **right to be heard,**
- **right of defence,**
- **right to information,**
- **judgement within reasonable time,**
- **reasoned decision,**
- **showing methods of appeal against the decision,**
- **notice of delay in decision-making,**
- **protection of personal information**



APPLICATION STATISTICS

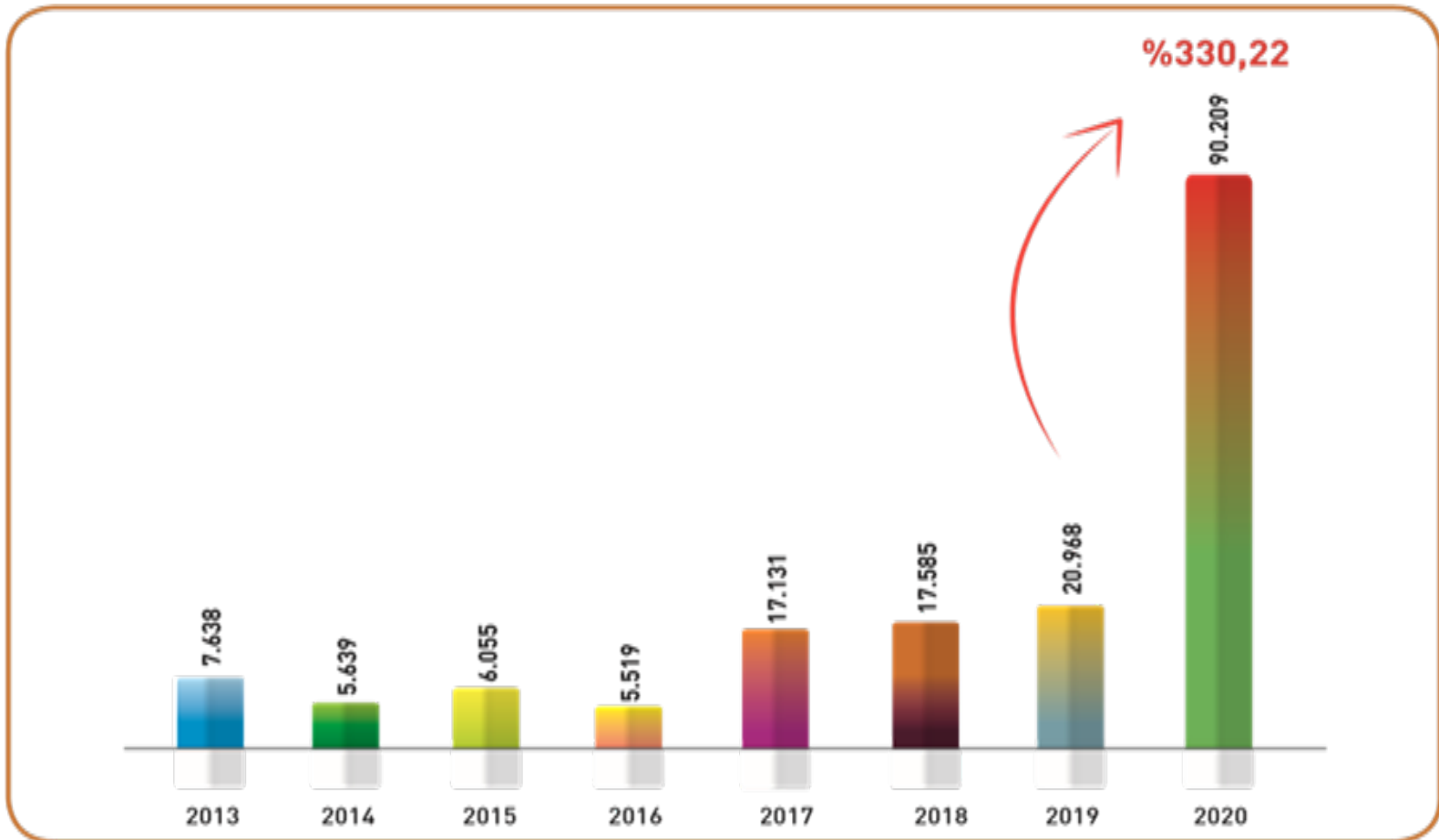


Number of Applications by Year

Year/Date	2013	2014	2015	2016	2017	2018	2019	2020	Total
Total Number of Complaints	7,638	5,639	6,055	5,519	17,131	17,585	20,968	90,209	170,744

170,744 applications have been lodged to our institution in total since 2013, including 90,209 in 2020.

