

LAW ON THE OMBUDSMAN
(Law No. 6328 Official Gazette dated 29.06.2013 and no. 28338)INSTITUTION

CHAPTER ONE
General Provisions

Objective

ARTICLE 1 - (1) The objective of this Law is to establish the Ombudsman Institution which will examine, investigate, and submit recommendations concerning 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, through creating an independent and effective mechanism of complaint concerning the public services.

Scope

ARTICLE 2 - (1) This Law covers the principles regarding the establishment, duties and working procedures of the Ombudsman Institution and the provisions regarding the qualifications, selection and personal rights of the Chief Ombudsman and ombudsmen and the appointment and personal rights of the staff members of the Institution.

Definitions

ARTICLE 3 - (1) For the purposes of this Law, the following definitions shall apply:

- a) Chief Ombudsman: Chief Ombudsman;
- b) Office of the Chief Ombudsman: The Office of the Chief Ombudsman of the Ombudsman Institution;
- c) Office of the Speaker: The Office of the Speaker of the Grand National Assembly of Turkey;
- ç) Ombudsman: Ombudsman;
- d) General Assembly: The General Assembly of the Grand National Assembly of Turkey;
- e) Administration: 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;

- f) Commission: The Joint Commission comprising of the members of the Petition Commission and the Human Rights Inquiry Commission of the Grand National Assembly of Turkey;
- g) Institution: The Ombudsman Institution.

(2) The President, Deputy President, Spokesperson and Clerk of the Commission are respectively the President, Deputy President, Spokesperson and Clerk of the Petition Commission.

CHAPTER TWO

Establishment, Duties and Working Principles

Establishment

ARTICLE 4 - (1) The Ombudsman Institution was established as a public legal institution with private budget under the Office of the Speaker of the Grand National Assembly of Turkey and having headquarters in Ankara with the purpose of performing the tasks delegated to it under this Law.

(2) The Institution shall comprise of the Office of the Chief Ombudsman and the Office of the Secretary-General.

(3) A Chief Ombudsman, five ombudsmen, a Secretary-General and other staff members shall work at the Institution.

(4) The Institution may open branches if deemed necessary.

Duties of the Institution

ARTICLE 5 - (1) The Institution shall be responsible for examining, investigating, and submitting recommendations to the Administration with regard to all sorts of acts and actions as well as attitudes and behaviours of the Administration upon complaint on the functioning of the Administration within the framework of an understanding of human rights-based justice and in the aspect of legality and conformity with principles of fairness.

(2) However, the followings shall be outside the competence of the Institution:

- (a) **(Abolished Provision: 2/7/2018-Decree Law/703/Art. 110)**
- (b) the acts concerning the execution of the legislative power;
- (c) the acts concerning the execution of the judicial power;
- (d) the acts of the Turkish Armed Forces, which are purely of military nature.

Office of the Chief Ombudsman

ARTICLE 6 - (1) The Office of the Chief Ombudsman shall comprise of the Chief Ombudsman and ombudsmen.

(2) The Institution shall be administered and represented by the Chief Ombudsman.

Duties of the Chief Ombudsman and ombudsmen

ARTICLE 7 - (1) The duties of the Chief Ombudsman shall be as follows:

- a) To examine and investigate the complaints lodged to the Institution, and submit recommendations to the administration accordingly;
- b) To draft the regulations concerning the implementation of this Law;
- c) To prepare annual reports;
- d) To prepare special reports on the matters requiring attention without waiting for the annual report;
- e) To make the reports public;
- f) To assign the ombudsman who will act in his/her place in his/her absence;
- g) To arrange division of labour among ombudsmen, with one of the ombudsmen being assigned to deal with women and child rights issues;
- h) To appoint the Secretary-General and other staff members;
- i) To perform other statutory duties.

(2) The duties of ombudsmen shall be as follows:

- a) To assist the Chief Ombudsmen in the fulfilment of the duties set forth in this Law;
- b) To perform the duties assigned by the Chief Ombudsman.

