

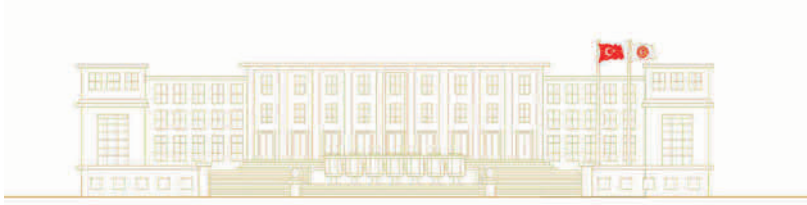


REPUBLIC OF TURKEY
OMBUDSMAN INSTITUTION

2020

ANNUAL REPORT

ABRIDGED ENGLISH VERSION



2020

ANNUAL REPORT

ABRIDGED ENGLISH VERSION



REPUBLIC OF TURKEY
OMBUDSMAN INSTITUTION



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TO THE READER

By Law, the Turkish Ombudsman Institution has to submit an Annual Report about its activities to the Grand National Assembly of Turkey at the end of January each year.

The original Annual Report is 582 pages long. This abridged English version has been prepared for the benefit of foreign readers, and some of the key highlights about the Ombudsman Institution of Turkey have also been added in order to familiarize readers with the Institution.

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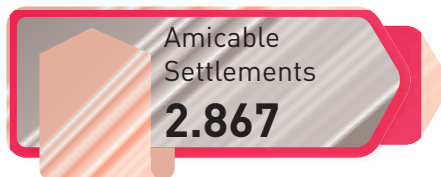
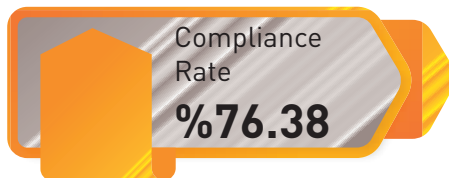
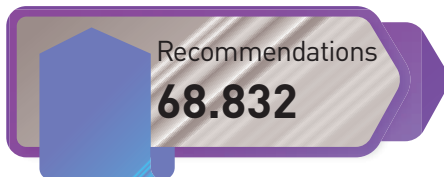
2020

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2020 AT A GLANCE



2020 AT A GLANCE



Special Reports



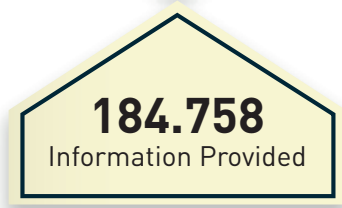
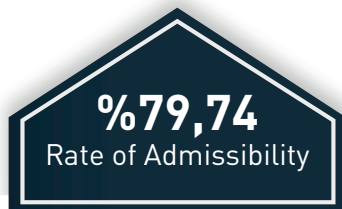
Report on Human Rights Violations Committed by the Armenian Armed Forces During the Azerbaijan-Armenia War



Special Report on Turkey's Fight Against COVID-19 Pandemic



Special Report on Human Rights Violations Committed by the Greek Security Forces against Migrants on Turkey-Greece Border



PUBLICATIONS

2019 Annual Report (Turkish and English versions)

2nd Istanbul International Ombudsman Conference Booklet (Turkish and English versions)

2019 Annual Report-Child rights (Turkish)

Six Months Report of the Ombudsman Institution of Turkey (Turkish)

Ombudsman Bulletin No. 18,19 (Turkish)

2019 Activity Report (Turkish)

2020 Performance Report (Turkish)

CHAPTER

II

2020

ANNUAL REPORT

FOREWORDS

Chief Ombudsman
Mr. Şeref MALKOÇ

Ombudsman
Mr. Yahya Akman

Ombudsman
Ms. Fatma Benli YALÇIN

Ombudsman
Mr. Arif Dülger

Ombudsman
Mr. Sadettin Kalkan

Ombudsman
Ms. Celile Özlem Tunçak

2.1. Chief Ombudsman Mr. Şeref MALKOÇ



In the year 2020, humanity faced a pandemic crisis which is uncommon in history. In the last days of 2019, a pandemic called COVID-19 emerged in the Wuhan city of China, spread throughout the world in 2020 and severely affected all countries without exception. As of the date these lines were written, 100 million people have been infected with this pandemic and more than 2 million people have died. Countries have had to take unprecedented restrictive measures to combat with this pandemic. In the globalizing world, humanity had to give up many of the freedoms they were used to. Countries closed their borders, national and international travels were banned, flights suspended. After extensive and prolonged curfews, people could not leave their homes for weeks. Schools, restaurants and places of prayer were closed. The mask we should all be wearing in order to protect against the virus became an integral part of our face.

Besides, particularly in the European countries and in the US, hospitals and health systems were proved to be insufficient. Countries could not provide medicines, oxygen tubes or even hospital beds to patients. We have witnessed that developed states are incapacitated by the tragic deaths of thousands of citizens living in the elderly care centers. Tens of millions of people became unemployed, homeless and hungry. We have witnessed that particularly disabled, elderly and immigrants have been more

deeply affected by this global crisis and the governments are incapable of solving these problems. Systems that people always trust remained incapable and administrations were helpless. The **Ombudsman Institution** has been one of the leading institutions that these despairing people seek legal remedies and seek help. Ombudsmen did not leave these help requests unanswered which reached a significant number during this period and they rushed to help with all their might.

Undoubtedly, this pandemic which also seriously affected our country since its first appearance on 11 March 2020 and measures taken to prevent its spread have significantly increased the responsibilities of the Ombudsman Institution of Turkey and revealed its importance. The Institution has successfully fulfilled its role as a bridge between the citizen and the state during the pandemic process. The most important proof of this is 90,209 applications submitted to our Institution regarding the pandemic in 2020. This application rate is more than 4,5 times of the total applications received in 2019. Our Institution took all the applications seriously and issued “Recommendation” to 68,832 applications, and resolved more than 72 thousand applications through amicable settlement. Also, we prepared a comprehensive special report “*Turkey’s Fight against COVID-19 Pandemic*” which includes information and evaluation of our state’s combat against pandemic.

Due to all these developments, we determined the theme of our 2020 annual report as “The role of the Ombudsman Institution in the difficult conditions of the pandemic period”.

This Report which we have submitted to the Grand National Assembly of Turkey, is our eighth annual report. Within 8 years, the Ombudsman Institution has successfully completed its institutionalization and has become the young, dynamic and effective institution of our country for seeking rights and justice. Significant progress has been made in the development of problem-solving ability by raising the awareness of our institution before the public and administrations. With its decisions, Ombudsman Institution has been a remedy for the problems of millions of our citizens, ensured the establishment of good administration principles in administration and became a strong defender of human rights. In addition, as a result of the special reports prepared on the important problems of the society and the workshops conducted, sought solutions to the problems that concern millions of people.

Our main institutional strategy and working principles are as follows:

- Easy and free of charge access of individuals to the Institution to seek rights and ensuring rapid access of individuals to justice, primarily by trying the amicable settlement,

- Establishment of a sense of administration that puts people at the center in its works, which is transparent, impartial, treats equally and is accountable in its decisions,
- Establishment of a management approach that embraces and guarantees the rule of law and human rights, respects individual rights,
- By contributing to the dissemination of seeking legal remedies culture, raising individuals who are aware of their rights, effective usage of alternative dispute resolution methods and to enroot culture of the rights in society.

To sum up the year 2020 in figures, **90,209 applications** were made to our Institution this year. Despite the fact that the number of our personnel has not changed much and the negative effects of the pandemic, we made decision on 91,100 files thanks to devoted works of our staff.

Acting as a bridge between the administration and the citizen, we resolved 2867 applications in a short period of time through amicable settlement. As a result of our examinations on 68,832 applications, we gave recommendation. With the support we got from the Grand National Assembly of Turkey and with our institutional activities, in 2020, the compliance rate to our Recommendations reached to **76.38%**. **Considering the fact that this rate is 80% in the most long-established ombudsman institutions around the world, the success of the Ombudsman Institution of Turkey, which is a newly established institution, will be better understood.**

As a result of a total of **184,758** contacts held face-to-face or over the phone with citizens who have problems in 2020, we provided them legal assistance, guided them and tried to find a solution to their problems.

As we all know, in addition to solving problems between the administration and people, Ombudsman Institutions as human rights institutions, have a duty to report human rights violations and stop these violations. In 20th century, the Ombudsman Institution which became widespread and strengthened within the framework of the development of the above-mentioned human rights concepts, emerged as one of the most important institutions in the protection of human rights. It is important that Ombudsman Institutions act as human rights mechanism in the international arena, especially with the international ombudsman associations and bilateral agreements.

Within this scope, in 2020 besides our works on pandemic;

- Due to the fact that Greece uses excessive and disproportionate force against immigrants who want to cross its borders and even deaths and injuries had wide media coverage in the local and foreign media, we prepared a report as a result of the

study visit conducted to Edirne province to examine the allegations and the situation of the immigrants on site. We shared the report with the world ombudsman offices, human rights institutions and the public.

- The Armenian Armed Forces attacked innocent civilians of Azerbaijan between the dates 27 September - 10 November 2020. 94 civilian Azerbaijani citizens lost their lives, 414 civilians were injured in these attacks, in which long-range missiles, artillery fire and other weapons were used in a region far from the war. Also, places of worship, schools, public buildings and apartments were destroyed in these attacks. As an institution, we prepared the **“Report on Human Rights Violations by the Armenian Armed Forces During Azerbaijan-Armenia War”** as a result of our on-site investigations and findings regarding the human rights violations that occurred as a result of attacks of Armenia. In this report, we presented the human rights violations committed by Armenia to the world public with all objectivity and openness, and shared with the relevant parties. We called on international human rights institutions and ombudsman institutions of other countries not to remain silent.
- We organized meetings in **Kocaeli, Diyarbakır, Mardin, Nevşehir, Kilis, Trabzon, Mersin, Muş, Bingöl and Iğdır** provinces. We organized conferences on “Justice, Law and Ombudsman Institution” at various universities. We also organized meetings with university students on social media.
- In 2020, we also published the 2nd İstanbul International Ombudsman Conference Booklet (Turkish and English), Ombudsman Institution Bulletins and Ombudsman Academic Journal on a regular basis.
- We continued to distribute our Manual on Good Administration Principles to the public institutions and organizations. In addition, we continued to distribute the English version to the other ombudsman institutions around the world.

Within the scope of international relations in 2020, we visited Djibouti Ombudsman Institution, Turkish Republic of Northern Cyprus, attended UN UPR (Universal Periodic Review Mechanism) meeting and visited Nakhichevan. Within the scope of the activities of the Organization of Islamic Cooperation Ombudsmen Association, online meetings with the Moroccan Mediator (Ombudsman), and with the Iranian Ombudsman were held. Also, the 1st and 2nd Board of Directors of the Organization of Islamic Cooperation (OICOA) were held online. We conducted a working visit to Azerbaijan. We held a meeting with the Ombudsmen of the Turkic Speaking Countries via video conference on 4 November 2020 for the establishment of the Association of Ombudsmen of the Turkic Speaking Countries.

Since its establishment in 2013, our institution has signed 9 bilateral cooperation agreements. In this context, this number increased to 10 with the signing of a memorandum of understanding with the Djibouti Ombudsman in 2020. Other countries with bilateral cooperation are Niger, Ukraine, Serbia, Bulgaria, Bosnia and Herzegovina, Azerbaijan, Russian Federation, Kyrgyzstan and Iran. We made mutual visits with ambassadors, representatives of ombudsman institutions and human rights institutions.

We attached importance to cooperation with civil society organizations (CSOs), professional organizations, trade unions and bar associations. We held regular meetings and exchanged views with many CSOs and professional organizations. We held meetings with 600 local CSOs representatives in provincial meetings held in the provinces of **Kocaeli, Diyarbakır, Mardin, Nevşehir, Kilis, Trabzon, Mersin, Muş, Bingöl** in order to spread the culture of seeking legal remedies.

We shared the decisions of the institution with the public via press. We appeared on press for 13,618 times in 2020. In some of the provinces visited during the year, interviews were given to local and national media. We participated in live broadcasts of a total of **29** local radios via phone, as well as live broadcasts of local televisions, as well as local media channels broadcasting via social media.

Due to the expiration of my term as Chief Ombudsman and also the 4-year term of 4 Ombudsmen on 5 December 2020, Ombudsman elections were held in the Joint Committee comprising of the members of the Committee on Petitions Commission and the Committee on Human Rights Inquiry. As a result of the election, I have been re-elected as the Chief Ombudsman for a second term by the General Assembly of the Turkish Grand National Assembly.

As Ombudsman Institution, particularly in the fields of justice, equity and human rights areas of our country, we will continue our works in line with the **2023, 2053 and 2071 targets**. We are preparing our strategic plan for the **2022-2027 period** in this direction. In this plan, we give priority to the activities that focus on the good administration principles. We will continue to work with all our efforts to ensure that our institution is recognized by all of our citizens and the culture of seeking legal remedies is widespread in all age groups, occupational groups and in every corner of the country.

Human rights violations, racism, Islamophobia and discrimination that occur all over the world will be reported by the Human Rights Center which has been newly established within our institution.

We will carry out training activities on human rights, especially for the Turks living in Europe, we will prepare materials on right to legal remedies. In addition, we will

continue to share experiences and give training to the other countries ombudsman institutions who want to benefit from our institution's experience.

We attach importance to the reforms in the field of economy, law and democracy as expressed by our President Mr. Recep Tayyip Erdoğan in the last months of 2020 and we find these reforms very beneficial for our country. In the last 20 years in our country, there have been very important progress and silent revolutions in every field, as an Institution we are ready to make all kinds of contributions to the reforms in the fields of economy, law and democracy which are dynamic elements.

The activities mentioned in this Annual Report are the results of a strong, dynamic and dedicated teamwork. I would like to express my sincere gratitude to everyone, from Ombudsmen to the Secretary General, from workers to civil servants, from our experts to our Head of Departments, who contributed and worked hard to solve the problems of our citizens.

Sincerely yours,

Şeref MALKOÇ
Chief Ombudsman

2.2. Ombudsman Mr. Yahya AKMAN



After the end of my tenure as Ombudsman, I have been re-elected as Ombudsman for the 2nd and last term in November 2020 in accordance with our Institution Law. For the next four years, our efforts will continue to protect and develop human rights and freedoms, to expand the area of right to legal remedies, to examine and decide on applications as soon as possible and to increase the recognition and awareness of our institution.

As in all countries of the world, also in our country as a result of the measures taken within the scope of combating with COVID-19, many people and companies have been adversely affected by these practices. Particularly, the closure of the workplaces due to the pandemic or opening them in limited period of times, brought some problems in terms of employment and production. After vaccines have been developed by different countries, the vaccination process has started in the world including our country. I hope that the pandemic will come to an end and the economic activities that slowed down at this time will begin to revive and lead to an increase in production and employment.

During this period, we have been going through, a special report has been prepared by our institution within the scope of the COVID-19 pandemic. This report includes the activities carried out in the country within the scope of combating the pandemic and provides suggestions.

According to the division of labor directive of our institution, in the areas that I am responsible for, majority of applications have been made by those who are detained or convicted in prisons and are still being made to be transferred to a prison in the city where their family is located or in a nearby city. By the General Directorate of Prisons and Detention Houses, the most important reason for the rejection of these applications was argued that the penal execution institutions are full. As a result of the examination of these applications by our institution “Recommendation” and “Amicable Settlement” decisions have been made about many applications. In 2020, amendments are made in the law on the execution of sentences and security measures by the Grand National Assembly of Turkey with the Law No. 7242 which paved the way for the release of approximately ninety thousand convicts.

In accordance with the Law No. 5275 on the Execution of Penalties and Security Measures Article 6, sub-article 1, sub-paragraph (f), it was stated that special precautions were needed in the penal execution institutions, therefore the transfer of convicts and detainees was temporarily suspended and these measures applied at this stage cannot be lifted. Nevertheless, as a result of the investigations about the applications found to be acceptable, following the lifting of the measures implemented under COVID-19 “recommendation” was given for the transfer of applicants.

Regarding healthcare, there have been applications from the citizens that the measures were not respected in some places and that the inspections shall be increased and these applications were delivered to the relevant administrations as soon as possible and as a result of the taken actions, feedbacks were received from the relevant institutions.

The right to property is the most important right after the “right to live” both in the Constitution and in the international texts. Again this year, within the scope of zoning plans due to the allocation of citizens’ immovables to public services, no expropriation for many years and applications were made for the inability of citizens to dispose of their immovables. As a result of the examinations, “recommendations” were made to the relevant administrations with the conviction that the property rights of the citizens were violated by preventing the actual usage right of the citizens on their immovables.

Applications are made to our Institution within the scope of the right to information. In the 74th Article of our Constitution by stating that everyone has the right to information, the right to information is clearly guaranteed. As a matter of fact, the legislator has also enacted the Law No. 4982 on the Right to Information in order to regulate the procedure and the basis of the right to information according to the principles of equality, impartiality and openness that are the necessities of a democratic and transparent government. These applications were examined and concluded within the scope of the provisions of the Constitution and Law No. 4982.

According to the division of labor directive of our institution, I am responsible for the following areas “Justice, National Defense and Security”, “Forestry, Water, Environment and Urbanization”, “Right to Property “, “Healthcare” and “Food, Agriculture and Livestock”. Most of the applications made within the scope of these areas have been examined and concluded. Regarding the applications found to be justified, “recommendations” were made to the authorities, when the complained operations and actions were determined to be in accordance with the law and fairness, a “Decision of Refusal” was made for these applications.

I started my speech with health and I want to close my speech again with health.

There are sayings which are widely used in public as “We shall know the value of our health”, “Health comes first” today in the pandemic environment we are living in, we shall be very careful about wearing our masks, protecting our social distance and hygiene.

As stated in a poem by Suleiman the Magnificent:

**“There is no esteemed thing in the public as the state,
the most worthy state in the world is the healthy breath”**

With the hope that 2021 brings health...