Number of Applications by Year



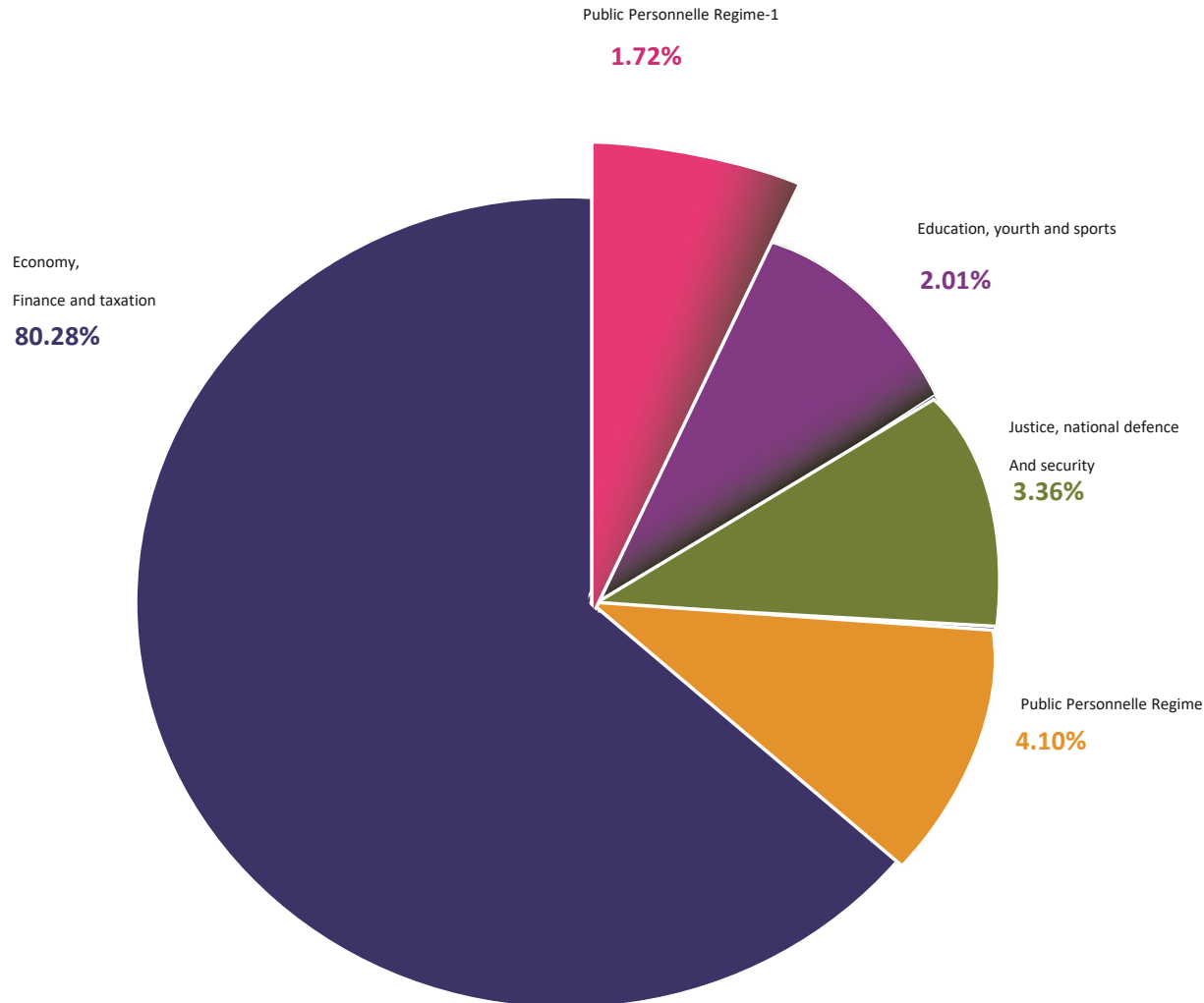
Distribution by Subject Matter of the Application