Working principles

ARTICLE 8 - (1) The Chief Ombudsman shall ensure and monitor cooperation and coordination among ombudsmen.

(2) Ombudsmen shall work alone on the issues or areas to which they are assigned by the Chief Ombudsman and submit their recommendations to the Chief Ombudsman.

(3) The Institution shall ensure the use of electronic media and communication means in its activities.

(4) The principles concerning the division of labour and the issues or areas to which ombudsmen are assigned by the Chief Ombudsman shall be laid down in a regulation.

Organization and duties of the Office of the Secretary-General

ARTICLE 9 - (1) The Office of the Secretary-General shall perform the secretarial, administrative and financial affairs of the Institution. The Office of the Secretary-General shall

consist of the Secretary-General and other administrative staff members.

(2) The duties of the Office of the Secretary-General shall be as follows:

- a) To conduct clerical services for the Institution;
- b) To keep personal files of the staff members;
- c) To carry out the archive services of the Institution;
- ç) 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;
- d) To conduct the procedures concerning the leaves and retirement of staff members;
- e) To carry out the personal staff matters, health and social services procedures of the staff members working at the Institution;
- f) To ensure the use of the information systems with regard to the matters concerning the activity field of the Institution
- g) To perform statutory duties or the duties assigned by the Chief Ombudsman.

Qualifications of the Chief Ombudsman and ombudsmen

ARTICLE 10 - (1) The following qualities shall be required for being elected as the Chief Ombudsman and ombudsmen:

- a) To be a citizen of the Republic of Turkey;
- b) To be at least 50 years of age in case of the Chief Ombudsman and 40 years of age in case of ombudsmen at the date of election;
- c) To have graduated from the faculties with four-year education program of preferably law, political science, economic and administrative sciences, economy or management, or from higher education institutions at home or abroad, the equivalence of which has already been accepted;
- ç) To have an experience of at least ten years in aggregate at the public institutions or organizations, international organizations, non-governmental organizations, professional organizations with public institution status, or in the private sector;
- d) Not to be banned from public rights;
- e) Not to be a member of a political party at the time of the application;
- f) Not to have been convicted of the offenses listed in Sections 1 and 2 of Chapter 1 of Book 2 of the Turkish Criminal Code, the offenses committed against the security of the state, the offenses committed against the constitutional order and the functioning of this order, the offenses committed against the national defence, the offenses committed against the state secrets, the espionage crimes, the offenses against the relations with foreign states, embezzlement, extortion, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy, corrupt tendering, corrupt performance of contract, money laundering and smuggling, even if the time limits set out in Article 53 of the Turkish Criminal Code No. 5237 of 26.09.2004 are prescribed and even if the sentence is pardoned or reprieved.

Nomination and election

ARTICLE 11 - (1) The Institution shall notify the Office of the Speaker accordingly ninety days before the end of the tenure of the Chief Ombudsman or one of the ombudsmen or within 15 days following the termination of tenure for any reason.

(2) Those who intend to be presumptive candidates for the Chief Ombudsman or ombudsmen and who meet the eligibility criteria provided for in Article 10 shall apply to the Office of the Speaker within the application period announced by the Office of the Speaker.

(3) Within fifteen days following the end of the application period, the Commission shall determine three candidates among the presumptive candidates who have applied to the position of the Chief Ombudsman, and notify the list to the Office of the Speaker for submittal to the General Assembly.

(4) Within fifteen days following the notification, the General Assembly shall commence on the election of the Chief Ombudsman. The Chief Ombudsman shall be elected by secret ballot.

(5) The Chief Ombudsman shall be elected with a two-thirds majority of the total member number. If this majority cannot be obtained in the first voting, then the second voting shall be held. The two-thirds majority of the total member number shall also be sought at the second voting. If the two-thirds majority of the total member number cannot be attained during the second voting, then the third voting shall be held in which the candidate securing the absolute majority of the total member number shall be deemed to have been elected. In case an absolute majority of the total member number cannot be reached at the third round, the fourth round of voting shall be held between the top two candidates securing the highest number of votes. The candidate who secures the highest vote in the fourth round shall be elected as the Chief Ombudsman provided that there is a quorum for decision.