2.3. Ombudsman Ms. Fatma BENLİ YALÇIN



Ombudsman Institution minimizes maladministration of the public administrations by examining and investigating the procedures, actions, attitudes and behaviors of the public administration objectively, independently and impartially, in this way it protects the rights and laws of individuals before the administrations on an equitable basis, it complements the shortcomings of other supervision procedures for the public administration.

Ombudsman Institution is a mediator in the resolution of disputes between the administration and the citizens, regarding the applications, it makes decisions by conducting investigation, research and on-site investigation when necessary and by listening to the complainants. The institution serves the purpose of both regulating and supervising the functioning of the administrations and guaranteeing fundamental rights and freedoms with its decisions. Thus, Institution both ensures the end of the applicant's aggrievement and ensures that the administrations act in line with the principles of good administration from the lowest level employee of the administration to the highest level manager and prevents other individuals from losing their rights.

Complaints about the services of local administrations, especially municipalities which are in the duty area of our ombudsmanship, through recommendations, amicable

settlement and even with the referral decision which are proposing amicable settlement, a constant effort has been made to resolve the citizens' aggrievement and successful results have been achieved.

In the applications made by the citizen without exhausting the application to the administration, an amicable settlement was encouraged by giving a "referral decision" to the administration and thus in many cases the applicant's problem was solved without the need for a new complaint later on. Instead of not examining the applications that do not fall within the remit of our institution, the Institution adopts a constructive attitude and refers the applicants to the authorities that can solve their problems according to the nature of the application and takes the necessary initiatives when necessary. Even in some cases, as it does not fall within the remit of the institution in accordance with the legal legislation where it gives "Inadmissibility" decision, in case of requirement, it is determined whether there is a legislative gap on the subject or not, if any, the issue has been submitted to the relevant administrations for evaluation. In addition, by guiding the complainant about which authorities s/he can apply to, contribution was made to the resolution of the dispute subject to the complaint.

Within the scope of our mandate, in the areas where the administration does not serve as a monopoly, no distinction was made in order not to interfere with the market between state-owned enterprises such as Ziraat Bank, Halkbank, Vakıflar Bank, TÜRKSAT and private capital banks and private sector organizations. However, the applications were forwarded to the relevant institutions and the applicants were informed about the institutions to which they could apply.

Since it is not included in the definition of administration, which are not within the remit of our institution, with regard to the private sector organizations such as insurance, cargo, GSM and internet service companies, our institution has shown citizens the ways to seek remedies for their applications about their problems with the above mentioned private sector organizations. If deemed necessary, the applications have been forwarded to the institutions subject to the complaint in order to make the necessary assessment within the framework of the customer satisfaction and thus it is ensured that the problem of the citizen is solved.

Regarding every application made to the Ombudsman Institution, with our decisions that solve the problems of our citizens and enable the administration make decisions to the other citizens in later operations within the framework of good administration principles, the Institution has contributed to the human rights and right to legal remedies, which resulted in more applications filed to our Institution with each passing day.

One of the ultimate objectives of the Ombudsman Institution is to disseminate the culture of right to legal remedies for the development of human rights. The protection of human dignity is possible primarily through the establishment of justice. This is the basic rule that keeps society alive. Ultimately justice is the soul of the universe, basis of the society and the state. Without justice, it is not possible to ensure freedom, equality, human rights and security. Therefore, justice is indispensable for us. The need for justice always requires more work, to achieve better. The Ombudsman Institution will continue to work for the better with all our colleagues who always work with devotion and effort.

2.4. Ombudsman Mr. Arif DÜLGER



For better protection of fundamental rights and freedoms, there has always been a need for direct, flexible, fast and free mechanisms. However, this need makes itself felt more today. For years, the establishment of an Ombudsman Institution has been discussed in various ways, has been included in the development plans and has become a state policy by reaching a consensus on its establishment, and now the Ombudsman Institution has an experience of eight years today.

Today, there is currently an Ombudsman Institution in more than 140 countries in the world, which have authority at national, regional or local level. Ombudsman Institutions according to the legal or political system of each country; operates within the framework of fundamental principles such as freedom, impartiality, transparency and equity. These institutions play an important role in strengthening democracy, law, good administration and protecting and development of human rights and freedoms. Our Institution established a successful practice in the past eight years in order to achieve the state of law, protect the fundamental rights and freedoms and ensure the adherence to good administration principles.

Within the framework of the division of labor at our Institution, since the end of 2016 when I took up the position, I have been handling the cases regarding **“education and training, youth and sports”, “energy, industry, customs and trade”, “science, arts,**

culture and tourism”. And since the second half of 2019 the following areas have been included in my mandate: **population, citizenship, refugee and asylum-seeker rights, issues related to the rights arising from the Labor Law and employment contract for the persons working in the status of worker.**

In order to satisfy the sense of justice of the society, it is very important to make effort, to make decisions accordingly and to facilitate and accelerate people’s access to justice. In order to increase citizens’ trust in the administration and to compensate the weakness of the citizen in front of the administration, we aim at finding a solution that will satisfy both sides, thus amicable settlement is the most preferred problem solving method.

To this end, as in previous years, in the year 2020 as well, problems were resolved through amicable settlement via meetings and correspondence with the relevant administrations on various issues, particularly the aggrievement experienced due to the Coronavirus which is adversely affecting the world.

Besides amicable settlement, Recommendations have been made on many issues that are great concern to the public in 2020.

Among the Recommendations given by our Institution, the process of complying with legislative changes requires a longer time than our other Recommendations since this change often requires a certain preparation and time. However, as in previous years, also in the year 2020, we also had Recommendations that were followed by making legislative changes in a short period of time.

It is of course important to create a strong perception in our society and in the international arena that the Ombudsman Institution is impartial and independent but the most important thing is to be fair and to provide justice. In the establishment of justice, I believe our Institution will always continue to stand by the righteous. Because standing by the righteous is the essence of the Islamic Civilization and as stated in a wise saying we often hear “... *There is no greater power in the world than being righteous.*”

At the end of the election process of the Ombudsmen which started in the last quarter of 2020 which is the fourth year of our term of duty, I have been re-elected by the GNAT Joint Committee on 11.11.2020 for a second term. I hope it will be a period in which the added value of the Ombudsman to our country and its effectiveness in the public opinion increases and is further strengthened in terms of its institutional structure and administrative and financial status.

2.5. Ombudsman Mr. Sadettin KALKAN



With the Article 74 of the Constitution, which was amended by the Referendum on 12 September 2010, “Appeal to the Ombudsman” and “Ombudsman Institution” took its place in the legal system of our country. Although it is widely stated that the Ombudsman Institution first established in Sweden in 1713 and was established in the European countries many years ago; it was seen during the Seljuk Empire period that negotiation-based management used to ensure equitable, legal and fair management and supervision was applied in the administrations.

Great Seljuk Vizier Nizâm’ul-Mulk who served as a vizier for 29 years during the Seljuk Empire, in his book Seyasat-namah (Book of Government) written in Persian about the period includes guidance information for rulers on governance, organization, administration, social life, religious structure. He provided important information about social, economic, religious and cultural aspects as well as the responsibilities of the sultan, administrators, administration structure, understanding of the state, functioning of bureaucracy. Nizâm’ul-Mulk who was an important scholar statesman in the Seljuk Empire, gave advice to the ruler sovereign in the field of administration, paying attention to justice among the people and these important points that should be considered in fair state administration have also shown their effects in other Turkish-Islamic States.

Establishment of a fair state administration concept in the Seljuk and Ottoman Periods is carried out today by the Ombudsman Institution which assumes a responsibility on behalf of the Parliament. Since its establishment, our institution acting as an advocate of the rights of individuals has adopted the aim of ensuring easy accessibility and the spread of the culture of right to legal remedies in the society and the realization of justice promptly. The supervision of the administration should be carried out effectively as the duties that the state is obliged to fulfill gradually increase and the delicate balance between the individual rights and public interest must be maintained. Ombudsman Institution continued its works without any interruption also in the year 2020 to protect the individuals against the unlawful and unfair practices of the administrations and to contribute to the execution of public services within the framework of human rights and good governance principles.

My areas of responsibility are public personnel issues including applications regarding the problems arising from not being appointed as civil servant, exams for recruitment, transfer, assignment, evaluation, financial and social rights of public personnel, objections to disciplinary penalties, attitudes and behaviors of public personnel. While making the final decisions about applications, by considering the rule of law, efforts have been made to defend the rights of citizens by adopting the principles of compliance with the law, equality, impartiality, accountability, honesty, courtesy and transparency.

The year 2020 has been a year marked by the COVID-19 pandemic which has been declared as a pandemic by the World Health Organization after the announcement of its appearance in Wuhan, China in December 2019. The whole world is still facing with this challenge, continuing to combat with the pandemic in the last days of 2020.

In the International Labor Organization (ILO) report, the ongoing crisis due to the corona virus pandemic was described as the worst global crisis since the Second World War. Measures have been taken in our country to prevent the spread of the pandemic and to protect the health of citizens, thanks to the faithful services of healthcare professionals and with the solid health infrastructure, successful steps have been taken in the treatment process. With the belief that we will overcome the pandemic, I hope that all people will have the right to live a healthy life.

2.6. Ombudsman Ms. Celile Özlem TUNÇAK



Ombudsman Institution has managed to become the strong voice of the public conscience in a very short period of time, thanks to its independent and impartial examinations and researches based on the rule of law, democracy, respect for human rights and also the sense of responsibility towards society. The duty of our institution is not limited to evaluation of applications but also to raise awareness of citizens about their rights, to raise awareness in national and international environments, to encourage all stakeholders such as administrations, non-governmental organizations and universities to cooperate.

According to the Article 7 of Law No. 6328 titled “*Duties of the Chief Ombudsman and Ombudsmen*”, one of the ombudsmen has been assigned to deal with women and child rights. Similarly, in the Implementing Regulation of the Law, 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. In the light of these regulations, our Institution works with special attention to solve the problems faced by women, children, disabled people and socially needy individuals in every field.

For the very first time in our country, Ombudsman Institution is the only institution that receives direct application from children. Every application received directly from the child via the Ombudsman Institution children website (<https://kdkcocuk.gov.tr/>)

is carefully examined in terms of all rights guaranteed in the Convention on the Rights of the Child. Ombudsman Institution acts in accordance with the mission to claim children's rights, protect their rights and to realize their rights.

Applications handled by myself in the year 2020 in accordance with the Directive on the Division of Labor of Ombudsmen relates to the fields of *"labor and social security", "human rights", "women's rights", "children's rights", "protection of the family", "rights of the disabled" and "social services"*.

Within the scope of the applications made to our Institution in 2020, the results of the examination and research carried out by my unit, the prominent and resolved problems and the information about the findings are included in the relevant parts of this Report, but one of the main reasons for the significant increase in applications is the COVID-19 pandemic affecting the whole world and the effects of this pandemic.

While combating with the COVID-19 pandemic that threatens all humanity, as all over the world also in Turkey, important works have been conducted in the field of health, social life, economic areas, public order and security services, serious and comprehensive measures have been taken. During this combat period, the Ombudsman Institution continued its work without interruption and put effort to examine, research and resolve the applications received from the citizens through amicable settlement.

Our institution has acted with effective communication strategy with the public administrations from the beginning of the COVID-19 pandemic to the present day. On the one hand, our institution provides the solution of individual problems by examining the applications submitted within this scope, on the other hand, it provides guidance to the public administration on the measures to be taken and the steps to be taken on the sectoral basis.

With the hope and prayer of living the year 2021 full of happiness and beauty that will make us forget the pains and troubles of 2020, I would like to thank the experts, assistant experts, social workers, office staff and I would like to express my gratitude to our Chief Ombudsman Mr. Şeref Malkoç for his support to my unit.

I hope that the 2020 Annual Report of the Ombudsman Institution prepared with the idea that it will make a significant contribution to the development of the capacity to produce public services within the framework of the transparent, accountable and good governance principles of the public administration will be beneficial for all.



CHAPTER

III

2020

ANNUAL REPORT

AN OVERVIEW OF THE OMBUDSMAN INSTITUTION OF TURKEY AND ITS ACTIVITIES

About the Institution and
Legal Framework

Organizational Structure

Human Resources

Training Activities for the Staff

Relations with Stakeholders

Reports and Publications

General Evaluation regarding
the Added Value of the
Ombudsman Institution for
Turkey

3.1 ABOUT THE INSTITUTION AND LEGAL FRAMEWORK

Law on the Ombudsman Institution No. 6328

The Ombudsman Institution of the Republic of Turkey was established in **2012** with the **Law on the Ombudsman Institution No.6328** as a **constitutional public entity** affiliated with the Grand National Assembly of Turkey. It has **its own private budget** and headquarters in Ankara and one office in Istanbul.

According to the Ombudsman Law, 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 behaviors 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.

The Ombudsman Institution aims to contribute to;

- increasing the service quality of the administration,
- internalizing principles of good administration,
- improving human rights standards,
- strengthening the culture of seeking legal remedies,
- forming a transparent and accountable administration.

The Institution started to receive complaints in March 2013. The main duty of the Institution is to advocate for individuals against the administration, as well as protecting and promoting human rights, and it is considered the “**conscience**” and “**lawyer**” of the people in the system that is based on individuals and rights.

The Institution has been carrying out its activities based on rule of law, development of respect for human rights and accountability towards people.

Following the transition from the Parliamentary System to the Presidential System of governance in Turkey, the Law on Ombudsman Institution (Law No. 6328) has been amended and the competence of the institution has been broadened so as to involve also the acts of the President (Amendment of Article 5 Law No. 6328 ruled by 2/7/2018-Decree Law/703/Art. 110). However, the acts concerning the execution of the legislative power, the acts concerning the execution of the judicial power, the acts of the Turkish Armed Forces, which are purely of military nature, are outside the competence of the Institution.

The Ombudsman Institution was established in compliance with the *Paris Principles*, and carries out its works within the framework of these principles considering the followings:

- the Ombudsman Institution is a constitutional entity whose powers and duties are regulated by the Constitution,
- the Chief Ombudsman and Ombudsmen are elected by the Grand National Assembly of Turkey (GNAT),
- its revenues comprise the treasury funds to be allocated from the budget of the GNAT,
- the Chief Ombudsman and the Ombudsmen are elected for a given period and may be re-elected,
- the Ombudsman Institution is authorized to conduct independent research in the fields within its mandate, and is not open to suggestions while conducting examinations and research,
- the Ombudsman Institution is vested with the competence to ask for all the information and documents,
- the Ombudsman Institution can publicly announce its recommendations,
- the Ombudsman Institution can work in cooperation with the civil society organizations, etc.

By-law on Procedures and Principles Concerning the Implementation of the Law on the Ombudsman Institution

The By-law has been prepared on the basis of Law on the Ombudsman Institution No. 6328 dated 14/6/2012 and covers procedures and principles for complaint applications lodged by natural and legal persons to the Ombudsman Institution, scope of the duties of the Institution, and good governance principles.

3.2 ORGANIZATIONAL STRUCTURE

The Institution consists of the **Office of the Chief Ombudsman** and the **Office of the Secretary-General**. The Office of the Chief Ombudsman comprises the Chief Ombudsman and 5 Ombudsmen.

The Institution is administered and represented by the **Chief Ombudsman**.

The Office of the Secretary General performs the secretarial, administrative and financial affairs of the Institution. The Office of the Secretary-General consists of the Secretary-General and other administrative staff members.

The duties of the Office of the Secretary-General are 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;
- d) To perform the duties assigned to the financial services units and strategy development units by relevant Laws;
- e) To conduct the procedures concerning the leaves and retirement of staff members;
- f) To carry out the personal staff matters, health and social services procedures of the staff members working at the Institution;
- g) To ensure the use of the information systems with regard to the matters concerning the activity field of the Institution and
- h) To perform statutory duties or the duties assigned by the Chief Ombudsman.

The Chief Ombudsman and Ombudsmen are elected by the Grand National Assembly of Turkey) for four years and may be reelected. They must act in compliance with the principle of the independence and impartiality during the exercise of their duties.

The Chief Ombudsman and ombudsmen are 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.

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

Duties and Powers of the Chief Ombudsman

Duties and powers of the Chief Ombudsman are 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 of the Regulation on Procedures and Principles Concerning the Implementation of Law on the Ombudsman Institution
- 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

Duties and powers of Ombudsmen are 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 of the Regulation on Procedures and Principles Concerning the Implementation of Law on the Ombudsman Institution
- 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.