When examined in terms of subject matter of the applications lodged in 2020, most applications were lodged with regard to economy, finance, and taxation with **80.28%**, followed by **public personnel regime** with **4.10%**, **justice, national defence and security** with **3.36%**, and **education, youth and sports** with **2.01%**. In comparison to applications made in 2019, the top 6 subject matters remained the same.

Applications lodged to our institution regarding basic needs support loan requests during the pandemic had an effect on the significant increase in the field of economy, finance, and taxation.

Distribution by Subject Matter of the Application



AMICABLE SETTLEMENT DECISION



The respective Administration is contacted for more effective and rapid resolution of the complaint and the Administration is invited for an amicable settlement of the complaint. As a result of our institution's initiatives, where the respective Administration meets the request of the applicant, an **Amicable Settlement** is reached and an agreement is made between the parties.

Amicable Settlement Decision, which was implemented with the amendment on 02/03/2017 regarding the Regulation on the Procedures and Principles for the Implementation of the Law on the Ombudsman, allows our Institution to **serve as a bridge between the citizens and the Administration.**



Distribution of Cases Resolved Through Amicable Settlement

In 2020, total “Number of Cases Resolved” was **2,867**, while **1,808** cases were resolved through an Amicable Settlement Decision, and **1,059** cases were resolved through a Referral Decision.

Number of Complaints Resolved through Amicable Settlement	Amicable Settlement Decision	Referral Decision	TOTAL
	1.808	1.059	2.867
	63,06%	36,94%	

RECOMMENDATION DECISION



The Ombudsman Institution takes recommendation decisions as a **soft power** across the world and gets its power from these recommendation decisions. If it is agreed that there are grounds for the application, the Recommendation Decision is taken, while the Partial Recommendation and Partial Refusal decision is taken if it's agreed that there is partial grounds for it. As a result of our institution's examination and investigation, a "**Recommendation Decision**" is taken, including one or several of the following:

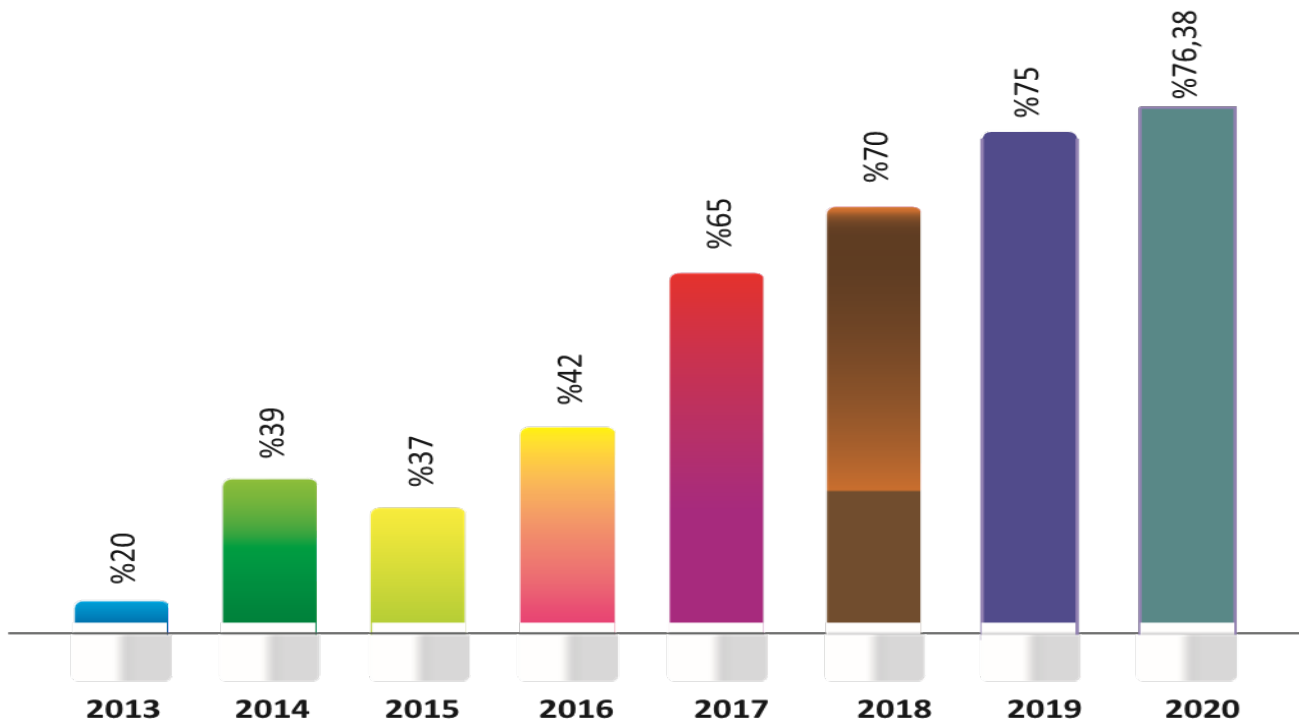
- ❖ **Admission of wrongful action;**
- ❖ **Compensation for damages;**
- ❖ **Starting proceedings or taking action;**
- ❖ **Making legislative amendment;**
- ❖ **Revocation, removal, change or correction of a procedure;**
- ❖ **Correction of a practice;**
- ❖ **Reaching a settlement;**
- ❖ **and Taking measures.**