(6) A sub-commission to be established by the Commission shall determine three times the number of ombudsmen to be elected among the presumptive candidates, and notify the list to Commission within fifteen days following the end of the application period. The Commission shall elect the ombudsmen within the next fifteen days. Ombudsmen shall be elected with a two-thirds majority of the total member number. If this majority cannot be obtained in the first voting, then the second vote shall be held. The two-thirds majority of the total member number shall also be sought at the second voting. If the two-thirds majority of the total member number cannot be attained during the second voting, then the third voting shall be held in which the candidate securing the absolute majority of the total member number shall be deemed to have been elected. In case an absolute majority of the total member number cannot be reached at the third round, the fourth round of voting shall be held among two times the number of ombudsmen to be elected who secure the highest number of votes. The candidates who secure the highest votes in the fourth round shall be elected as ombudsmen provided that there is a quorum for decision. When two or more ombudsmen shall be elected, split tickets shall be issued. Votes for specific candidates shall be cast by ticking the boxes corresponding to those candidates. The tickets bearing ticked boxes more than the number of candidates to be elected shall be considered invalid.

(7) Elections shall be finalized within ninety days at the latest after the Institution has applied to the Office of the Speaker.

(8) The time limits specified in this Article shall not count when the Turkish Grand National Assembly is on holiday or in intermission.

Independence and impartiality

ARTICLE 12 - (1) No authority, organ, institution or person can issue orders or instructions or circulars or advices 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.

Taking of Oath

ARTICLE 13 - (1) The Chief Ombudsman and ombudsmen shall take the following oath respectively before the General Assembly and the Commission before taking office:

"I do solemnly swear on my honour and on my dignity that I will carry out my duties with absolute impartiality, diligence, fairness and honesty."

Tenure

ARTICLE 14 - (1) The tenure of the Chief Ombudsman and ombudsmen shall be four years.

(2) If a Chief Ombudsman or ombudsman is elected to office after a Chief Ombudsman or ombudsman leaves office upon resignation, death or removal from office, the tenure of the Chief Ombudsman or ombudsman so-elected shall be four years.

(3) A person who has served as a Chief Ombudsman or ombudsman may be re-elected to the same office for one term only.

(4) Those who are elected as the Chief Ombudsman or ombudsmen shall be discharged from their previous posts during the time they work for the Institution. However, those civil servants who are elected as the Chief Ombudsman or ombudsmen shall be appointed to positions in equal standing to acquired positions by the authorities who are entitled to effect such appointments if they apply to their former institutions within thirty days after their tenure at the Institution is terminated for reasons other than being no longer eligible to be a public servant or they seek to leave from office at the Institution or their tenure is completed. When their tenures at the Institution end, those members of high courts who are elected to the Institution shall return to their previous positions at the high court automatically and irrespective of whether there is a vacant staff position for them and the first staff position that becomes vacant shall be allocated to them. As the said appointments are being made, the tenure as the Chief Ombudsman or ombudsmen at the Institution shall be deemed to have passed at the offices for which high judge compensation should be paid for those who are elected after acquiring entitlement to such compensation. These provisions shall apply to the

people who are elected to office at the Institution from universities provided that the conditions for acquiring academic titles are reserved. The monthly salaries and social rights and benefits of the Chief Ombudsman or ombudsmen, whose tenures at the Institution end, shall continue to be paid by the Institution until they are appointed to a position appropriate to their acquired statuses. Such payments shall be terminated by the Institution at the date when they are appointed to a position appropriate to their acquired statuses.

Removal and expiration of duty

ARTICLE 15 - (1) If the Chief Ombudsman or ombudsmen are later found by the Commission not to meet the criteria set out in Article 10 or if they happen not to meet these criteria after they are elected, the termination of the tenure of the Chief Ombudsman and ombudsmen shall be decided, respectively by the General Assembly without deliberation and by the Commission.