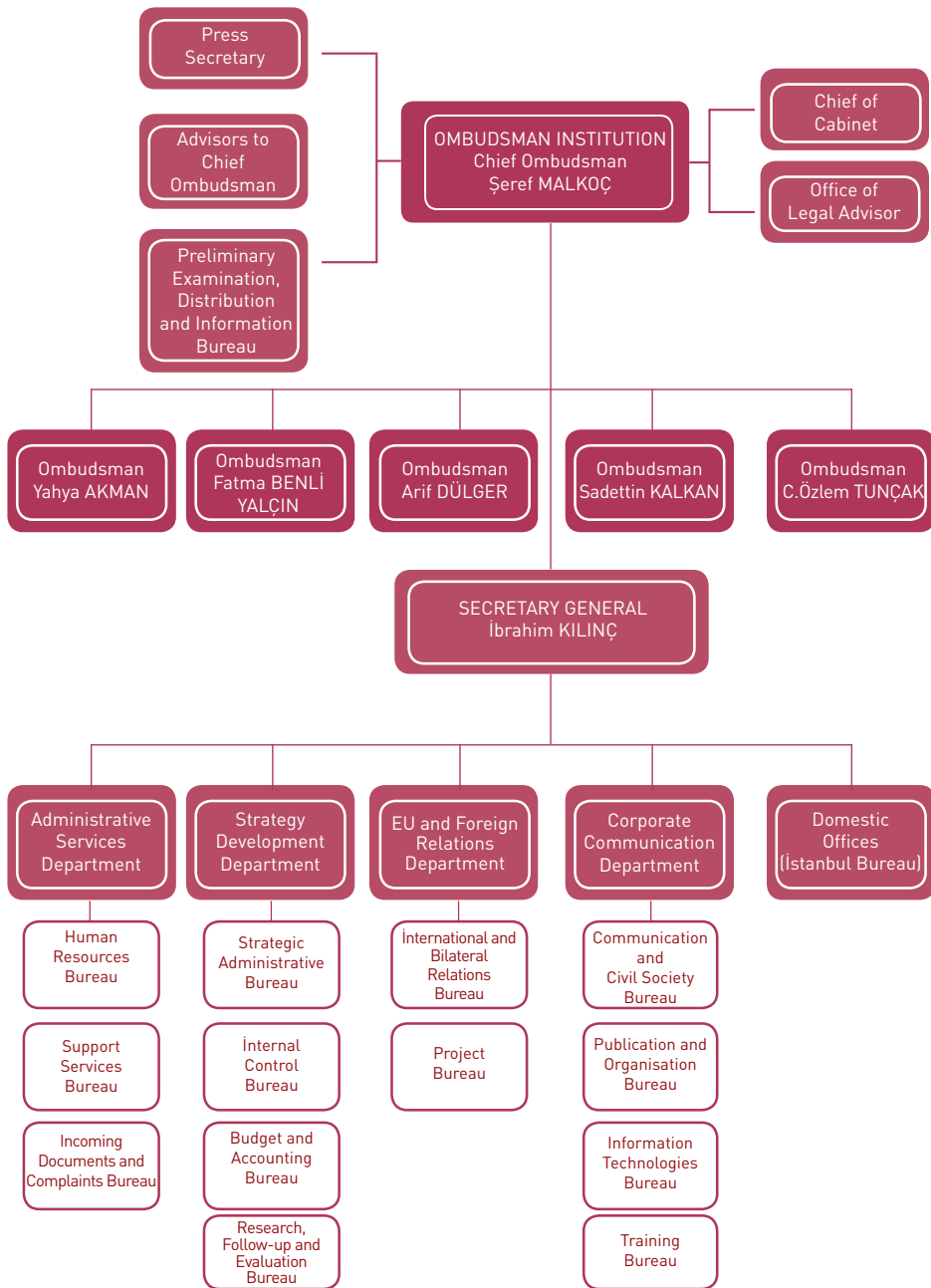
Division of Work

The areas of responsibilities of the Ombudsmen are as follows:

Ombudsman Mr. Yahya AKMAN	<input type="checkbox"/> Forestry, water, environment and urbanization <input type="checkbox"/> Right to property <input type="checkbox"/> Food, agriculture and livestock <input type="checkbox"/> Justice, national defense and security <input type="checkbox"/> Healthcare
Ombudsman Ms. Fatma BENLİ YALÇIN	<input type="checkbox"/> Transportation, Press and Communication <input type="checkbox"/> Services provided by local governments <input type="checkbox"/> Issues related to the rights of employees working in the status of workers in the administration arising from the Labor Law and employment contracts <input type="checkbox"/> Human Rights <input type="checkbox"/> Population, Citizenship, Refugee and Asylum Rights
Ombudsman Mr. Arif DÜLGER	<input type="checkbox"/> Education, youth and sports, <input type="checkbox"/> Energy, industry, customs and trade, <input type="checkbox"/> Science, art, culture and tourism <input type="checkbox"/> Economy, Finance and Tax <input type="checkbox"/> Other related subjects and areas
Ombudsman Mr. Sadettin KALKAN	<input type="checkbox"/> Public Personnel Regime including the following sub-topics: <ul style="list-style-type: none"> • Recruitment (Appointment, Transfer, Assignment and Replacement of Public Officials), • Duties, responsibilities and general rights, • Financial rights, • Promotion, • Social rights and benefits, • Disciplinary punishment and dismissal, • Problems of contractual and temporary staff, • Personnel within the scope of privatization, • Cadre and/or positions, • Civil service exams (written exams and oral examinations conducted by the public institutions), • Complaints regarding attitudes and behaviours of public officials (including mobbing and ill-treatment), • Any other matters regarding public officials
Ombudsman Ms. C. Özlem TUNÇAK	<input type="checkbox"/> Labor and Social Security <input type="checkbox"/> Disability Rights <input type="checkbox"/> Women's Rights <input type="checkbox"/> Children's Rights <input type="checkbox"/> Social Services <input type="checkbox"/> Protection of Family

The Organizational chart of the Ombudsman Institution is as follows:

ORGANIZATIONAL CHART OF OMBUDSMAN INSTITUTION OF TURKEY



3.3 HUMAN RESOURCES

As of 31 December 2020, the Ombudsman Institution comprises **273** staff including 152 permanent staff, 79 permanent workers, 2 contractual IT specialists, 29 temporary staff, and 11 temporary workers.



3.4 TRAINING ACTIVITIES FOR THE STAFF

Training activities organized for the staff in 2020 are as follows:

- General Assessment of the Year 2019 with the Staff (3 January)



- Information Security Training (7 January)
- A Conversation on *Enderun*: An elite education institution during the Ottoman Period (2 March)
- In-Service Training Program in cooperation with TUSIDE (3-5, 10-12 March)
- Video Conference Meeting with the Staff (12-20 May)
- Professional Trainings for Assistant Experts (2020)

3.5 RELATIONS WITH STAKEHOLDERS

With an aim to introduce the ways of seeking legal remedies in the society as well as strengthening the culture of the rule of law in the country, the Institution uses the “Good Administration Principles” as a guidance. In this regard, the Institution conducts the management and decision-making processes in cooperation with and participation of all stakeholders, and carries out its activities in line with a management concept which is reconciliatory, transparent, accountable, effective and responsible.

With its effective complaint handling mechanism, the Institution has undertaken the mission of protecting citizens against the unlawful actions and acts of the administration

as well as contributing to the provision of public services in line with human rights as well as good administration principles. Thus, the Institution aims at playing an effective role in creating a public management system for a society having a widespread culture of seeking legal remedies in the long term and with high standards of services. In order to achieve these goals, the Institution attaches utmost importance to being recognized by large segments of society.

In this regard, many activities have been carried out in 2020 including regional meetings to spread the culture of seeking legal remedies and to raise awareness, visits and information providing activities for the disadvantaged groups, special reports regarding the visits, presentations and conferences for the universities and academic field, general and specific workshops, more effective introductory publications to familiarize people with the Institution and culture of seeking legal remedies, constructive works to increase the frequency of appearing in the printed and visual media, and various activities to reach larger segments of society through social media. Some of these activities have been categorized as follows:

3.5.1 Relations with the Media

The Institution attaches great importance to establishing good relations with the media with a view to introducing the Institution and increasing the efficiency of the Institution through receiving the support of public. To this end, the local and national press members are often invited to the workshops, conferences and meetings organized by the Institution. Also, upon invitation by press members, the Institution participates in the events organized by the press members.

In this regard, in 2020;

- The Recommendations issued by the Institution have been shared with the public through media coverage.
- The Institution appeared **13.618** times in media including 1.736 times in printed media, 918 times on TV, and 10.964 times on internet news channels.
- In January 2020, meetings were held with the media representatives in Ankara.



- Throughout the year 2020, the Chief Ombudsman gave interviews for the local and national media during his provincial visits such as **Kocaeli, Malatya, Elazığ, Diyarbakır, Mardin, Nevşehir, Kilis, Trabzon, Edirne, Mersin, Muş, Bingöl, Iğdır and İstanbul.**
- The Chief Ombudsman accompanied by his Delegation from the Institution conducted a working visit to Pazarkule Border Crossing to examine the situation of migrants who intended to cross to Greece. During this visit, the Chief Ombudsman made statements regarding the matter to the national and international press members at the border. Following the visit, a comprehensive Report was prepared and shared with the media.
- The Chief Ombudsman accompanied by his Delegation from the Institution conducted a working visit to Azerbaijan in order to examine the civilian settlements attacked by Armenia. During the visit, the Chief Ombudsman shared his observations via live broadcasts. Following this visit, the Chief Ombudsman visited Nakhichevan where he also made statements to the press members.
- In 2020, the Chief Ombudsman gave over **40 interviews** for the local, national and international media, magazines, radio, TV and internet media and attended live broadcasts.
- Within the Project on 81 Radio Channels in 81 provinces which was launched in 2020 and planned to be continued in 2021 as well, the Chief Ombudsman attended live broadcasts through phone for 29 local radio channels in 15 provinces including İzmir, **Adana, Ordu, Ankara, Burdur, Trabzon, Bursa, Adıyaman, Elazığ, Mersin, Urfa, Gaziantep, Antalya, Batman, Van.**
- Throughout the year, activities to increase the recognition of the Institution continued also on social and digital media. Through live programs on social media accounts or various social media platforms, the activities of the Institution were explained for the youth and citizens, their questions were answered.

Websites of the Ombudsman Institution

The website of the Ombudsman Institution of Turkey was visited 1.318.246 times in 2020.

<https://www.ombudsman.gov.tr>

The website for children was visited 29.767 times.

<https://kdkcocuk.gov.tr>

The databank about decisions was visited 71.658 times.

<https://kararlar.ombudsman.gov.tr/Arama>

The website for women was visited 9.792 times.

<https://kadin.ombudsman.gov.tr>

The e-application page was visited 4.443.464 times

<https://ebasvuru.ombudsman.gov.tr>

Table 1: Number of Visits to the Websites of the Ombudsman Institution of Turkey

Name of the Website	Number of Visits
Website of the Ombudsman Institution of Turkey (https://www.ombudsman.gov.tr)	1.318.246
The website for children (https://kdkcocuk.gov.tr)	29.767
The website for women (https://kadin.ombudsman.gov.tr)	9.792
The databank about decisions (https://kararlar.ombudsman.gov.tr/Arama)	71.658
The e-application page (https://ebasvuru.ombudsman.gov.tr)	4.443.464
TOTAL	5.872.927

Printed Media

The most significant decisions regarding the applications which were of particular concern to the society were ensured to have widespread media coverage in order to contribute to the recognition of the Institution, its activities and decisions, and to get public support.

3.5.2 Institutional Publicity, Meetings and Events

Assuming a role in effectively introducing the ways of seeking legal remedies to citizens, the Institution, in 2020, continued its activities started in 2019 to make citizens familiarize with the Institution. Based on the fact that the recognition level of the Ombudsman Institution is not at desired level, the Institution continued to focus on raising awareness activities aiming at:

- Increasing recognition of the Institution by individuals, public organisations, CSOs, media organisations, social media, foreign stakeholders, students of primary, secondary and higher education, Turkish Citizens living abroad,
- Raising awareness and expanding the opportunities to seek legal remedies for women, children, the disabled, those deprived of their freedom, and migrants,
- Meeting information requests coming from individuals regarding their complaints or before filing a complaint,
- Increasing the efficiency of complaint handling mechanism and the complaint management system of the Institution so that the individuals can easily access to the Institution and also follow up their applications.

In this regard, some of the institutional meetings and events of 2020 are summarized below:

Visit to Places Hit by Earthquake –On-site examinations (10-11 February)



Following a devastating earthquake hit the city of Elazığ and its district Sivrice on 24 January 2020, Chief Ombudsman Mr. Şeref Malkoç, Ombudsman Mr. Sadettin Kalkan and Secretary General Mr. İbrahim Kılınç visited the cities of Malatya and Elazığ to conduct on-site examinations on 10-11 February 2020.

Visit to Turkey-Greece Cross border – On-site examination of violations of human rights committed towards refugees (3 March) and the Special Report (10 March)



The non-ending wars and armed conflicts in Syria, Iraq and other countries caused the continuation of influx of refugees who want to go to the European countries via Turkey. The Republic of Turkey, already hosting more than 4 million refugees, announced on 28 February 2020 that it

had no other choice but to allow them to cross in to Europe in accordance with the international law, since these migrants demanded to go to a European country.

Following this development, there had been irregular influx of refugees on the Turkish-Greek border in the city of Edirne and on the coast of the Aegean Sea. Hundreds of thousands of refugees who escaped war in order to survive had been desperately trying to reach Europe. After large media coverage of the Greek security forces using unnecessary, sometimes deadly force to stop the passage of these refugees into Greece, the Chief Ombudsman accompanied by his Delegation from the Institution conducted a working visit to Edirne, a city which is located on the Greece-Turkey border, in order

to examine these allegations of violations of human rights on site on 03 March 2020.

Following this visit, a Special Report was prepared by the Ombudsman Institution of Turkey about the human rights violations committed by the Greek security forces against migrants. This Report was translated into English and shared with 160 Ombudsman Institutions and 23 human Rights institutions across the World.





Ombudsman-Citizens Meetings and Provincial Working Visits



Acting as a “bridge” between citizens and administration, the Ombudsman Institution informs citizens about the functioning of the Institution, explains them how to apply and in what situations they can apply.

To this end, the regional meetings and provincial working meetings continued in 2020 as well. During these meetings, the representatives of administrations and the representatives of citizens who are provided public services in the province were brought together under the theme **“Ombudsman Meets the Public”**. These meetings serve the purpose of seeing the functioning of the public services on the spot and finding solutions to the problems of people living in those provinces by listening to their complaints with the Ombudsman acting as a referee.

During these meetings, CSOs, local authorities, opinion leaders and administrators of the relevant province were brought together. The provincial meetings were held in Kocaeli on 5-6 February, in Diyarbakır on 18 February and 27 September, in Mardin on 19 February and 28 September, in Nevşehir on 25 February, in Kilis on 26 February, in Trabzon on 28 February, in Mersin on 4-5 March, in Muş on 12 March and in Bingöl on 13 March.



Institutional Publicity and Information Program for Students (06-17 July)

Within the “Institutional Publicity and Information Program” of the Institution, a publicity program was launched for students in groups of 3-4 persons. In this regard, a group of four students was accepted for the program. On 06-17 July 2020, these students successfully completed the program.

Relations with University Students

In order to contribute to the development of the culture of seeking legal remedies among university students and academics and to introduce our Institution to them, **Ombudsman Student Clubs at 100 universities** have been established so far. In this contest, many universities were visited and lectures were given in 2020. These visits are summarized below:

- Diyarbakır Dicle University on 18 February 2020 and Muş Alparslan University on 12 March 2020 (Conferences on Justice, Law and Ombudsman Institution)





➤ Mardin Artuklu University on 25 February 2020 (Conference on Human, Society and Civilization), Nevşehir Hacı Bektaş Veli University on 25 February, and Kilis University on 26 February

➤ Trabzon University on 8 February (Conference on Turkey from 28 February to 2023)

➤ Chief Ombudsman Mr. Şeref Malkoç gave a lecture on “Justice, Ombudsman and Universities”

at the fifth Winter Law Camp realized in İstanbul on 20-24 January by the Institution of Higher Education Student Loans and Dormitories

➤ On 18 March 2020, Chief Ombudsman Mr. Şeref Malkoç were awarded the title of honorary PhD for his works on law, human rights, justice and democracy by Diyarbakır Dicle University

➤ Chief Ombudsman attended the live Instagram feed “Ask an Expert” of the Ombudsman Club of Trabzon University on 03 April 2020

➤ Chief Ombudsman attended 2020-2021 Academic Year Opening Ceremony of Iğdır University on 09 November 2020



3.5.3 Relations with Public Institutions and CSOs

Relations with Public Institutions



➤ On 29 January 2020, the Rector (Chancellor) of 9 September University visited the Ombudsman Institution. During the visit, mutual information regarding activities of both institutions were shared.

➤ On 30 January 2020, Signing Ceremony for the “Project on Process Improvement” was performed between the Ombudsman Institution and TUSSIDE (Turkish Management Sciences Institute) with aims of speeding up and improving the process of receiving citizens’ complaints about public institutions and agencies, handling and resolving these complaints.

➤ On 13 February 2020, Governor of Duzce Province visited the Ombudsman Institution and mutual information was shared.



➤ On 3 June 2020, the Chief Ombudsman paid a visit to the newly elected President of the Court of Cassation.

➤ On 4 June 2020, the Chief Ombudsman paid a visit to the newly elected President of the Council of State.



➤ On 13 August 2020, the Metropolitan Mayor of Bursa province visited the Ombudsman Institution.

➤ On 17 September 2020, the Chief Ombudsman visited the newly elected Rector of Ankara University.

➤ On 04 November 2020, the governor, the MP as well as the mayor of Çorum province visited the Ombudsman Institution.

➤ On 13 November 2020, the President of the Council of State Mr. Zeki Yiğit paid a visit to the Chief Ombudsman on the occasion of his re-election as Chief Ombudsman by the Parliament, and on 02 December 2020, the Rector of the

Ondokuz Mayıs University Prof. Dr. Yavuz Ünal paid a visit to the Institution and congratulated the Chief Ombudsman on his re-reelection.

- During the provincial meetings, the Chief Ombudsman came together with the governor, mayor, and other local administrators of that province, held consultations regarding the problems of the province and also met with the rectors of the universities and gave lectures at universities with an aim to spread the culture of seeking legal remedies.

Relations with the CSOs

The Chief Ombudsman, the Ombudsmen as well as the experts of the Institution regularly met and exchanged information with the representatives of leading Civil Society Organizations such as TÜRK-İŞ, HAK-İŞ, MEMUR-SEN, Turkish Union of Chambers and Exchange Commodities, Union of Turkish Bar Association, Union of Municipalities etc.

- During the provincial visits paid to the provinces of **Kocaeli, Diyarbakır, Mardin, Nevşehir, Kilis, Trabzon, Mersin, Muş, Bingöl** with an aim to spread the culture of seeking legal remedies, meetings were also held with the representatives of CSOs at that province.
- On 11 June 2020, the Head of Bar Association of Turkey Mr. Metin Feyzioğlu accompanied by the Heads of Bar Association of 45 provinces visited the Ombudsman Institution.