Administrations that do not comply with the recommendation decisions must inform the Institution about the reason for their failure to comply with the decision within thirty days.

Rate of Compliance with Recommendation Decisions by Year



In 2020, the rate of compliance with recommendation decisions was **76.38%**.



The reasons for the increase in the rate of compliance with the recommendation decisions taken by our institution include the following:

- ❖ **The support given by the members of the Grand National Assembly Petitions and Human Rights Investigation Commissions;**
- ❖ **Invitation of the Administrations that haven't agreed with our decisions to the Mixed Commission;**
- ❖ **Improving recognition and awareness of our Institution among the general public and the media;**
- ❖ **Meetings and co-operation with the highest level officials of the Administration**

Annual Report and Special Report

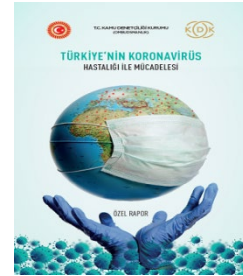
Our institution prepares an **Annual Report** in relation to its activities and decisions made during the year, and submits this report to the Grand National Assembly of Turkey.

In addition, examinations focused on rights are made for the related subject matters by addressing either issues concerning the general public or the complaints lodged for violations of rights.

As a result of these examinations, a **special report** can be prepared and submitted before the Assembly and the general public, as well as holding a **workshop** where all stakeholders can participate, so that reports can be published and presented to the general public.

Examples of Publications and Reports

- ❖ The Ombudsman Institution 2019 Annual Report,
- ❖ Ombudsman Newsletter
- ❖ Workshop on the Animal Rights Resolution Report
- ❖ Women and Ombudsman Workshop Report
- ❖ Workshop on Increasing Effectiveness of Mechanisms for Preventing Violence against Women and Children Report
- ❖ Guidelines for Good Administration Principles
- ❖ Special Report on Violation of Rights in the Delivery of Children and Welfare Allowance
- ❖ Special Report on Syrians in Turkey,
- ❖ Special Report on Turkey's Combat against the Coronavirus Disease
- ❖ Report on Violations of Rights by Armenian Armed Forces during the War between Azerbaijan and Armenia



Awareness-Raising and Recognition Activities



Since its establishment, the Ombudsman Institution has placed particular importance on raising awareness about and increasing recognition of the institution and carried out various activities in this regard. For this purpose:

- **Provincial meetings** have been held with the theme “Ombudsman Meets the People” in which citizens, NGOs, opinion leaders, neighbourhood representatives, and provincial heads came together;
- **Student Societies of Ombudsman** have been created, conferences held;
- Various **symposia, workshops and visits** have been organised;
- **Particular attention has been paid to the relations with the press.** Local and national press members have been often invited to workshops, conferences, and meetings organised by our institution, as well as accepting invitations of press members.
- **Administration and NGO Visits at Provincial Working Visits and Ombudsman’s Meetings with the General Public, Communication and Co-operation Activities/Visits with the Public Institutions and NGOs** are carried out.
- **International activities and projects** are performed, **international working visits** are held. Special importance is placed on **relations with the Ombudsman Institutions and Networks.** Works of International Ombudsman Institute, European Network of Ombudsmen, European Ombudsman Institute, Association of Mediterranean Ombudsmen, Asian Ombudsman Association, Association of the Ombudsmen of OIC Member States, Network of Regional Ombudsmen of Western Balkans and Network of National Ombudsmen of the Balkans, **which our institution is a part of**, are closely followed; current relations are improved through phone calls and correspondence, as well as through meetings.

Activities for Awareness-Raising and Recognition

- In important applications concerning the general public, **decisions are ensured to be shown in the print media.**
- Our institution continues to actively create awareness and increase recognition on **Facebook, Twitter, YouTube and Instagram** accounts.
- **“KDK Child”** social media accounts have also been activated. The Works of our institution are shared through these social media accounts.
- Our institution **pays special attention to be accessible by all sections of the society.** That’s why, our institution meets with representatives of non-governmental organisations and public administrations in relation to people kept in closed establishments. At various times, **penitentiary institutions** and **temporary refugee centres for the Syrians in Turkey** have been visited and an on-site examination has been carried, while people there have been informed about application to our Institution.

The recognition of our Institution is improved every day through these works.

Added Value of the Institution



Our Institution carries out various activities in order to receive more qualified applications and to extend the culture of seeking one's rights, including:

- Serving as an effective complaint mechanism in the **protection and development of fundamental rights and freedoms.**
- Contributing to the good management of the administration through recommendations made for following good management principles, while encouraging **a human-focused approach in public administration.**
- Contributing to the solution of problems concerning the general public through legislative amendments, as well as **helping prevent current problems and potential problems that might arise in the future.**
- In applications containing **information requests**, providing individuals with legal assistance by referring them to the related authority (A separate office has been created for information via phone.)

Added Value of the Institution

- Our institution primarily **strives to meet the objective of ensuring fast access to justice through the amicable settlement method** so that complaints can be resolved in a fast and effective manner, **and contributes to extending the culture of conciliation.**
- As many disputes that can be subject to an administrative case are prevented from going to court thanks to methods such as Amicable settlement and/or Recommendation Decision, **the case-load of the administrative courts is reduced. In other words, the Ombudsman Institution serves as a mediation mechanism before an administrative trial.**
- Our institution **improves the communication between the Administration and the individual and increases the citizens' trust in the administration, while contributing to resolving problems in a fast, effective, affordable manner that is satisfactory for the individual, without encountering any bureaucratic obstacles.**

Objectives and Expectations of the Institution



When the Law no. 6328 on the Ombudsman Institution and other legislations are examined, it is seen that the Ombudsman Institution **complies with a large part of the Venice Principles** mentioned above. However, it is thought to be important to bring into agenda certain important matters that are included in the aforementioned Venice Principles and which are not a part of the current structure of the Ombudsman Institution.

In this regard, it is considered that **the Institution should be provided with the authorities such as ex-officio examination, national prevention mechanism, the authority to participate in the proceedings and that Institution's administrative and financial status should be strengthened.** These features are expected to increase the effectiveness of the Institution, allow it to further contribute to reducing the case-load of the administrative courts, and with the adoption of good management principles in the public administration, to ensure that the rule of law principle is applied more actively by providing fast and effective solutions to the problems of the citizens.



THANK YOU

25/01/2021