(2) The Chief Ombudsman who is sentenced or restricted for a charge which would damage his/her eligibility for election shall lose his/her capacity as the Chief Ombudsman or ombudsman upon the final court judgment's being submitted, respectively to the General Assembly and to the Commission.

Financial and social rights of the Chief Ombudsman and ombudsmen

ARTICLE 16 - The Chief Ombudsman and ombudsmen shall be paid a monthly salary that is equal to the financial rights including all sorts of remuneration allocated respectively to the highest Civil Servant and to the Directors-General of the Ministry. The payments to the highest Civil Servant and the Directors-General of the Ministry that are free of taxes and other deductions shall also be free of taxes and other deductions under this Law. The social rights and benefits available to the highest Civil Servant and to the Directors-General of the Ministry under the Law No. 657 of 14.07.1965 on Civil servants and other legislation shall be available respectively to the Chief Ombudsman and ombudsmen within the framework of the same terms and principles.¹

CHAPTER THREE

Applications to the Institution and Procedures

Application and application procedures

ARTICLE 17 - (1) Natural and legal persons may apply to the Institution. Applications shall be kept confidential upon the request of applicants.

¹ With the Article 110 of the Decree Law number 703 dated 2/7/2018, the expression “Undersecretary of the Prime Ministry” changed as “the highest Civil Servant”, the expression “deputy undersecretaries of the Prime Ministry” changed as “Directors-General of the Ministry”, the expression “to the deputy undersecretaries “ changed as “to the Directors-General of the Ministry”.

(2) The application shall be made with a petition which is written in Turkish and bears the full name, signature, residence or work address, the citizenship ID number for citizens of the Republic of Turkey, the passport number for foreign persons, or, if the applicant is a legal person, the title and residence of the legal person, and the title of the authorized person, and if any, central legal person number and authorization certificate. This application may be made through the electronic media or other communication means provided that the conditions set out in the Regulation are complied with.

(3) Those applications which;

- a) fail to contain a specific matter,
- b) concern the disputes which are being dealt with or have been resolved by judicial organs,
- c) do not meet the criteria set out in the second paragraph,
- ç) have the same reasons, subject-matters and sides, and which have been resolved beforehand

shall not be examined.

(4) Before any application is filed with the Institution, the administrative remedies listed in Administrative Jurisdiction Procedures Law dated 6/1/1982 and numbered 2577 and the mandatory administrative remedies specified under special laws must be exhausted. Any application filed before exhausting administrative application remedies shall be sent to the relevant institution. However, in cases where it is likely to have damages which are hard or impossible to compensate, the Institution may accept applications even if administrative remedies are not exhausted.

(5) Applications may be filed with the Institution via provincial or district governor's offices.

(6) Applications shall be free of charge.

(7) Application may be filed with the Institution within six months following the date of notification of the response to the application filed with the administration under the fourth paragraph above or after the termination of the sixty-day period during which the administration fails to respond to the application. The date of application shall be deemed to be the date on which the petition is submitted to the Institution or provincial or district governor's offices or, in other cases, the date on which the application is received by the Institution.

(8) Any application filed during the term of litigation shall suspend the ongoing term of litigation .

Requesting Information and document

ARTICLE 18 - (1) The information and documents which the Institution may request in connection with the matter it examines and investigates shall be submitted to the Institution

within thirty days following the date of notification of such request. Upon request of the Chief Ombudsman or ombudsman, the relevant authority shall launch an investigation about those who refuse to submit the documents or information requested within this period without any justifiable reason.

(2) The information or documents which are state secrets or trade secrets may not be submitted to the Institution by the highest ranking post or board of the competent authorities by providing justifications for such refusal. However, such information or documents which are state secrets may be examined on the spot by the Chief Ombudsman or an ombudsman assigned by the Chief Ombudsman.

Assignment of referee and hearing of witness

ARTICLE 19 - (1) The Chief Ombudsman or ombudsmen may assign referees in connection with the subject matter under examination and investigation.