3.6 REPORTS AND PUBLICATIONS

With an aim to introduce our Institution and to familiarize people with the activities of the Institution, the Ombudsman Institution published the following Reports during the period January-June 2020:

- Annual Report of Ombudsman Institution of Turkey for 2019 (Turkish and English versions)
- Special report on “*Turkey’s Fight against COVID-19 Pandemic*” (Turkish and English versions)
- Report on Human Rights Violations by the Armenian Armed Forces During Azerbaijan-Armenia War (Turkish and English versions)
- 2nd Istanbul International Ombudsman Conference Booklet (Turkish and English versions)
- 2019 Annual Report-Child rights (Turkish)
- Six Months Report of the Ombudsman Institution of Turkey (Turkish)
- Ombudsman Bulletin No. 18,19 (Turkish)
- 2019 Activity Report (Turkish)
- 2020 Performance Report (Turkish)



3.7 GENERAL EVALUATION REGARDING THE ADDED VALUE OF THE OMBUDSMAN INSTITUTION FOR TURKEY IN 2020

Pursuant to the provision in Article 74 of our Constitution, the Ombudsman Institution, a Constitutional Institution established by Law No. 6328, which examines complaints regarding the functioning of the administration as well as contributing to the functioning of the administration, aims to help prevent current problems and potential problems that may possibly arise in the future, with the recommendations that it makes in general in terms of legislative amendments and principles of good administration.

It is stated in the general justification of the Law No. 6328 on the Ombudsman that *“...it is aimed to ensure that the administrations comply with the recommendations of the Institution as much as possible and to reduce the burden of administrative judiciary...”*. Therefore, it is among our main objectives to ensure rapid access to justice as an Institution that provides support to and reduces the burden of administrative jurisdictions which handled approximately 550 thousand case files in 2020.

Our Institution uses the method of amicable settlement to ensure that complaints are concluded as quickly and efficiently as possible and thereby aims to achieve the goal of rapid access to justice.

In this context, a total of **91,100** decisions concluded as a result of the examinations and investigations conducted by our Institution helped to enhance the quality of public services as well as to create a transparent, accountable, and human-oriented administration. Furthermore, **2,867** of these applications in 2020 were resolved through amicable methods. Again, a total of **68,832** recommendations, **704** of which are partial recommendations concluded, as a result of the examination and investigation conducted by our Institution, contributed to reducing the workload of the courts. On the other hand, a total of **941** Decisions of Refusal made in the same period can possibly lead to a decline in the rate of applicants' resorting to the jurisdiction due to the explanation included in these decisions that their request could not be fulfilled within the framework of the legislation.

Moreover, the legal status of the application topics in terms of practice is also clarified in the applications filed to our Institution. Since our Institution's procedure of examining complaints is similar to the requirements to file a lawsuit in administrative jurisdiction, especially the requirements of time and interest violation, our decisions of inadmissibility regarding applications that do not meet these requirements can have a positive effect on the workload of the jurisdiction.

In addition to examining the complaints, the Ombudsman Institution of Turkey also

responds to individuals' information requests. In 2020, through our Information Office, which works like a call center, information requests of **184.758** persons in total were responded, which include:

- Phone calls (including outgoing and incoming calls),
- Information requests through e-mails,
- Applications for information filed within the framework of Law on Access to Information No. 4982,
- Face to face meetings with citizens who came to our Institution and our Istanbul Office in person, through Regional Meetings of the Ombudsman Institution with Citizens, Provincial Working Visits, Meetings with Primary Schools and High Schools, University Conferences, Video Conferences and Live Broadcasts on Social Media, and Meetings to Spread the Culture of Seeking Legal Remedies internationally.

As a result of the examination and investigation conducted by our institution, we have a direct contribution to the reduction of the workload of the courts with the help of our **91,100** amicable settlement decisions, decisions of refusal, recommendation decisions, and legal aid, as well as helping the formation of a transparent, accountable and human-oriented administration. As a result of all these, the Institution has become a means of supervising the public institutions and organizations through the complaints it handles, and the participation of citizens in the state administration, especially local administrations, has been ensured; thereby, our Institution contributed to the strengthening of democracy in our country as a tool of direct democracy.

One of the most important aspects that differentiates our Institution from other supervision mechanisms is that it examines the applications while at the same time detecting the problem areas in practice and the unlawfulness in the legislation, and that it can make recommendations to amend a legislation in order to prevent possible unlawful practices, violations of right or unfair practices. At this point, the aim of the Institution is to prevent violations of individuals' rights and violations of justice, as well as to prevent violations against individuals who are experiencing a similar situation. In this respect, the decisions made as a result of the examination made by our Institution do not only affect the applicant, also affect tens of thousands or even hundreds of thousands of people who are experiencing a similar situation.

In this context, the Institution sometimes issues decisions that affect a particular occupational group, an entire city or hundreds of thousands of people who were victimized by the same situation. For instance;

- Our Recommendation to remove the process of handover of children from the enforcement system and to create units similar to “family meeting points/child handover centers” where the child can have a constant and steady relationship with the parent with whom they will not live together and our Recommendation to discuss the “Family Mediation System” in order to handle divorce proceedings in a healthier way affect the parties of tens of thousands divorce suits filed in courts.
- Our Recommendation to make a notification in order to remind all penal institutions of the responsibilities regarding the requests by convicts for address updates concerns approximately 280 thousand of convicts since the situation of violation of rights which causes disruption in all official activities of convicts is resolved.
- Our Recommendation to make the necessary regulations regarding stray animals affects all animal lovers and people who have been affected negatively by stray animals in Turkey.
- Our Recommendation to fix the occupational code of permanent employees in accordance with their occupation concerns about hundreds of thousands of permanent employees.
- Our Recommendation decision to make the regulations for continuation of the payment of the student loans for the specified period to those who change their educational institution while receiving a student loan affects millions of students who receive education loans.
- Our Recommendation to make a reasonable regulation which will allow people with mental disabilities to benefit from the general-purpose facilities of the Municipalities free of charge concerns tens of thousands of our citizens with mental disabilities.
- Our Recommendation issued on work and making amendment on law in order to provide special stamped passports to academic staff working in foundation higher education institutions under certain conditions concerns 20 thousand of faculty members working in foundation higher education institutions.
- Our Recommendation decision to make the necessary regulations in order to abolish the maximum age requirement in the definition of students affects thousands of students who exceed the certain maximum age limit.
- Our Recommendation to make a regulation by conducting a risk assessment regarding dangers that may come from outside to family health centers and taking the security measures in cooperation with the Ministry of Interior

concerns hundreds of thousands of people who work in family health centers and receive service from these centers.

- Our Recommendation to make clear and direct regulations for keeping the records of student disciplinary penalties and deleting these records under certain conditions concerns all higher education students.
- Our Recommendation decision to make a new regulation in order to make an amendment in Article 176 of the Law No. 657 for the incremental payment of additional course fees to substitute teachers affects tens of thousands of substitute teachers.
- Our Recommendation decision to extend the notification period regarding the process of changing the natural gas meters and to make these changes in time intervals that will be deemed appropriate by customers concerns hundreds of thousands of natural gas customers.
- Our Recommendation to make the necessary regulations or works and activities within a reasonable time regarding the switch to a practice in which only the ID card will be sufficient in order to ensure that all citizens who are at and over the age of 65 can benefit from public transportation free of charge, without incurring any burden and to redress their grievances in line with the purpose of positive discrimination affects hundreds of people who are at and over the age of 65.

When the figures given above are evaluated, it is seen that millions of people have been directly or indirectly affected by our aforementioned decisions, and it is estimated that 150 thousand of lawsuits were prevented as a result of the decisions and activities of the Ombudsman Institution, given that one in a thousand or two in a thousand of these victims had the potential to resort to the judiciary.

As a result, the contribution of the Ombudsman Institution, which carries out a wide range of activities in order to receive more qualified applications and to spread the culture of seeking legal remedies, is indisputable thanks to its efforts for amicable settlement and decisions in order to reduce the workload of the judiciary. In this context, our Institution has:

- contributed to the good functioning of the administration with its recommendations to comply with the principles of good administration, and allowed citizens themselves to participate in the administration,
- contributed to the solution of problems that concern many individuals through legislative amendment,

- not only solved the problem of the citizen directly in individual applications, but also clarified the legal status people experiencing a similar situation,
- solved the problem of the citizens and provided legal guidance to them regarding the applications filed within the scope of information requests.

Therefore, considering the number of individuals affected by the Recommendation decisions explained with the examples above, thousands of lawsuits were prevented as a result of the decisions and activities of the Ombudsman Institution.

CHAPTER

IV

2020

ANNUAL REPORT

THE THEME OF 2020: ROLE OF OMBUDSMAN INSTITUTION IN THE DIFFICULT CONDITIONS OF THE PANDEMIC PERIOD

Special Report On Turkey's
Fight Against COVID-19
Pandemic

Complaints Regarding Banking
Transactions and the Problems
Faced In Access to the Bank
Loans Provided for Citizens
During the Pandemic

Conclusion

The World met an unprecedented crisis on 12 December 2019. A novel coronavirus called “COVID-19” first appeared in Wuhan City of China, later spreading around the world in a short time. On 10 March 2020, the World Health Organization declared the disease as a pandemic.

Humanity has faced a serious crisis. All the plans, routine life styles, dreams and freedoms have been suspended for the sake of health. People had to have a break in their normal life for a while in the ways never imagined. At the beginning of the outbreak, unfortunately, some countries didn’t take the pandemic seriously, so were late for taking measures to prevent the spread of the virus. When the virus spread across the countries with terrorizing results, the whole world had to take same measures to fight the pandemic, though it was late.

At the start of the outbreak, when strict measures were launched, it was seen in some countries that supermarkets and stores were looted, people got panicked and scared. There were some moments when countries stumbled in guiding their citizens and maintaining the order. Countries turned in upon themselves, striving to fight against the pandemic with their own means available.

More than one year has passed since the start of the pandemic. Although the pandemic is global, fight against it has been mostly at national level. All countries strived to fight against the pandemic within their own means of health. In this process, countries’ perspective towards their citizens, citizens’ lives and right to treatment, right to live a healthy life, in short, their rights stemming from being a person, became evident.

As an institution for seeking legal remedies and protecting human rights, the Ombudsman Institution of Turkey has been closely following up the fight against the COVID-19 pandemic in Turkey as well as across the world. In the meantime, it has continued to receive complaint applications during the pandemic, and carefully examined them to resolve the disputes, in this way contributing to the fight against the coronavirus in the country.

In this respect, the Institution prepared a “*Special Report on Turkey’s Fight against the Pandemic*” highlighting the last six months of the fight against the pandemic. The Report includes some findings as well as recommendations of the Institution. With this Report, the Institution intended to reveal the successful practices and actions in Turkey’s fight against the pandemic, and also to appreciate the outstanding effort of all units of the State ranging from the administrators to the health workers.

4.1. SPECIAL REPORT ON TURKEY'S FIGHT AGAINST COVID-19 PANDEMIC



The novel coronavirus COVID-19, which first appeared in China as an infectious disease, spreading all around the world in a very short time, has turned into a global and humanitarian crisis causing devastating effects. In view of these devastating effects all around the world, stricter measures have been taken in public administration.

In its determined fight against the pandemic, Turkey has adopted a solid strategy, implemented it step by step, and managed the situation in a manner without causing any panic. As a first step, Turkey has taken the pandemic very seriously, and completed the preliminary preparations. As a second step, it has initiated strict quarantine practices in order to prevent the virus from entering the country or at least to delay its spread across the

country. By this means, it has impeded the entry of the virus into the country until 10 March 2020. As a third step, it has determined a road map with the purpose of curbing the spread of the virus, diagnosing and treating the infected people as well as managing the process smoothly and permanently. And as a fourth step, measures such as isolation, social-distancing, public order, security as well as economic measures have been taken.

As emphasized in detail in the Report, the above-mentioned road map basically consists of four main topics. The President of Turkey H.E. Recep Tayyip Erdogan highlighted that the fight against the coronavirus pandemic was conducted through four pillars including healthcare services, social-distancing, ensuring public order, and maintaining the supply chain.

The first pillar of the fight is in the field of healthcare. This area includes many activities which can be summarised as follows:

- testing and diagnosing the infected persons as well as those who are suspected to be infected,
- treating the diagnosed patients,
- meeting the healthcare needs, particularly the medical supplies and medicine without any interruption,
- developing treatment protocols according to the emerging dynamic situations,

- guiding individuals to protect them against the pandemic,
- building new hospitals and producing new medical supplies,
- ensuring the healthcare professionals to stand ready in their fight against the virus morally and materially,
- developing new treatment methods as well as vaccines,
- sharing continuously the treatment methods with the world as well as the Turkish public.

The healthcare pillar of the four-pillar strategy is the most significant pillar of the fight, and it is run together by the Coronavirus Scientific Advisory Board which consists of members carefully chosen by the Ministry of Health, and relevant healthcare units, universities, pandemic hospitals assigned by the Ministry of Health as well as the healthcare professionals working at these institutions.

The second pillar of the fight against the novel coronavirus in Turkey comprises the measures which are taken to ensure physical distancing. These measures include a wide range of measures concerning all segments of the society such as social isolation and quarantine practices.

The third pillar of the fight consists of measures taken to ensure public order and to eliminate any security problems. The main institutions, *inter alia*, assigned for this task are Ministry of Interior, Ministry of Justice and the Ministry of Family, Labor and Social Services.

The most significant pillar which would affect the whole process in fighting against the pandemic is the fourth pillar, which is maintaining the supply chain without any interruption. This pillar consists of objectives to be fulfilled such as maintaining the mobility of agricultural products, continuing the domestic and foreign trade chain, keeping the economic troubles of individuals and the businesses at a tolerable level throughout the fight, etc. The institutions which are responsible for managing this pillar are Ministry of Treasury and Finance, Ministry of Agriculture and Forestry, and the Ministry of Industry and Trade. Indeed, these pillars of the strategy formulated to combat the pandemic are all inter-related, affecting directly all the institutions and persons in the country.

Since the first positive case in Turkey reported on 11 March 2020, Turkey has been showing maximum effort in its fight against the virus. The measures suggested by WHO has been launched well in advance in the country and necessary works have been carried out with an aim to handle this pandemic process with minimum damages. The taken measures and their results have been accurately and transparently shared with the public.

It is extremely important that the practices based on the above-mentioned four pillars in fighting against the pandemic must be reviewed in line with the main principles of good administration such as respect for human rights, lawfulness, equality and absence of discrimination, transparency, providing information and so on. Prepared in line with these principles, the Report consists of four chapters. The first chapter focuses on the services provided and the activities conducted in the field of healthcare. The second chapter highlights the administrative measures taken in order to ensure isolation and to curb the spread of the virus. The third chapter is about the economic decisions and the measures taken in this regard. And finally, the fourth chapter is an overview of examinations and findings relating to these three areas. With this Report, a general evaluation has been made by taking into consideration the ongoing fight against the coronavirus not just in Turkey but also across the world and accordingly, some recommendations have been developed. The general evaluation of actions and procedures of the government and the administration, the decisions as well as the measures taken in this regard toward Turkey's fight against the pandemic has been made considering their compliance with the principles of good administration.

Also, analyzing the perspectives of the countries in fight against the pandemic which has hit the whole world, their ways of managing the process as well as their ability to manage the process, the success criteria of Turkey has been tried to be created. It has been considered that it is the duty of the Ombudsman Institution of Turkey, as an institution to seek legal remedies, to reveal that Turkey has adopted a humanitarian approach to the disease and attached great importance to human health in the meantime. In this regard, Turkey has been compared with various countries in terms of priorities in fight against the pandemic as well as attitudes towards humans and human health.

The Ombudsman Institution of Turkey being one of the key institutions to seek legal remedies in the country has received many complaints about the shortcomings in delivery of public services due to the pandemic since the first positive case reported in the country. Some of these complaint applications have been related to "health" while some of them have been in the field of "public order" and "economic measures". These applications mostly focus on demands on improving the rights and working conditions of health professionals. In addition, majority of the applications have been about the problems faced in accessing masks, shortcomings at the hospitals in the delivery of routine health care services apart from the coronavirus, the problems faced in access to the bank loans provided for citizens. After carefully examining these complaints, it has been observed that many of these problems have been solved with the updated measures.

As mentioned in the Report, the Ombudsman Institution issued a Recommendation regarding the complaints filed by citizens who experiences certain problems with the banks following the economic measures taken to support citizens during the pandemic.

The Ombudsman Institution of Turkey makes decisions in line with the principles of law, fairness, human rights and good administration. In this regard, the fighting process, the measures and practices have been evaluated in terms of good administration principles such as proportionality, equity, lawfulness, justice, equality, participation, courtesy, etc. The Report also includes some deficiencies observed in the fight against the coronavirus.

The Report is finalized with the recommendations of next steps to be taken by Turkey by drawing upon the experience gained so far.

4.2. COMPLAINTS REGARDING BANKING TRANSACTIONS AND THE PROBLEMS FACED IN ACCESS TO THE BANK LOANS PROVIDED FOR CITIZENS DURING THE PANDEMIC

The measures taken by the countries in response to the COVID-19 outbreak have enormously affected the economic life. As in other countries, Turkey felt the need to take certain measures to mitigate the expected negative situations in economic and commercial activities due to COVID-19. In this regard, an Economic Stability Shield Package was introduced to minimize the impacts of the pandemic. The purpose of these measures is to prevent bankruptcies and to try to ensure economic stability by preventing employment from being interrupted.

One of these measures has been providing low interest loan opportunities through state banks for the low-income citizens. In this process, the Ombudsman Institution has received many complaints from citizens who claimed that they couldn't benefit from the economic support measures which mainly included the following: extending the time limit of declaration/notification/reporting conducted using fiscal policy tools, adopting rate cuts, allowing the taxpayers affected by the COVID-19 measures to benefit from the force majeure provisions and postponing public receivables, low interest loan opportunities for small and medium-sized enterprises, postponing credit debts, and supporting low-income individuals with credit.