(2) Without prejudice to the provisions of the Allowance Law No. 6245 of 10.02.1954, an expert fee which shall not exceed the sum calculated by multiplying the reference value of 1,000 for civil servants and of 2,000 for other persons with the coefficient applied to civil servants' monthly salaries shall be paid upon a decision by the one who effects the assignment. These payments shall be free of taxes or other deductions except the stamp duty.

(3) The Chief Ombudsman or ombudsmen or experts may hear witnesses or relevant people in connection with the matter under examination and investigation.

Examination and investigation

ARTICLE 20 - (1) The Institution shall finalize its examination and investigation within six months at the latest following the date of application. The Institution shall notify the outcome of its examination and investigation and, if any, its recommendations to the relevant authority and to the applicant. The Institution shall indicate to the applicant the remedies against the act, the application period and the authority to which the application should be filed.

(2) If the relevant authority does not find the action to be performed in line with the suggestions of the Institution or the solution proposed by the Institution as feasible, it shall notify the reasons for it to the Institution in 30 days.

Resumption of the term of litigation

ARTICLE 21 - (1) If the application is declined by the Institution, the suspended term of litigation shall resume upon the date of notification of the Institution's decision to the person concerned.

(2) In case the application is accepted by the Institution, if the relevant authority does not launch any action or transaction within 30 days upon the Institution's recommendation, then the paused term of litigation shall resume.

(3) If the Institution fails to finalize its examination and investigation within six months following the date of application, then the suspended term of litigation shall resume.

Reports

ARTICLE 22 - (1) The Institution shall prepare a report about its activities and recommendations at the end of every calendar year and submit it to the Commission. 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) The Institution may make public statements as it deems necessary without waiting for the annual report.

Authority to make statements

ARTICLE 23 - (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 FOUR Provisions for Staff

Appointment of staff

ARTICLE 24 - (1) The Secretary-General shall be appointed by the Chief Ombudsman among those who have graduated from a four-year university program and who have worked at a public position for at least ten years under the Law on Civil Servants and who meet the criteria set out in Article 48 of the same Law.

(2) The other staff members shall be appointed by the Chief Ombudsman.

Assistant experts of the Ombudsman

ARTICLE 25 - (1) Assistant experts of the Ombudsman shall have the following qualities in addition to the general requirements listed in Article 48 of the Law on Civil Servants:

- a) To have graduated from a four-year university program or above or from equal higher education programs at home or abroad,

- b) To pass the entrance examination to be held,
- c) To be thirty-five years of age at the most as of the first day of January in the year the examination is held,

Experts of the Ombudsman

ARTICLE 26 - (1) Those who are appointed as assistant experts of the Ombudsman under Article 25 shall be entitled to enter the qualification examination provided that they have worked for three years at least. Those who pass the qualification examination shall be given the title of expert of the Ombudsman provided that they secure points corresponding to at least (C) degree at the Foreign Language Examination for Civil Servants or any score corresponding to these points from internationally accepted foreign language placement tests. Those who fail the examination shall, upon demand, be assigned to proper positions at the Institution or other public bodies or institutions by the State Personnel Office of the Speaker.

(2) The principles and procedures concerning the recruitment and training, and the form of the qualification examination of assistant experts of the Ombudsman as well as duties, powers, authorities and functions of assistant experts and experts of the Ombudsman shall be specified in the Regulation.

Financial and social rights of and the provisions regarding staff members

ARTICLE 27 - (1) The staff members shall be subject to the provisions of the Law Civil servants on matters not specifically covered by this Law.

(2) **(Amendment: 2/7/2018-Decree Law/703/Art. 110)** The provisions concerning financial and social rights and benefits of the Directors-General of the Ministry shall apply also to the Secretary-General.

(3) **(Amendment: 2/7/2018-Decree Law/703/Art. 110)** The provisions concerning financial and social rights and benefits of judicial experts with the same standing shall apply also to experts of the Ombudsman, and those of judicial assistant experts to assistant experts of the Ombudsman and those of Ministry of Justice civil servants with the same standing to other personnel of the Institution. The payments to corresponding staff members at the Ministry of Justice that are free of taxes and other deductions shall be free of taxes and other deductions under this Article as well.