In 2020, the total number of applications are 90.209. Out of this total number, 70.440 applications are about economic support consumer loans provided due to the pandemic and 19.769 applications are about other subject areas.

TOTAL NUMBER OF APPLICATIONS	90.209
Number of Applications regarding Banking Transactions for Low Interest Consumer Loans	70.440
Other Applications	19.769

The Institution forwarded these complaints to BDDK (Banking Regulation and Supervision Agency).

It has been observed that certain banks have resisted the economic measures in different ways, and that they have been late in implementing the decisions the government has taken to grant loans to citizens. It has been seen that banks evaluated loan requests in accordance with the financial ability of citizens - whether they can pay it back or not - and they were also insufficient in terms of informing and getting back to citizens.

After examining these complaints, the Ombudsman Institution issued a Recommendation to the public banks of Turkey. And positive feedbacks have been received from these banks.

4.3. CONCLUSION

Spreading quickly in the whole world, the COVID-19 pandemic has been the second biggest challenge for humanity after the World War II. In fighting against this pandemic which affected the whole humanity, Turkey has also taken strict and comprehensive measures in the field of health, in individual, religious and social life, and in public order and security services as well as in economic areas. Thanks to these strong measures, Turkey has had remarkable success in its fight against the virus.

With the effect of this extraordinary pandemic period, the applications filed to the Ombudsman Institution have considerably increased. While the number of applications in 2019 was around 21.000, this number has reached 90.209 in 2020. Despite the high number of applications, the Ombudsman Institution never stopped working during the pandemic and resolved these cases within six months. Also, evaluating the measures taken by Turkey in the field of health, administration and economy as well as in other areas, the Institution prepared “Turkey’s Fight Against COVID-19 Report”. This Report has been translated into English and shared with relevant national and international intuitions and organisations.



CHAPTER

V

2020

ANNUAL REPORT

APPLICATION PROCEDURES, GENERAL INFORMATION ON APPLICATIONS AND CASE SUMMARIES

How to Apply

Application Period

Confidentiality of the Complaint

Preliminary Examination

Actions and Decisions to be Taken
upon Preliminary Examination

Requesting Information and Document

Assignment of an Outside Expert
and Hearing of Witness

Examination and Investigation

Resumption of the Term of Litigation

Withdrawing a Complaint

Complaint Handling Process and
Types of Decisions

Case Summaries

5.1. HOW TO APPLY

Natural and legal persons whose interests, rights or freedoms are violated may lodge a complaint to the Ombudsman Institution against all kinds of acts, actions, attitudes and behaviors of the administration. However, the condition of “violation of interest, rights or freedoms” is not sought in the event that the complaint is about human rights, fundamental rights and freedoms, women’s rights, children’s rights and general issues concerning the public.

The complaint is 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 Ombudsman Institution.

Complaint applications may be delivered in person by visiting the Ombudsman Institution as well as via mail, e-mail, e-government, fax or via e-application method through the website of the Institution. Complaints may also be sent to the office of the Ombudsman Institution in Istanbul. However, the originals of the complaint applications lodged via fax or electronic mail are required to be delivered to the Ombudsman Institution within fifteen days; otherwise, the complaint shall not be admissible. This condition doesn’t apply to the complaints lodged through registered electronic mail.

Moreover, the complaints may be lodged in person or via mail through governorates in provinces and district governorates in districts. Governorates and district governorates send the complaints and their annexes if available in three working days at the latest to the Ombudsman Institution.

Complaints may be lodged by filling out the “Complaint Form for Natural Entities” or Complaint Form for Legal Entities. Provided that the required information and documents specified in the Ombudsman Law are included, a complaint may also be lodged without using the forms. In the event that a justified reason exists, complaints may also be lodged orally.

The complaint may also be lodged by a legal representative or an assignee.

No price is charged due to any reasons for lodging a complaint.

5.2. APPLICATION PERIOD

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. The date of the application is 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.

Any application filed during the term of litigation suspends the ongoing term of litigation.

5.3. CONFIDENTIALITY OF THE COMPLAINT

Complaint shall be kept confidential at the request of the complainant. All kinds of measures for keeping the complaint confidential shall be taken by the Ombudsman Institution.

5.4. PRELIMINARY EXAMINATION

Complaints are subjected to a preliminary examination prior to the examination and investigation phase. In the preliminary examination, the complaint is examined in terms of whether

- a) it falls within the scope of duty of the Ombudsman 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 Ombudsman 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 of the Bylaw on the Procedures and Principles regarding the Implementation of the Ombudsman Institution Law,
- h) it includes a specific subject matter,
- i) it contains the information required for lodging a complaint pursuant to the Ombudsman Law,
- j) it contains an infringement of interest.

5.5. ACTIONS AND DECISIONS TO BE TAKEN UPON PRELIMINARY EXAMINATION

In the event that there are missing documents or the missing documents are not delivered within the determined period or the subject matter of the complaint is not within the mandate of the Institution, *decision of inadmissibility* is taken. This decision is notified to the complainant and the suspended term of litigation shall continue from the suspension date. In the event that the complaint is first filed to the Institution before applying to the relevant Administration, *a decision of referral* is taken.

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 Ombudsman Institution shall be considered as the complaint date lodged to the administration. Upon delivery of the complaint to the relevant administration by the Ombudsman Institution, a new complaint may be lodged to the Ombudsman Institution within six months.

5.6. REQUESTING INFORMATION AND DOCUMENTS

The information and documents which the Institution may request in connection with the matter it examines and investigates are to 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.

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 state secrets are may be examined on the spot by the Chief Ombudsman or an ombudsman assigned by the Chief Ombudsman.

5.7. ASSIGNMENT OF AN OUTSIDE EXPERT AND HEARING OF WITNESS

The Chief Ombudsman or Ombudsmen may assign outside experts in connection with the subject matter under examination and investigation.

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.

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

5.8. EXAMINATION AND INVESTIGATION

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.

If the relevant authority does not find the action to be performed in line with the recommendations 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.

5.9. RESUMPTION OF THE TERM OF LITIGATION

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.

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.

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.

5.10. WITHDRAWING A COMPLAINT

Complainant may withdraw her/his complaint until the decision is made. In this case, the Ombudsman Institution shall terminate the examination and investigation

5.11. COMPLAINT HANDLING PROCESS AND TYPES OF DECISIONS

When a complaint application is received, it is handled through the following steps:



Types of Decisions

The Ombudsman Institution is entitled to issue recommendations, decisions of refusal or decisions as to no ground exists for taking decision as a result of the examination and investigation concerning the complaint.

Recommendation

When the complaint is found appropriate as a result of relevant examination and investigation, a recommendation shall be issued. In such decision, one or more of the following recommendations regarding the administration shall be included:

- a) Admitting the misconduct
- b) Compensating the damage
- c) Taking acts or action
- d) Making legislative amendment
- e) Withdrawing, aborting, changing or correcting the action
- f) Correcting the implementation
- g) Reconciliation
- h) Taking measures

Relevant authority shall inform the Ombudsman Institution within thirty days of the actions established and the measures taken in line with the recommendation or about its justification when it does not consider the recommended solution feasible.

Decision of refusal

When the complaint is found inappropriate as a result of relevant examination and investigation, a decision of refusal shall be issued.

Decision as to no ground exists for taking decisions

The Ombudsman Institution shall decide that there is no ground to take a decision when it terminates its examination and investigation, in the following cases:

- a) When the complainant withdraws her/his complaint,
- b) In case of demise when the complainant is a natural entity or termination of the legal entity if it is a legal entity,
- c) Compliance with the complaint request by relevant administration,
- d) When a lawsuit is filed against the subject matter of the complaint while examination and investigation is carried out

Amicable Settlement

The founding purpose and the reason of existence of the Institution is to seek amicable solutions and to settle disputes in an amicable manner. Therefore, the “Amicable Settlement” decision has been added to the “By-Law on the Procedures and Principles regarding the Implementation of the Ombudsman Institution Law” on 02 March 2017.

Amicable Settlement is one of the mostly applied decision methods of the Institution with a view to quickly and effectively resolving the conflicts. As the success of the Institution depends on its role as a mediator and an arbitrator based on its persuasiveness, amicable settlements are mostly preferred by the Institution serving as a bridge between citizens and the Administration.

It is important that both parties come to a mutual understanding. Thus, while the examination and research process on the matter continues, parties may be invited to amicable settlement. If the complaint is considered as reasonable and there is no need for any correspondences which may extend the period of a solution, a meeting is held with the Administration and possible solutions are discussed. After negotiations with the Administration, if the Administration decides to resolve the dispute with the complainant, then the amicable decision is made. The implementation of this decision is followed up by the Institution.

5.12. CASE SUMMARIES

The following is a selection of summaries of individual cases as per different subject matters dealt with by the relevant Ombudsmen in 2020:

JUSTICE, NATIONAL DEFENCE AND SECURITY

Applications which are filed to our Institution relating to “justice, national defense and security” are, in general, made by the prisoners or convicts and they consist of complaints on prison conditions, management of prisons, the attitudes and behaviours of the prison staff, disciplinary punishments inflicted by the wardens, request for transfer by the prisoners to the province or neighbouring provinces where the families of the prisoners live, applications on the problems encountered during contact and non-contact visits, health problems, increased measures in prisons due to the pandemic, requests for immediate finalisation of the court cases where the applicants are parties to, motion for new trial, failure to collect attorney’s fees, refusal to order an expert report, failure to attend the reconciliation examination, applications by attorneys on a number of problems, notarial proceedings, applications regarding enforcement proceedings

Applications relating to “national defense, security and law enforcement” include the following: the fulfilment of the appointment requests in recruitment of military officers and non-commissioned officers, destruction of archival records, applications by civilian

and military personnel about personal rights, promotion and lodging rights, personal recruitment in Turkish Armed Forces (TAF), the situation of cadets after the closure of military schools under a decree-law, failure to enter TAF due to the negative results of security investigation, military recreation centres, destruction of the data resulting from criminal record check, termination of identity cards of private security guards, denial of carry permit or withdrawal of cancellation, cancellation of unfair traffic tickets, negative behaviours of security officials.

Case Summaries

About the Request for Execution of Court Decision

The applicant stated that as a result of the decision of Samsun 1st Civil Court of First Instance dated 27/12/2018, it was decided to pay him or her compensation, and that the decision in question was finalized, but no payment was made although more than a year had passed since the finalization of the decision; therefore, the applicant requested that the enforcement file debt registered in Samsun Enforcement Office to be paid.

As a result of the examination made by our Institution, considering that the failure to execute the court's decision properly contradicted with the law and equity, it was decided to issue a Recommendation to the Governorate of Samsun so that the administration would take an action within a reasonable time to execute the relevant court decision.

About the Request for Appointment According to the Result of the Court Decision

The applicant, who worked as a non-commissioned officer within the Ministry of National Defense Land Forces Command, stated that he or she was dismissed from public service by the action of Ministry of National Defense dated 29th August 2016, based on Article 4/1-a of the Decree Law No. 667 on Measures Taken under the State of Emergency, that the lawsuit filed by the applicant for the cancellation of the action was concluded and that the action at issue was canceled; however, the applicant stated and alleged that although thirty (30) days had passed from the date of the notification to the administration, his reinstatement procedures were still not completed and he was not reappointed to his position, and that he would lose his right to appointment based on the status of his spouse in August if the actions were not completed immediately; therefore, he filed an application to our Institution with the request for appointment.

The negotiations with the Land Forces Command on the subject informed that the applicant was appointed with the Approval of the Minister of National Defense dated 30/07/2020; accordingly, based on the confirmation of the applicant's appointment by the telephone call with him on 12/08/2020, Amicable Settlement Decision was issued.

LABOUR AND SOCIAL SECURITY

The applications lodged to the Ombudsman Institution in 2020 in the field of working life under the complaint category of labour and social security mainly comprise working conditions, issues related to the rights demanded from the administration within the framework of labour law and employment contract due to the fact that the administration is the main employer (subcontracted laborer problems), employee and employer problems, occupational accidents, occupational health and safety actions, unions and collective labour relations, work permits of foreigners, union activities, and so forth.

It is understood that the applications lodged to our Institution in the field of working life are mostly applications regarding unemployment allowance, short-term working allowance, and cash wage support. Also, applications have been filed for the issues of administrative fines imposed by the administration, appeals to the loss of earning capacity in profession, requests for certificates of professional competence, and labour receivables.

Case Summaries

About the Request for Payment of Labour Receivables Unpaid to the Applicant by the Relevant Administration in Line with the Applicant's Request

The applicant stated that he or she started to work in a cleaning company at the General Directorate of State Railways on 24/12/1999, and later in a cleaning company in a hospital in Ankara on 01/10/2000 and retired on 11/09/2017, and that after his or her retirement, he or she completed and submitted the necessary documents to the institution he or she worked for so that his or her legal rights would be handed to him or her. He or she stated that the severance pays for the periods after 01/10/2000 was paid to him or her by the Institution he or she worked for and requested that his or her unpaid financial rights for the days he or she worked without even annual leave until 2011 and the severance pay for the period 24/12/1999-25/09/2000 to be paid.

During the examination and research phase of the application, our Institution requested information and documents from the Ministry of Health in order to seek an amicable settlement and to examine the application, and upon the response letter sent from the aforementioned administration to our Institution, the application was resolved through Amicable Settlement Decision.

About the Request for Activation of the Occupational Health and Safety Certificate

The applicant stated that his or her occupational health and safety certificate was suspended, that this situation did not change despite his or her application to the Ministry, that this action was carried out despite the absence of a final judicial decision against him or her and requested that the unjust treatment be eliminated.

In the examination made by our Institution, it was stated that the applicant's class C occupational health and safety certificate was confiscated with the decision of the commission established in accordance with Article 9 of Law No.7081, that a criminal case was filed against the applicant and that a security measure was imposed on him or her; consequently, it was determined that the decision taken was in accordance with the procedure and the law. In this respect, it was observed that the applicant's class C occupational health and safety certificate was suspended with the decision of the commission established by Law No.7081, that the relevant decision was justified within the scope of the authority granted in the text of the article, and that the decision taken was in accordance with the procedure and the law; based on the conclusion and opinion that the applicant's request should be refused, it was decided to issue Decision of Refusal on the application.

CHILDREN'S RIGHTS

In the applications of children who have applied by accessing the children's website of Ombudsman Institution in 2020, it has been observed that during the pandemic period, there was an increase in requests for social assistance and general-purpose loans due to problems in accessing lessons in the distance education period, decreased or insufficient household income due to reasons such as their parents being unemployed or on unpaid leave. In this regard, it has been aimed to support children in need by concluding the applications urgently in cooperation with the administrations, especially the relevant Governorates, District Governorates and Municipalities according to the content of application.

The applications evaluated within the framework of the children's right to education, which make up the majority of the applications made in the field of children's rights every year, have a wide distribution. These applications range from degrading treatment in an educational setting to shortcomings of schools regarding special education areas and transportation facilities, failure to meet the current needs of children due to insufficient physical capacity of school buildings, violation of the right to healthy food in school canteens, lack of public transportation facilities allocated to students in school transport provided by local administrations, insufficient counseling services in schools and dormitories for children in need of protection and care, and situation of a child staying in a penal institution.

Case Summaries

About the Request for Benefiting from Home Care Service in the Context of Effective Use of the Children's Right to Health

The child applicant stated that he or she is 9 years old and that as he or she has type 1 diabetes, he or she pricked her own finger 8 times a day, that there were homologous

injections 3 times before meals, antu injection every evening before going to bed and injections in his or her hip made by his or her mother, and that he or she had Special Needs Report for Children due to his or her disease, that the application, which he or she filed to the relevant administration to be able to benefit from home care service because his or her family's financial situation was insufficient, was rejected on the grounds that "they could meet his or her own needs"; for this reason, he or she filed an application to our Institution on 21/02/2020 and "Referral Decision" was issued upon the application; however, he or she stated that no action was taken in the meantime and requested that he or she benefit from home care payment.

As a result of the evaluation made by our Institution, it was decided to issue a Recommendation to the Ministry of Family, Labour and Social Services to fulfill the necessary administrative procedures in order for the child applicant with type-1 diabetes who was determined to be "severely disabled" to benefit from the home care service payment.

About the Request for Children's Rights to Protection, Care and Assistance

The child applicant stated that he or she had been heavily bullied by his or her brother, that he or she and his or her parents had run out of ways to do something about this issue, that he did not know what to do, and requested that his or her problem be resolved.

The Institution decided to issue Referral Decision to the Ministry of Family, Labour and Social Services to take the necessary action for detailed social examination on the child applicant and his or her family by professional experts without wasting time, case study and monitoring within the framework of security and privacy in terms of including and protecting the child in the process with the least harm, identification of the risks related to the current conditions of the child in the examination to be conducted, determination of the factors preventing the physical, mental and social development of the child and proposed solutions, immediate evaluation of whether any protective and supportive measures were required in accordance with the Child Protection Law No.5395, and eliminating the child's concerns in the application process by taking into account the request of the child applicant.

Activities for the Implementation of the "Strategy on the Rights of the Child" Developed by the Ombudsman Institution

Joint activities in the field of children's rights, carried out in cooperation with the United Nations Children's Fund (UNICEF), continued in 2020 by extending the duration of the work plan signed in 2019.

Within the scope of studies conducted to protect and improve children's rights,

activities have continued for the access to society, which are an important component of the Ombudsman Institution's Strategy on the Rights of the Child developed in cooperation with UNICEF in order to adopt a child-friendly approach in examining applications filed by children.

In this context, even though face-to-face studies have been paused due to the pandemic period, online training programs have been organized for children and the young.

Furthermore, in the training programs, the Ombudsman Institution was introduced to children and the young, they were informed about the child applications, the children's website of the Ombudsman Institution, the process of filing a complaint, the decisions of the Ombudsman Institution, and they were encouraged to apply to the mechanisms to seek their legal remedies. The training program was carried out by the Ombudsman Institution's Children's Unit Experts and UNICEF Consultants who examine the applications in the field of children's rights.