Assignment of staff from public institutions and agencies

ARTICLE 28 - (1) Those working at the public administrations that are attached to the central government, the social security institutions, local administrations, administrations attached to local administrations, local administrative unions, institutions with circulating capital, funds established under laws, public organizations, public economic enterprises, associated public organizations, and their affiliates and subsidiaries, and professional organizations with public

institution status may be assigned for the tasks requiring expertise at the Institution after obtaining the permission from their organizations. The duration of such assignment shall not exceed six months. However, this duration may be extended for 3 months if deemed necessary. The Institution's demands for such expertise shall be prioritized by the relevant authorities and organizations. The staff members who are so assigned shall be deemed to be on leave of absence with pay from their institutions. During the leave of absence, these staff members shall continue to be deemed as civil servants and their personal staff rights shall be maintained and these periods of leave shall be taken into consideration in their promotion and retirement calculations and their promotion shall be effected automatically.

CHAPTER FIVE

Miscellaneous Provisions

Budget

ARTICLE 29 - (1) The revenues of the Institution shall be as follows:

- a) The Treasury funds to be allocated from the budget of the Grand National Assembly of Turkey,
- b) Other incomes.

(2) The Institution's budget shall be used to cover the expenses related to the fulfilment of the duties under this Law.

Prohibitions

ARTICLE 30 - (1) The Chief Ombudsman, ombudsmen, the Secretary-General, experts of the Ombudsman, assistant experts of the Ombudsman and other staff members shall not become a member of a political party; they shall not act to the advantage or disadvantage of any political party, person or group; they shall not discriminate people based on linguistic, racial, gender, political, philosophical, religious or sectarian differences in performing their duties; they shall not disclose the professional or trade secrets they learn during the performance of their duties even after their leave from their office, and they shall not use such secrets for their personal benefits or to the benefit of other people.

(2) The Chief Ombudsman, ombudsmen, the Secretary-General, expert of the Ombudsman, and assistant expert of the Ombudsman shall not examine the complaints filed by themselves, their spouses or their relatives by consanguinity or by marriage up to (and including) third degree.

(3) The Chief Ombudsman, ombudsmen, the Secretary-General, expert of the Ombudsman, and assistant expert of the Ombudsman and other staff members 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.

Procedures for criminal investigations and prosecutions about the Chief Ombudsmen and ombudsmen

ARTICLE 31 - (1) The permission from the Speaker of the Grand National Assembly of Turkey shall be sought for launching a criminal investigation or prosecution about the Chief Ombudsman or ombudsmen in connection with the claims related to performance of their duties. Decisions about giving or withholding permission may be challenged at the relevant department of the Council of State.

(2) Investigations about the Chief Ombudsman and ombudsmen shall be conducted by the Chief Public Prosecutor of the Supreme Court. A public action which may be launched shall be heard by the relevant criminal chamber of the Supreme Court. The appeal authority is the Criminal General Assembly of the Supreme Court.

(3) The provisions of the Law No. 4483 of 02.12.1999 on Litigation of Civil Servants and Other Public Employees shall apply for the matters not specifically covered by this Article.

(4) In flagrante delicto cases which fall into the jurisdiction of high criminal courts, general provisions shall apply.

Procedures for criminal investigations and prosecutions about the Secretary-General and staff members

ARTICLE 32 - (1) The permission from the Chief Ombudsman shall be sought for launching a criminal investigation or prosecution about the Secretary-General, expert or assistant expert of the Ombudsman in connection with the claims related to performance of their duties. Decisions about giving or withholding permission may be challenged at the Ankara Regional Administrative Court.

(2) The investigation about the Secretary-General, expert of the Ombudsman, assistant expert of the Ombudsman and other staff members shall be conducted by the Chief Public Prosecutor of the place where the alleged crime has been committed or by the Public Prosecutor assigned by the Chief Public Prosecutor. A public action which may be launched shall be heard by the court of the same place.