In this way, it is aimed to raise awareness in different parts of the society about the activities of the Ombudsman Institution by ensuring the participation of children and the young in activities regarding access to society and to enable children and the young to transfer their gains from the training program both in the educational setting and in the activities, they take part in their social environment.

One of the outputs of the study which spread throughout this process, is the preparation of the "Ombudsman Institution with Questions - Guide for Children and the Young", and children and the young have been allowed to contribute directly to the guide. In addition to this guide, manuals containing peer education for different age groups including 11-14 years old, 15-18 years old and over 18 years old have been prepared.

In the pandemic conditions, as of September 2020, the "Training Program to Strengthen the Ombudsman Institution's Communication and Relations with Children and the Young" has been adapted and implemented as online training. The first online training was delivered to the children members of the Child Advisory Board operating under the coordination of the Ministry of Family, Labour and Social Services, on 26th-27th September 2020. The training was conducted by the UNICEF Consultants with the coordination of Ombudsman Institution experts and the participation of the Ministry representatives.

EDUCATION, YOUTH AND SPORTS

Applications in the field of education, youth and sports were mostly about the following sub-headings: "Exams and related practices; transactions, acts and actions concerning students; matters regarding higher education services, problems of teachers relating to education & training; works for the disadvantaged youth; other matters relating to

the services provided in the field of education, youth and sports”. The majority of the complaint applications in the field of the above-mentioned sub-headings are as follows:

The security measures taken by Exam Authorities such as Student Selection and Placement Centre (OSYM), Ministry of National Education, and Open Education Faculty; fee for application to the examination of OSYM and problems occurring regarding the online payment system of the relative fee; implementation of the system of “losing a quarter point for each incorrect answer (keeping random guessing from increasing the score) in mid-term, final and make-up examinations and the system of retaking 3 failed courses conducted by the Open Education Faculties of the Universities; objections to the examination to become certified public accountants conducted by the Union of Chambers of Certified Public Accountants of Turkey; the objections to the declaration of the exams as null and void and results of the exams conducted by OSYM.

Applications on transactions, acts and actions concerning students mainly concentrate on lateral/vertical transfers and failed transfer of courses as a result thereof; summer school and make-up examination, loss of KYK¹ scholarship, change of the scholarship into a credit, reimbursement procedures of scholarships/credits

Case Summary

About the Request for The Problems Encountered in Adding the Highest Ranked Student Information which is Taken into Account in the Preferences for Examination for Higher Education Institutions of the Students Who Graduated as the Highest Ranked Student to the e-School System

In the applications lodged to our Institution by the highest ranking students in their school, the applicants stated that they completed their education in secondary education institutions with the highest ranking in 2019, that upon seeing that their highest ranking student information was not included in the system of ÖSYM (Measuring, Selection and Placement Center), they called the school administration and they were told that there was no problem, but when the preference results of Examination for Higher Education Institutions were announced, they could not be placed in any of their preferences; for this reason, they were treated unjustly because their highest ranking student information was not entered into the system, and they filed an application to our Institution.

As a result of the examination made by our Institution, seeing that the failure to benefit from the quota for the highest-ranking students in the preferences for Examination for Higher Education Institutions in 2019 due to the fact that the highest ranking student information of the applicants was not registered to the e-school system on time was not in accordance with the law and equity, Recommendation was issued to the relevant administrations to eliminate the unjust treatment.

¹ The scholarship of the General Directorate of Credit and Dormitories Agency

ECONOMY, FINANCE AND TAX

Most of the applications made by the natural and legal persons on the acts and actions as well as attitudes and behaviours of the administrations in the field of economy, finance and tax have been about the following matters: banking transactions, capital markets, financial offenses and trafficking, public receivables and debts, tax procedures, insurance transactions, tender procedures and other matters relating to economy, finance and tax.

Case Summaries

About the Request for the Refund of the Canceled Traffic Fine

The applicant stated that he or she paid the traffic fine which was unjustly imposed on his or her ... vehicle and, after having paid it, objected the fine; as a result of the objection, the traffic fine was canceled and the applicant filed an application to the Tax Office Directorate of Transport Vehicles for the refund of the canceled traffic fine; however, the applicant claimed that he or she was still not refunded and that he or she was treated unjustly in this regard and requested the traffic fine he or she had paid be refunded.

In the response letter received from the Istanbul Tax Office Directorate as a result of the amicable settlement attempts and correspondence made by our Institution regarding the issue, it was determined that there were explanations that “The 257.25 TL Administrative Traffic Fine paid for the vehicle with license plate ... asked in your letter with reference number ... was canceled by the Court. On 29/04/2019, a rectification was made by our office based on the relevant decision, and the motor vehicles tax debt of the vehicle with license plate ... in 2019/2 period was deducted,” and accordingly, the investigation and research were terminated, and Amicable Settlement Decision was issued regarding the application.

About the Request for the Postponement of Motor Vehicle Tax due to Taking into Account Residence Registration in Case of Force Majeure Announced Due to Earthquake

The applicant stated that he or she found that the 2020/1 motor vehicle tax was not postponed for his or her vehicle with the license plate Elazığ... registered on him or her after the earthquake that occurred in Elazığ on 25/01/2020, that the applicant's request for postponement on 14/02/2020 was not deemed appropriate since he or she was not affiliated to Malatya Tax Office Directorate, and claimed that it caused a negative situation for vehicle owners with different provincial license plates living in the region to be taxpayers affiliated with these tax offices, and requested that the 2020/1 motor vehicle tax of the ... vehicle be postponed without interest, that the regulation

of provincial license plate based on tax office be abolished and that a practice based on residents be adopted instead.

As a result of the examination and research made by our Institution, it was decided to issue a Recommendation to the Revenue Administration on taking measures to eliminate the unjust treatment and prevent similar unjust treatments in cases related to the announcement of force majeure from then on and taking the residence record into account when a force majeure was announced.

ENERGY, INDUSTRY, CUSTOMS AND TRADE

Applications in the field of energy, industry, customs and trade have been mostly about the following: problems arising from getting mining license or cancelling it, acts of electricity distribution companies, standby credits given for enterprises by Small and Medium Enterprises Development Organisation (KOSGEB), matters relating to domestic and foreign trades, consumer problems, and customs procedures.

Case Summary

About the Request for the Refund of Agricultural Support Payment Suspended by the Administration to Citizens

In an application made on this topic, the applicant stated that he or she procured the field in the Viranşehir Tunçbilek district of Şanlıurfa province; however, he or she learnt that the seller of the field had an electricity fee debt in advance and the agricultural support payment was confiscated due to this debt. The applicant stated that the letter received from the Directorate General of Turkish Electricity Distribution Corporation noted that the debt did not belong to him or her, but the mistake was not corrected by the relevant Administration; therefore, he or she filed an application to our Institution requesting that the suspended agricultural support payment be refunded.

In the examination made, it was determined that while the electricity consumption fee had to be collected from the previous subscriber by the administration, it was collected from the agricultural support payment of the applicant and therefore, it was unlawful and unfair to deduct the applicant's agricultural support payments in this regard. A Recommendation was issued to the relevant Administration to re-evaluate the relevant electricity fee debt and take the necessary action to refund the applicant's agricultural support payment.

DISABILITY RIGHTS AND SOCIAL SERVICES

Applications in the field of disability rights and social services have been mostly about nursing home fees and disability pensions, irregular cut off on the pensions, applications on subsistence allowance, which are not provided although the criteria

for neediness and other conditions in the legislation are met, claims relevant to public services conducted by social assistance and solidarity foundations across the country. Furthermore, the subjects of the applications in this field have also been the following: objections to the percentages in the medical board reports, problems suffered during the access to public services, problems of diabetic patients, failure to benefit from the right to education, right to travel free of charge, right to have a companion, access to the services provided under home care services, problems suffered by the persons with disabilities in need of protection, care and help, problems of martyr's relatives and veterans, discrimination against the persons with disabilities, problems relating to the social assistance provided by the public institutions and municipalities and behaviours and attitudes of the officials towards the persons with disabilities.

Case Summaries

About the Request for Social Assistance by The Applicant Prisoner on Remand

The applicant stated that he or she was being kept as prisoner on remand in T Type Penal Institution No.3 in Tarsus for a year, that the applicant's spouse and 3 children (8 years old, 5 years old and 7 months old) lived in a rented house in Gaziantep with no income; therefore, the spouse often was not able to pay the house rent and even buy diapers for their child, and also the applicant's being in prison caused an additional burden; for this reason, the applicant claimed that although he or she applied to Provincial Directorate of Family, Labour and Social Services in Gaziantep many times, his or her request for assistance was not accepted, and requested that assistance be provided to his or her family to eliminate the unjust treatment.

The Directorate of Social Assistance and Solidarity Foundation of Governorate of Gaziantep was contacted regarding the complaint; in this regard, in the response letter by the said Directorate of Foundation dated 21/07/2020, it was stated that the necessary examination was made about the applicant, that the applicant's family received coal aid, cash assistance, electricity consumption support and assistance under Economic Stability Shield Package, as well as conditional cash transfer for education for one child and conditional cash transfer for health for another child; for this reason, Amicable Settlement Decision was issued on the application.

About the Applications on Requests for Pandemic Social Assistance Payment

As it is known, the new type of coronavirus pandemic has adversely affected our country in many ways, as in the whole world and in this difficult period, it has been announced to the public that assistance will be provided to families in need within the scope of the Economic Stability Shield Package, which was first announced on 18/03/2020 in order to reduce the socio-economic effects of the pandemic on our citizens.

Subsequently, social assistance under the name of Pandemic Social Assistance Program was planned to be distributed by the Ministry of Family, Labour and Social Services as one-time cash assistance of 1000 TL in phases, and Phase-1 payments were made on 01/04/2020 and Phase-2 payments were made on and after 19/04/2020, and the latest Phase-3 payments started to be delivered to the citizens in need as of 25/04/2020. In this context, with a general letter dated 15/04/2020 by the Ministry of Family, Labour and Social Services, all Social Assistance and Solidarity Foundations across the country were instructed to act in line with legislation and resolutions.

Case Summary

About the Request for Assistance Provided Under Pandemic Social Assistance Program

The applicant alleged that his or her request for pandemic Phase 3 assistance was refused, that he or she did not have any income or assets, and that he or she was unable to provide for his or her spouse and 4-year-old twin boys as he or she was unemployed. Accordingly, he or she requested that his or her application made under Pandemic Social Assistance Program be accepted.

The Bulancak Social Assistance and Solidarity Foundation was contacted about the present application; in this regard, in the aforementioned Foundation's response letter no.937 with the same date, it was determined that the applicant benefited from the Economic Stability Shield Package Assistance Program (PHASE-2) and had not received the payment yet and it was stated that the person was called by phone and informed to receive the payment from PTT; for this reason, Amicable Settlement Decision was issued on the application.

The Ombudsman Institution Participated to the Following Online Meetings on Persons with Disabilities in 2020:

- "The Workshop on the Preparation of National Action Plan on Disability Rights" on 24th January 2020
- "The Evaluation Meeting on COVID-19 and Normalization Period in Terms of Persons with Disabilities" on 8th January 2020

HUMAN RIGHTS

Although the applications filed in 2020 on alleged violations of fundamental rights and freedoms were mostly individual applications, it was seen that a number of applications on concrete alleged violations were lodged by lawyers, civil society organisations and professional organisations. Among the complaints lodged to our Institution, the applications in the field of following matters are included: abuse of rights in the

penitentiary institutions, right to petition and right to information, right to vote and stand for election, civil rights, right to travel, freedom of assembly and association, freedoms of thought, religion and conscience and prohibition of torture and ill-treatment.

Evaluation of Acts, Actions and Practices Carried Out in Penal Institutions in Terms of Fundamental Human Rights Principles

Persons duly deprived of their liberty by the authorities are persons whose connections with the outside world have been removed/restricted, who are at the greatest risk of violation of rights, who are more vulnerable than others and who are completely dependent on the relevant authorities for their basic needs. Ensuring and protecting the fundamental rights and freedoms of these persons is entirely under the responsibility of the public administration.

Mistakes which may arise from the practices in penal detention and execution houses and in places where law enforcement procedures are carried out are shortcomings which can have consequences on the bodies of the persons and lead to irreparable violations of rights unlike other ordinary mistakes of public authorities. For this reason, it is of great importance to closely monitor the practices in these places in our country as in every country. Still, considering this importance, the issue of inspecting whether the acts, actions and practices of public officers responsible for the places where prisoners and convicts deprived of their liberty accommodated are carried out in accordance with the rules of law is not only within the scope of the authority, duty and responsibility of the judicial authorities; but also and especially, it is among the sensitive actions that require the close supervision of administrative authorities in the context of preventive measures.

When we look at the issue at the point of operation of penal institutions, in recent years, significant progress has been made in order to transform the penal execution system in our country into a modern operation; in accordance with these improvement steps, especially under the provision of Article 6 of the Law No. 5275 on the Execution of Penalties and Security Measures, titled “Principles to be observed in the execution of prison sentences”, sincere steps are outstanding, which were taken for improvement of the execution of deprivation of liberty, which is imposed by the penalty binding freedom, under material and moral conditions which ensure the protection of respect for human dignity, for making the operation of the execution regime more open to inspection, and for ensuring that prisoners and convicts live in accordance with their religious beliefs and their moral development.

As a result of our country being large in terms of population and geography, one of the fundamental priorities of our Institution is to examine and inspect the penal execution system of our country, which has a large scale in terms of buildings, personnel, convicts/prisoners, and so forth, and related acts and actions more efficiently.

Apart from the right to liberty, any restriction or limitation of other human rights of the convicts recognized in the Constitution and laws should not be caused during both their detention within the trial period and the execution of their sentences. The basic approach of our Institution regarding the applications of convicts is based on the principle that convicts cannot be deprived of their rights other than their liberty. Considering that the effective protection of the rights of convicts will contribute to the successful rehabilitation of the convict, our Institution has a decisive role in respecting the rights of convicts, especially considering the sensitive nature of penal institutions.

At the point of resolving the complaints received from persons accommodated in penal institutions, a thorough and meticulous examination and research are carried out by the Ministry of Justice in accordance with the provisions of Law No. 6328. Especially in applications involving allegations of torture and ill-treatment, the relevant doctor's reports, camera footage, reports prepared by penal institutions, if any, and the decisions made by the relevant Chief Public Prosecutor's Offices and execution judges, if any, are carefully examined and the case is tried to be clarified.

Case Summary

About the Request for Immediate Examination of Alleged Torture and Ill-Treatment Occurred in Penal Institution

A large number of applications for violations of rights were filed by the Diyarbakır Bar Association regarding the prisons in the Elazığ Prison Campus addressed to the Bar Associations, and it was stated that finally, after some relatives of prisoners requested help stating that their relatives in prison were subjected to torture and ill-treatment, on 8th August 2019, a group of lawyers visited some of the prisoners accommodated in High Security Prisons No.1 and No.2 in Elazığ Prison Campus and Women's Prison, and that during the interview, some prisoners told that they were subjected to torture and ill-treatment by the execution and protection officers who entered their rooms on 4th August 2019; for this reason, it was requested that the allegations of torture and ill-treatment in Elazığ High Security Prison No.2 be urgently examined.

Within the scope of the examination and research of our Institution, the representatives of the applicant Diyarbakır Bar Association were interviewed, and then the High Security Closed Penal Institutions No.1 and 2 in Elazığ Penal Institutions Campus were visited; the directors and officers of the Institution, Campus paramedics, the relevant Public Prosecutor and the Chief Public Prosecutor were interviewed and additionally, the statements of the convicts subject to the application were taken.

In the light of the information, documents and evaluations reached within the scope of the examination and research, regarding the issues of:

- For the applications of prisoners and convicts with the subject of “torture” and “ill-treatment” to be examined with the necessary sensitivity, carefully and urgently; reminding the organization of the importance of preparation of “forensic reports” produced by authorized doctors legibly and in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) [in a way that allows the determination of traces of physical injury and psychological trauma, their cause (history) and effects]; carrying out the necessary information and training activities,
- For incidents occurred in penal institutions that violate “internal security” and “discipline”; establishment of legislation on “progressive tools” that can be applied depending on the severity of these incidents and on how these tools can be used; review of existing legal texts,
- Increasing the experience of the personnel working in these Institutions regarding the intervention to violent incidents; regular training of the personnel (in the fields of stress management, negotiation techniques, and so forth) so that they know what to do in advance and be prepared, without causing “indecision” or “exaggeration”; and preparation of emergency scenarios,
- Taking necessary measures to ensure that all kinds of physical contact between penal institution personnel and prisoners take place in environments that can be seen by cameras at all times, and to keep the camera records in real time and to include date and time information on the screen, It was decided to issue a Recommendation to the Ministry of Justice and the Ministry of Health¹⁴² and Decision of Refusal on the other claims.

WOMEN’S RIGHTS

In 2020 which has passed under the shadow of the COVID-19 pandemic period, a limited number of applications have been lodged to our Institution in the field of women’s rights. During this period, applications have been filed mostly in the field of social services by women.

The most important issues occupying the agenda of 2020 in the field of women’s rights consist of all kinds of violence against women, murders in the name of traditions and honor, harassment, and abuse, as in the previous year. Since the applications on these issues are mostly judicial cases and are generally referred to the judicial bodies, they fall outside the scope of duty and authority of the Institution. In the applications on these issues, even though Decisions of Inadmissibility are issued in accordance with the relevant articles of Law No. 6328, consultancy can be provided to women by evaluating their situation for each individual application file and informing them about public services that they can benefit from in line with their needs and requests.

On the other hand, it has been highlighted that as in 2019, the precautions to be taken by our Institution in 2020 to prevent violence against women are not limited to those specified in the Law No. 6284 and that the authorities in combating violence against women are not limited to only judicial, law enforcement and civil authorities, but it is a collective combat with all public institutions and officers.

Activities in the field of women's rights in 2020 have been carried out as online activities under the shadow of the COVID-19 pandemic.

On the other hand, since the preparations for **the 4th National Action Plan on Combating Violence Against Women for the 2021-2025 period** have been initiated as of 2020 by the Ministry of Family, Labour and Social Services, it would be appropriate to touch upon the importance of developing evidence-based policies in preventing violence against women and domestic violence and combating violence in this annual report.

The Complaints Lodged to Our Institution in the Field of Women's Rights and Case Summaries

About the Request for Assistance by the Applicant Held Responsible for the Debt of Her Ex-Husband

The applicant stated that she was held responsible for the debt of her ex-husband, whom she divorced in 2004 and did not know how to defend her right and she requested assistance.

As a result of the preliminary examination made by our Institution, since it was determined that the applicant had disputes arising from private law with her ex-husband and lawyer and that the party whom the complaint was filed against was natural persons who did not fall inside the definition of "administration" under private law, it was stated that the application "which is not within the remit of the Institution" could not be examined; accordingly, Decision of Inadmissibility was issued. On the other hand, it was deemed appropriate to remind that within the scope of Law no.6284, if the applicant had been subjected to violence, she could request a measure from the judge, law enforcement officers and the civil authority and, in relation to the enforcement proceedings carried out against her, she could request legal aid from the ... Bar Association providing that she met the requirements.

About the Request for Examination of the Allegation of Mobbing

The applicant alleged that she was subjected to sexual harassment, assault and mobbing in the workplace. It was stated by the applicant that the administration remained indifferent to the allegation of mobbing and that her applications were not answered; for this reason, within the framework of the provisions of the relevant legislation, taking

into account the fact that the subject of the sexual assault and harassment allegations constitutes a criminal offense, the relevant documents and camera records, if any, to be examined for an effective investigation, and a Referral Decision² was issued for administrative investigation by taking the statements of the witnesses and public officers to be determined. In the response letter, it was stated that the case was referred to the Directorate for Guidance and Inspection so that the necessary examination and investigation would be undertaken.

Activities on the Field of Women's Rights

➤ Preparations for the Fourth National Action Plan on Combating Violence Against Women

Our Institution participated in Focus Group meetings held within the framework of the Preparations for 4th National Action Plan on Combating Violence Against Women by the Ministry of Family, Labour and Social Services, and in this context, the “Preparatory Workshop on Fourth National Action Plan on Combating Violence Against Women” held online on 20th October 2020.

➤ 2020 Meeting of the Monitoring Committee on Violence against Women

The 2020 meeting of the “Monitoring Committee on Violence against Women” was held under the chairmanship of the Minister of Family, Labour and Social Services in Ankara on 24th December 2020 with the participation of the Minister of Justice and the Minister of Interior. Ms. Celile Özlem Tunçak, the Ombudsman responsible for women's rights, represented our Institution in the 14th Meeting of the Monitoring Committee on Violence against Women.

- The Institution participated in the online meeting held on 21/05/2020 regarding the sharing of the outputs of the *“Increasing the Organizational Capacity of the Women and Children Sections of the Gendarmerie General Command”* project, carried out in cooperation with the General Command of Gendarmerie and the Lithuanian Police Department.
- The Institution participated in the online seminar held on 24th October 2020 regarding the promotion of the research “Impact of United Nations Human Rights Treaties in Turkey: 1999 - 2020” by the researchers of The Center for Global Public Law in Koç University.
- Institutional contributions were made for the preparation of the CEDAW 8th Periodic Country Report and the monitoring and evaluation of the 3rd National Action Plan on Combating Violence Against Women (2016-2020).

2 Referral Decision dated 19/03/2020 on the application no. 2020/4860

- The Institution participated in the online seminar titled as ***“The marginalization of the issue of violence against women under emergency circumstances, forced isolation and restrictive measures”*** on 2nd November 2020 within the scope of the second phase titled as ***“Implementing Norms, Changing Minds”*** of the EU-UN Women Regional Programme by the Women’s Rights Center (Zenica, Bosnia and Herzegovina) for ending violence against women in the Western Balkans and Turkey.
- The Institution participated in the online regional conference titled as ***“Access to justice for women victims and survivors of violence in the Western Balkans and Turkey in times of COVID-19”*** on 26th and 27th November by Women’s Rights Center (Zenica, Bosnia and Herzegovina).
- The Institution participated in the online webinar on administrative data collection and analysis on violence against women and domestic violence on ***30th November 2020*** within the scope of the joint project ***“Fostering a Comprehensive Institutional Response to Violence Against Women and Domestic Violence in Turkey”*** implemented with the partnership of European Union and Council of Europe.

PUBLIC PERSONNEL REGIME

A large number of applications are lodged to our Institution regarding some important problems encountered by public personnel in introduction to public services, in their financial rights, in assessment of their performance and potential, in their appointment and promotion, and in their transfer.

Applications relating to public personnel regime are examined under the sub-headings of appointment, replacement, financial and social rights, promotion, disciplinary punishment and recruitment, mobbing, problems of contractual staff, personnel assessment, cadre and positions, issues related to the rights of employees working in the status of workers in the administration arising from the Labour Law and employment contracts and other matters regarding public officials.

Case Summary

About the Request for Reinstatement to the Previous Position

The applicant stated that he or she was one of the permanent personnel in the Selçuk University Medical Faculty Hospital and was assigned temporarily by the relevant administration to the Faculty of Veterinary Medicine in accordance with Article 13/b of Law No. 2547, that he or she was not employed in accordance with the job description, that he or she had a loss of financial rights, and that this assignment prevented union activities, and therefore, he or she requested to be placed back to his or her previous position.

As a result of the examination made by our Institution, it was decided to issue a Recommendation to the Konya Selçuk University Rectorate for withdrawing of the action of assigning the applicant to the Faculty of Veterinary Medicine within a reasonable time and re-assigning him or her to the University Medical Faculty Hospital where he or she was one of the permanent personnel.

SERVICES PROVIDED BY LOCAL GOVERNMENTS

Our Institution received many applications in 2020 in the field of services provided by local governments. The subject matters of these applications were mainly as follows: Procedures and practices relevant to zoning and public works, permission procedures, infrastructure services, urban transformation, proceedings relevant to natural gas, financial services, water services, public transportation, parking services, landscaping, ensuring traffic order and pedestrian safety, solid waste management, community policing, funeral and burial services, fire services and other matters relating to services provided by local governments

Case Summary

About the Request for Issuing a Teacher Commutation Ticket in Public Transport

The applicant alleged that the Manisa Metropolitan Municipality did not offer any discounted service to teachers in the public transport services which it provided within the provincial borders, and that he or she filed an application to the Manisa Metropolitan Municipality on 11/11/2019, but received a refusal; for this reason, the applicant requested that teachers be given discounted commutation tickets.

As a result of the examination and research made by our Institution, Recommendations were issued on 17/09/2019 for the application no. 2019/5268 regarding the “request for issuing a discounted commutation ticket” with a similar nature, and on 25/03/2020 for the application no. 2019/16972 regarding the “request for issuing a discounted commutation ticket” with, again, a similar nature. It was determined that an assessment should be made on issuing the discounted commutation ticket requested by the applicant to teachers by the Manisa Metropolitan Municipality taking other metropolitan municipalities as an example; for this reason, it was decided to issue a Recommendation to the Manisa Metropolitan Municipality to evaluate the applicant’s request in the competent bodies and to issue discounted commutation tickets to teachers by taking the necessary actions in this regard and taking the other metropolitan municipalities as an example.

RIGHT TO PROPERTY

Regarding the “Right to Property”, the Ombudsman Institution of Turkey receives applications concerning the following subject matters: Immovable properties of which citizens claim ownership, but which are classified as forest, meadow etc. and passed

into the ownership of the Treasury; applications claiming that the public authority seizes the privately-owned immovable without expropriation; applications concerning the unpaid expropriation prices despite court decisions; applications by citizens who purchase immovable from construction companies, being appointed trustees of Savings Deposit Insurance Fund, requests for the immovable to be handed over to applicants; and applications fleeing to mesne profits made by the administrations.

In addition, citizens file complaints with the claim that their right to property is restricted through expropriation of immovable properties based on the zoning programmes along with absence of any activity for expropriation, with the request for payment for the current fair value of the expropriation price of the immovable in question, or for relative administrations' renouncing the immovables that have been planned to be expropriated if no operations are to be launched for expropriation purposes so that citizens can exercise their right of disposition on the immovables.

Case Summary

About the Request on Expropriation of the Immovable Property Specified as "School Zone" in the Zoning Plan

The applicant stated that his or her client was the shareholder owning 322/21083 of the shares of the immovable property located in the zoning district of Kibris neighborhood of Mamak district in Ankara province, that the related zone was specified as "high school zone" in the zoning plan of Mamak Municipality no. 363 dated 28/12/2001, that in his or her correspondence with the Ministry of National Education for the purpose of expropriation the immovable property and payment of its price, the applicant received the information that the action could not be taken by the Ministry at this stage, but it could be done in the future if needed; for this reason, the applicant claimed and complained that the right to property had been violated, and requested that the necessary action be taken regarding the expropriation of the immovable property.

As a result of the evaluation made by our Institution, it was decided to issue a Recommendation³ to the Ministry of National Education for the expropriation of the applicant's share in the immovable property by purchasing it within the scope of the Expropriation Law No. 2942 dated 4/11/1983.

POPULATION, CITIZENSHIP, REFUGEE AND ASYLUM RIGHTS

The applications in the field of population, citizenship, refugee, and asylum seeker rights mainly comprise passport problems, requests for lifting the ban of persons who are banned to travel abroad by the judicial authorities, requests for a name equivalence certificate demonstrating the former names of the lineal ancestors of persons who became Turkish citizens, and requests for becoming a Turkish citizen.

3 Recommendation dated 07/05/2020 on the application no. 2019/20534

Case Summary

About the Request for Acceptance of Citizenship Application Filed for Marrying a Turkish Citizen

The applicant stated that he or she married a Palestinian person in 2004 and had two children, 10 and 12 years old, from this marriage, that the Turkish citizenship application made by his or her spouse in 2007 was refused on the grounds that it did not meet the requirement for “*national security and public order*”, that finally, his or her spouse filed a citizenship application to the Governorate of Kırklareli on 02/03/2017 within the scope of Article 16 of the Turkish Citizenship Law No. 5901 titled “*The Acquisition of Turkish Citizenship by Marriage*” and that as the entire family, they were treated unjustly because his or her spouse was not a Turkish citizen during their 15-year marriage; for this reason, the applicant filed an application to our Institution with the request for eliminating this unjust treatment that disrupted their family’s union and granting Turkish citizenship to his or her spouse.

As a result of the evaluation of the allegations of the applicant, the information, documents and explanations submitted to our Institution by the administration against these allegations, the provisions of the relevant legislation and the judicial decisions on this matter; it was seen that there was no compliance with the law and equity in the action which was the subject of the refusal of the application for citizenship of the applicant’s spouse on the grounds that it constituted an obstacle in terms of national security and public order; according to the justification and the scope of the file, a Recommendation was issued to the Ministry of Interior Directorate General of Civil Registration and Citizenship for accepting the application and granting Turkish Citizenship to the applicant’s spouse.

FORESTRY, WATER, ENVIRONMENT AND URBANISATION

The applications filed to our Institution in this field are usually relating to the following subject matters: Practices of Housing Development Administration of Turkey (TOKİ), requests for entitlement within the scope of Article 2(B) of the Forest Law, requests for demolition of risky buildings under the Law no. 6306, requests for housing benefits under the Law no. 6306 and for taking buildings and neighbourhood into the scope of the same law, applications on the administrations’ failure to compensate the applicants for award of damages, requests for building control permits and their cancellations, applications relating to apartment building management and site management, applications relating to hunting, requests for permission for drilling a well, applications related to the areas determined as site areas (protected areas), environmental and noise pollution, applications relevant to membership fees to professional chambers, special forest lands, problems suffered by survey and cadastre engineers, transactions relating to land registry and cadaster.

Case Summary

About the Request for Registration of Address for Renewed Residence as a Result of Urban Transformation

The applicant stated that the house of the applicant, located in the Osmaniye neighborhood of the Bakırköy district in Istanbul, where he or she lived with his or her son, daughter-in-law and two grandchildren, was renewed through urban transformation, that while before the urban transformation, the house was registered with title deed as “residence”, after the urban transformation, the house was registered with title deed as workplace, that for this reason, their residential address was not registered even though their place of residence was this address, that in fact, in the examination made by the Bakırköy Municipality, the place where they live was accepted as a residence and was exempted from tax, and that although they repeatedly filed applications to various authorities, their residential address was not registered and they could not receive a certificate of residence; therefore, the applicant stated that they were unable to take any official action and requested that their residential address as family be registered.

In the letter sent to our Institution by the Governorate of Istanbul, in the examination made on the application filed by the applicant on the basis that he or she could not register at the address where he or she lived with his or her son, daughter-in-law and two grandchildren, it was observed that the applicant’s son registered at the address in question on 11/06/2020, and the applicant was informed that if he or she filed an application for statement of address with his or her son to the directorate of district population, his or her application will be evaluated; furthermore, in the message sent to the application file on 01/07/2020, the applicant stated that as a result of the application, the residence registration of his or her son, daughter-in-law and two grandchildren was made, and that he would be registered when he returned from the village and filed an application in person, and also thanked our Institution for the interest; accordingly, since it was understood that the request which was the subject of the application was fulfilled by the administration, Amicable Settlement Decision was issued.

HEALTHCARE

The applications filed to our Institution in the field of healthcare comprise the following matters: Applications relating to the failure of doctors/dentists and other healthcare personnel to duly provide healthcare services [claims of malpractice (on medical terms) and violation of patient rights], applications including requests for cancellation of deductions made by the SSI on the prescribed medications, pharmacists’ requests for agreement with SSI, applications including requests for social security coverage for some medical devices and medications, applications regarding the technical problems on Centralised Doctor Appointment System, medical board reports/ medical

board reports for disability/ objections to medical board reports for Turkish Armed Forces (TAF), claims of unfair revocation of drug licences by the Turkish Medicines and Medical Devices Agency, applications claiming that private and foundation hospitals charge emergency patients fees, unfair charge of fees for the healthcare services that must be provided under social security coverage and problems encountered during access to medicines procured from abroad, problems of citizens in healthcare services due to the COVID-19 pandemic.

Case Summary

About the Request for Refund of the Medical Treatment Fee Paid to the Private Hospital by the Social Security Institution

The applicant stated that he or she had to undergo urgent hernia surgery in April 2020 due to his or her illness, and as she learned by consulting three different doctors, there was a possibility of getting paralyzed unless she underwent the surgery, that when he or she went to the state hospital, he or she was told by the doctors that they were unable to perform surgery due to COVID-19, but if he or she found a place where the surgery could be performed, he or she had to be operated immediately, that thereupon, he or she had an operation in the private ... hospital and eliminated the risk of paralysis, and that when he or she investigated whether the expenses he made could be paid by the Social Security Institution, he or she saw that the surgery he or she had undergone was on the payment list of the Social Security Institution, but he or she also learned that the Social Security Institution did not pay the money for the surgery he had undergone; for this reason, in his or her petition dated 11/06/2020, he or she asked the Social Security Institution to refund only the treatment fee of 1,400.00 TL which he or she paid to the ... hospital (not the other expenses). He or she stated that his or her request was not accepted in the response letter of Social Security Institution dated 23/06/2020 and requested that the 1,400.00 TL which he or she paid to the hospital be refunded by the Social Security Institution.

As a result of the evaluation made by our Institution, it was evaluated that there was no violation of the law in the determination of the administration and it was concluded that there was no contradiction to the law and equity in the administration's action regarding the refusal of the request by the applicant to be refunded the fee of 1,400.00 TL which he or she paid to the private hospital by Social Security Institution; for this reason, Decision of Refusal was issued.

TRANSPORTATION, PRESS AND COMMUNICATION

The applications lodged to our Institution in the field of transportation, press and communication mainly comprise the issues regarding maritime trade, shipyards and coastal structures, telecommunication facilities, transport of dangerous goods and

combined transport by road, rail, sea and inland waters, media service providers, electronic communication and information services, consumer rights and problems, local and foreign media organs.

Case Summary

About the Request for Demolition of the Overpass Posing a Danger in Terms of Life and Property Safety

The applicant stated that there was an overpass constructed years ago on the highway passing through Yavuz Sultan neighborhood in Derince district of Kocaeli province, that over time, the overpass was worn out due to factors such as vehicle crashes and earthquakes, and large metal parts in its body broke off on the welding points, that the situation at issue posed a danger in terms of life and property safety for pedestrians and vehicle traffic, and that although the applicant filed an application to our Institution on the subject and it was announced that the bridge would be renewed in 2019, no action was initiated so far. The applicant claimed that the bridge was in a very bad condition and requested that the overpass be demolished and for the elderly and disabled, a pedestrian overpass with elevators be constructed.

As a result of the examination made by our Institution, it was decided to issue a Recommendation to the Directorate General of Highways for taking an immediate action within a certain schedule to renew the pedestrian overpass which was the subject of the application to ensure the life and property safety.

SCIENCE, ART, CULTURE AND TOURISM

The applications lodged to our Institution on this field include issues such as Scientists, Scientific Activities and Supports, Actions and Practices of Professional Chambers, and Intellectual and Artistic Works and Copyrights.

Case Summary

About the Request for Continuation of the Suspended TUBITAK Project of the Academic Dismissed and Reinstated Later Due to the State of Emergency

The applicant filed an application for the reinstatement of his or her projects whose implementations were suspended due to his or her dismissal due to the state of emergency.

As a result of the examination made by our Institution, since it was concluded that the action which was the subject of the application did not constitute unlawfulness within the framework of both the provisions of the underlying legislation and the scientific explanations made, a Decision of Refusal was issued.