(3) The provisions of the Law on Litigation of Civil Servants and Other Public Employees shall apply for the matters not specifically covered by this Article.

(4) In flagrante delicto cases which fall into the jurisdiction of high criminal courts, general provisions shall apply.

Retirement

ARTICLE 33 - (1) The Chief Ombudsman, ombudsmen, the Secretary-General, expert of the Ombudsman, assistant expert of the Ombudsman and other staff members shall be insured under the scope of sub-paragraph (c) of the first paragraph of the Provisional Article 4 of the

Law No.5510 of 31.05.2006 on Social Insurances and General Health Insurance. (**Amendment of the second and the third sentences: 2/7/2018-Decree Law/703/Art. 110**) Incomes of the Chief Ombudsman and ombudsmen, which shall be taken as basis for the calculation of insurance premiums shall be calculated with reference to the “highest Civil Servant” for the Chief Ombudsman and to the “Directors-General of the Ministry” for the ombudsmen. The duration of office at the Institution of those who fall under the ambit of Transitional Article 4 of the Law No.5510 during their office shall be deemed as the duration for which executive compensation and representation compensation should be paid, and the Chief Ombudsman and ombudsmen shall benefit from the additional reference, executive compensation and representation compensation calculated respectively for the “highest Civil Servant” and “Directors-General of the Ministry” .

(2) If the Chief Ombudsman and ombudsmen are already being paid pension by any of the social security institutions at the time they are elected, they may request the cutback of their pension and, instead, they may be re-insured under sub-paragraph (c) of the first paragraph of Article 4 of the Law No.5510. At the end of their tenure at the Institution, those who have opted out of their former pension schemes and been re-insured shall have their pension calculated under general provisions.

(3) The first paragraph of Article 40 of the Law No.5434 of 08.06.1949 on the Pension Fund of the Republic of Turkey and the provisions concerning age limit in the Law No.5510 shall not apply to the Chief Ombudsman and ombudsmen.

Cadres

ARTICLE 34 - (1) The cadres listed in the attached list have been created and added as the section titled Ombudsman Institution to the table (I) attached to the Statutory Law No. 190 of 13.12.1983 on General Cadres and Procedures.

Amended provisions

ARTICLE 35 - (1) (It is related to the Law No.657 of 14.07.1965 on Civil Servants and has been inserted into its proper place.)

(2) (It is related to the Law No. 5018 of 10.12.2003 on Public Financial Management and Control and has been inserted into its proper place.)

(3) (It is related to the Vehicle Law No. 237 of 05.01.1961 and has been inserted into its proper place.)

Transitional provisions

TRANSITIONAL ARTICLE 1 - (1) The Ombudsman Institution shall be established upon the election of the Chief Ombudsman and ombudsmen.

(2) The Office of the Speaker shall initiate the process of nomination candidacy for the election as the Chief Ombudsman and ombudsmen within fifteen days following the entry into force of this Article and the elections shall be completed under the procedure set out in Article 11.

(3) The regulations concerning the implementation of this Law shall enter into force within nine months following the entry into force of this Article.

(4) Within 90 days after the election of the Chief Ombudsman and ombudsmen is completed, the Chief Ombudsman may be appointed up to fifty percent of the staff members titled Expert of the Ombudsman given in the attached list only for once and without requiring the fulfilment of the criteria specified under Articles 25 and 26 from among the university lecturers who hold a doctor's degree or the civil servants who have been appointed after passing a competitive examination and taking an in-service training for a definite time and passing another special qualification examination. Those who will be appointed as expert of the Ombudsman must have at least five years of experience in their profession.

(5) The provisions of this Law shall commence to be applied for acts and actions and attitudes and behaviours of local administrations one year after all provisions of this Law enter into force.

Entry into Force

ARTICLE 36 – (1) Article 17 of this Law shall enter into force nine months following the date of publication and the remaining articles shall enter into force on the date of publication.

Enforcement

ARTICLE 37 – (1) The provisions of this Law shall be enforced by the Speaker of the Grand National Assembly of Turkey and the Council of Ministers.