CHAPTER

VI

2020

ANNUAL REPORT

INTERNATIONAL COOPERATION AND ACTIVITIES

Projects

International Cooperation
Activities

Relations with Other
Ombudsman Institutions and
Networks around the World

Foreign Visitors

Online Meetings and
International Conferences

6.1. PROJECTS

➤ Technical Assistance for Empowerment of the Role of Ombudsman in the Protection and Promotion of Human Rights

The Project is implemented by the Ombudsman Institution and funded by the European Union. The Project started in March 2019 and will last 36 months. Overall objective of the Project is to achieve measurable progress towards the full enjoyment of all fundamental rights and freedoms by all individuals without discrimination in all areas. The Purpose of the Project is to increase the effectiveness of the Ombudsman Institution in the protection and promotion of human rights. The Component 1 of the Project has been determined as “Improving the knowledge of the staff of the Ombudsman Institution of Turkey while the Component 2 has been “Awareness Raising”.



Within the Project activities launched in March 2019;

- 6th Regional Meeting was held on 06 February 2020 in Kocaeli
- 7th Regional Meeting was held on 05 March 2020 in Mersin
- 3rd Steering Committee Meeting and the 6th Monthly Management Meeting was held on 21 February 2020
- 4th Steering Committee Meeting and the 7th Monthly Management Meeting was held online on 29 May 2020
- 8th Monthly Management Meeting was held on 23 July 2020
- 9th Monthly Management Meeting and 5th Steering Committee Meeting was held online on 10 September 2020

- The Booklet for the Second Istanbul International Ombudsman Conference held on 18-19 November 2019 under the theme “Good Administration Principles and Ombudsman” was prepared in Turkish and English version, and shared with the participants

Due to the pandemic, other planned regional meetings and activities have been postponed.



➤ **Project on Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State**



Implemented by the Council of Europe, “Project on Improving the Effectiveness of the Administrative Judiciary and Strengthening the Institutional Capacity of the Council of State” aims at fostering public confidence in the administrative judiciary by further strengthening its independence, impartiality and effectiveness, and increasing public

awareness. The Ombudsman Institution is one of the target groups and final beneficiaries of the Project. The Ombudsman Institution attends the Steering committee meetings and activities of the Project. Within the Project, in the first half of the year 2020, the officials from the Council of Europe paid visits to the Ombudsman Institution.

➤ **A Working Plan in Progress with the UNICEF**

In the fields of children’s rights, the Ombudsman Institution cooperates with the UNICEF and implements a working plan. Within this working plan, our Institution in partnership with UNICEF carries out relevant activities and coordination. A working plan for 2020 was signed between our Institution and the UNICEF within the national priority of “10th National Development Plan Target 2.1.8 and National Child Rights Strategy and Action Plan. The implementation of this plan is in progress.

6.2. INTERNATIONAL COOPERATION ACTIVITIES

As the Institution places a great deal of importance to establishing close collaboration and strengthening relations with the Ombudsman Institutions of other countries, the Ombudsman Institution actively participate in many international activities and pay working visits to countries.

Due to the pandemic, many of the events have been organized online in 2020. Some of these events and visits are listed below:

➤ Working Visit to the Mediator Office of Djibouti (08-10 January)



➤ Working Visit to the Turkish Republic of Northern Cyprus (22-23 January)



➤ **UN Universal Periodic Review Meeting (Geneva -28 January)**



➤ **Working Visit to Nakhichevan (09-11 November)**



6.3 RELATIONS WITH OTHER OMBUDSMAN INSTITUTIONS AND NETWORKS AROUND THE WORLD

Our Institution is currently a member/part of the following eight International Ombudsman Networks/Association:

- International Ombudsman Institute (IOI)
- European Network of Ombudsmen (ENO)
- Association of Mediterranean Ombudsmen (AOM)
- Asian Ombudsman Association (AOA)
- Organization of Islamic Cooperation Ombudsman Association (OICOA)
- European Ombudsman Institute (EOI)
- Network of Regional Ombudsmen of Western Balkans
- Network of National Ombudsmen of Balkan Region

In addition, the Chief Ombudsman Mr. Şeref Malkoç has been the President of Organization of Islamic Cooperation Ombudsman Association (OICOA) since November 2019 as well as a member of Board of Directors of the Asian Ombudsman Association. Our Institution is always in contact with the International Ombudsman Networks via correspondence and phone.

6.3.1 Activities of the Organization of Islamic Cooperation Ombudsman Association (OICOA)

General Activities of OICOA

Having 33 members, the Organization of Islamic Cooperation Ombudsman Association held its General Assembly meeting in Istanbul on 19 November 2019. During this meeting, the members of the Board of Directors were elected, and the Chief Ombudsman of Turkey has been elected as the first President of the Association.

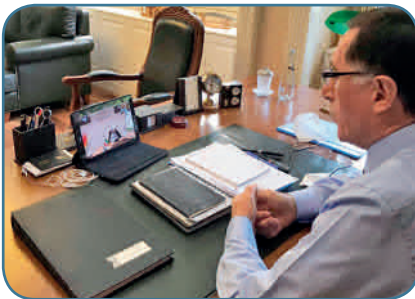
Online Meeting with the Mediator of Morocco (14 September)



The Chief Ombudsman Mr. Şeref Malkoç (President of the Organization of Islamic Cooperation Ombudsman Association) and the Mediator (Ombudsman) of Morocco Mr. Mohamed Benalilou (a member of Board of Directors of OICOA) conducted a video conference on 14 September 2020.

During the meeting, the general situation due to the COVID-19 pandemic and the matters regarding the meeting of the Board of Directors of OICOA were discussed.

Online Meeting with the President of the General Inspection Organisation of Iran (14 September)



The Chief Ombudsman of Turkey Mr. Şeref Malkoç, and Hassan Darvishian, the President of the General Inspection Organisation of Iran (also the Vice President of OICOA) held a video conference on 14 September 2020. During the meeting, the recent events

concerning Islamophobia and activities of OICOA were discussed.



1st Online Meeting of Board of Directors of OICOA (14 October)



The first Board Meeting of the Organization of Islamic Cooperation Ombudsmen Association (OICOA) was held online (via Zoom) on 14 October 2020 due to the COVID-19 pandemic and the Ombudsman Institution of Turkey was the online host.

The meeting was held with the participation of all other Board Members including Ombudsman of Iran, Federal Tax Ombudsman of Pakistan, Ombudsman of Morocco, Ombudsman of Azerbaijan and the Ombudsman of Sudan.

First Training Activity of OICOA (30 December)



Our Institution which runs the term presidency of OICOA conducted the first training activity for around 90 participants from Ombudsman Institutions of member countries on 30 December 2020.

The Chief Ombudsman launched the Training Program with his opening statements. At the online training

activity, the instructor Mr. Yalçın Aktekin made a presentation on “Complaint Management Process: Reception of Complaints and Preliminary Examination”. After the presentation, participants shared their experiences through questions and answers section.



Visit to Republic of Azerbaijan (21-23 October)

The attacks initiated by Armenia on the date of 27th of September 2020 and the media coverage displaying numerous injuries and casualties among the civilians due to these attacks called the utmost attention of the Turkish Ombudsman Institution which serves as an independent human rights institution. Furthermore, in the virtual meeting dated on the 14th of October 2020, one of the executive board members of the OICOA -the Azerbaijani Ombudsperson Sabina Aliyeva invited all the board member institutions to pay a visit to Azerbaijan in order to peruse the allegations in-situ. Şeref Malkoç accepted this invitation as the president of OICOA in addition to his role as the head of a human rights institution. The delegation led by Şeref Malkoç paid an inspection visit to Azerbaijan between the dates of 21st-23rd of October.

During the visit, the President of OICOA, Mr. Şeref Malkoç held meetings with many high level officials of Azerbaijan including the President of Azerbaijan, Mr. İlham Aliyev, Mr. Fikret Memmedov, Minister of Justice of Republic of Azerbaijan; Mr. Farhad Abdullayev, Chairman of Constitutional Court; Chief Prosecutor Kamran Aliyev; Tural Ganjaliyev, Chairman of the Azerbaijani Community of the Nagorno-Karabakh Region of Azerbaijan; and Zeki Öztürk, Consul-General of the Republic of Turkey to Ganja. During these meetings, official information was obtained regarding the situation. Furthermore, the cities of Ganja and Mingachevir were visited in order to make an on-site inspection, as residential areas were bombed and a significant number of civilians purportedly lost their lives in these cities.

Following the visit, a comprehensive Report was prepared based on the findings obtained through on-site investigations and observations of the human rights violations resulting from the attacks launched by the Armenian Armed Forces against innocent Azerbaijani civilians between 27th September and 10th November 2020. The Report on Human Rights Violations Committed by the Armenian Armed Forces during the Azerbaijan-Armenia War was also translated into English.

The Report is available at the following link:

<https://www.ombudsman.gov.tr/kdk-pdf/AzerbaycanRaporuingilizce/file.pdf>



The Second Board Meeting of the Organization of Islamic Cooperation Ombudsmen Association (OICOA) (02 December)

The Second Board Meeting of the Organization of Islamic Cooperation Ombudsmen Association (OICOA) about training activities was held online (via Zoom) on 02 December 2020 due to the COVID-19 pandemic and the online host was the Ombudsman Institution of Turkey. Turkey, Iran, Morocco, Azerbaijan, and Pakistan (Federal Tax Ombudsman) participated in the meeting.



6.3.2. Activities within the establishment of the Ombudsman Association of the Turkic Speaking



The Chief Ombudsman of Turkey Mr. Şeref Malkoç held an online meeting with the participation of Ombudsmen of Turkic speaking countries on the establishment of the Ombudsman Association of the Turkic Speaking on 4 November 2020.

Participants of the meeting included Ombudsman of Turkey, Ombudsman of Azerbaijan, National Human Rights Center of Uzbekistan, Ombudsman of Uzbekistan, Ombudsman of Kyrgyzstan, National Centre for Human Rights of Kazakhstan (Ombudsman) and Turkish Republic of Northern Cyprus

6.3.3. Relations with the Asian Ombudsman Association (AOA)

Our Institution is one of the Board members of the Asian Ombudsman Association. In a letter dated 29 May 2020 addressed to Mr. Syed Tahir Shahbaz, Federal Tax Ombudsman of Pakistan and the President of the AOA, the Chief Ombudsman Mr. Şeref Malkoç proposed an online meeting with participation of Board members of AOA.

6.3.4. Activities within the European Network of Ombudsmen (ENO)

Ombudsman Institution of Turkey is a member of the European Network of Ombudsmen (ENO).

Secretary General Mr. İbrahim Kılınç, the Head of EU and Foreign Relations Department Ms. Guniz Ateş and Expert Ms. Hande Hazneci participated in the combined European Ombudsman 25th anniversary and annual ENO digital conference on 26 October 2020.

Relations with other Networks

Mr. Mustafa Aydın Ertunç, an expert of the Institution, attended *the Webinar: On-site monitoring of the rights of persons with disabilities during COVID-19 pandemic* on 23 September 2020 co-organised by ENNHRI and the Ombudsman of Georgia.

Bilateral Cooperation Agreements with Ombudsman Institutions of Other Countries

Since its establishment in 2013, our Institution has signed nine bilateral cooperation agreements. In this regard, this number has reached ten with the last memorandum of understanding signed with the Ombudsman of Djibouti in 2020. Other countries that our Institution signed a memorandum of understanding include Niger, Ukraine, Serbia, Bulgaria, Bosnia-Herzegovina, Azerbaijan, Russian Federation, Kyrgyzstan and Iran.



6.4. FOREIGN VISITORS

During the year, the Institution received a number of visitors and delegations from mainly the foreign Ombudsman Institutions and National Human Rights Institutions, international organizations, and representatives of diplomatic missions based in Turkey.

Below is a brief list of the individuals and delegations that visited our Institution in 2020:

➤ **Ambassador of Estonia to Turkey (28 January)**



➤ **Ambassador of Ireland to Turkey (29 January)**



➤ **Officials of the European Union within the Review of the Sector of Fundamental Rights of Turkey and Gap Analysis (13 February)**

➤ **Ambassador of Finland to Turkey (20 February)**



➤ **Commissioner for Fundamental Rights of Hungary (09 March)**



➤ **Officials from UNDP (06 March)**

➤ **Foreign Students within the UN Workshop Activities of the Administration for Turks Abroad and Related Communities (06 March)**

➤ **Ambassador of Sri Lanka to Turkey (01 September)**



➤ **President of the European Court of Human Rights and his Delegation
(03 September)**



➤ **Farewell visit of UNICEF Representative to Turkey, Mr. Philippe Duamelle,
(08 October)**



➤ **New UNICEF Representative to Turkey, Ms. Regina De Dominicis
(19 November)**

➤ **Ambassador of Panama to Turkey (25 November)**



➤ **Ambassador of Denmark to Turkey (27 November)**



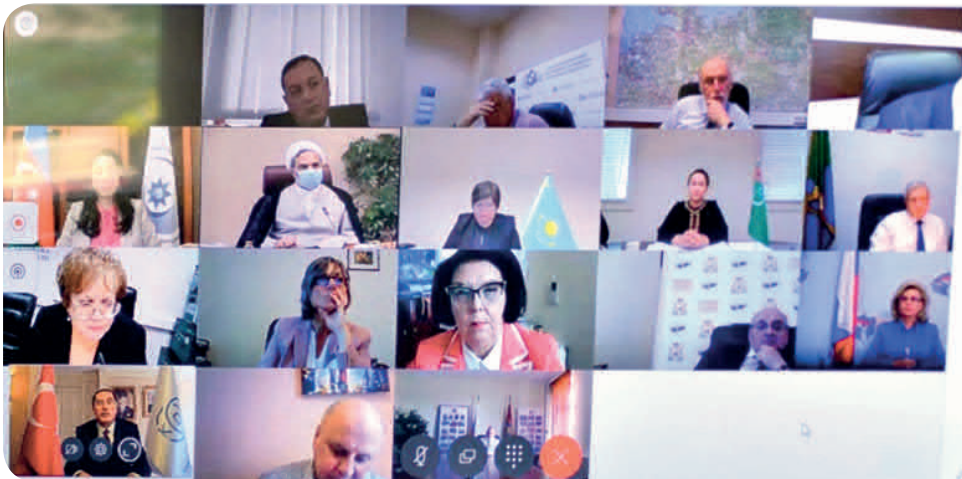
6.5. ONLINE MEETINGS AND INTERNATIONAL CONFERENCES

Our Institution attended the following online events in 2020:

- Online Meeting with the Commissioner for Human Rights (Ombudsperson) of the Republic of Azerbaijan (17 April)
- Online meeting with the European Ombudsmen (12 May)



- Online meeting with the International Federation for Human Rights (24 June)
- Samarkand Human Rights Forum organized by National Center for Human Rights of Uzbekistan (12-14 August)
- Online Conference hosted by Ombudsman Institution of Indonesia (23 September)
- European Commission against Racism and Intolerance (ECRI) Annual Seminar (28-30 September)
- IV International Conference «Human Rights Protection in Eurasia: Exchange of the Best Practices of Ombudspersons» organized by Russian Federation (17 November)



- Online Conference hosted by Ukrainian Parliament Commissioner for Human Rights (24 November)



- Online Conference hosted by the Institute of the Authorized Person (Ombudsman) of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (11 December)



CHAPTER

VI

2020

ANNUAL REPORT

STATISTICS

General Statistics

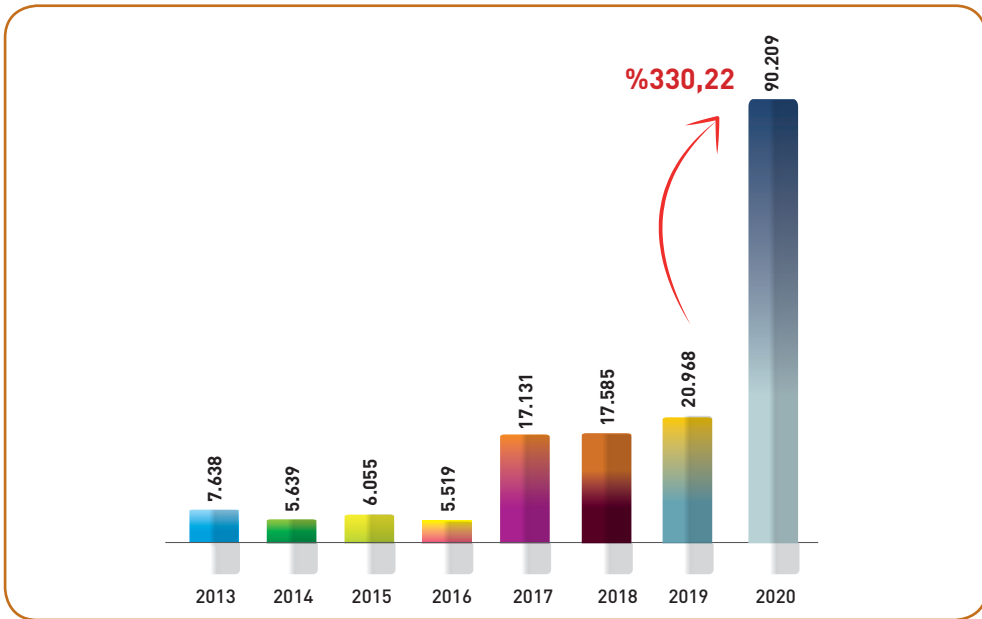
7.1. GENERAL STATISTICS

As of 2013, a total of **170.744** complaints have been received including **90.209** applications filed in 2020.

Table 2: Number of complaints by years

Year	2013	2014	2015	2016	2017	2018	2019	2020	Total
Complaints filed	7.638	5.639	6.055	5.519	17.131	17.585	20.968	90.209	170.744

Figure 1: Changing trend of complaints by years



When the number of complaints in 2020 is compared with the number of complaints in 2019, it is seen that the increase rate is **330,22%**, which is considerably high.

Table 3: Comparison of complaints of 2019 and 2020

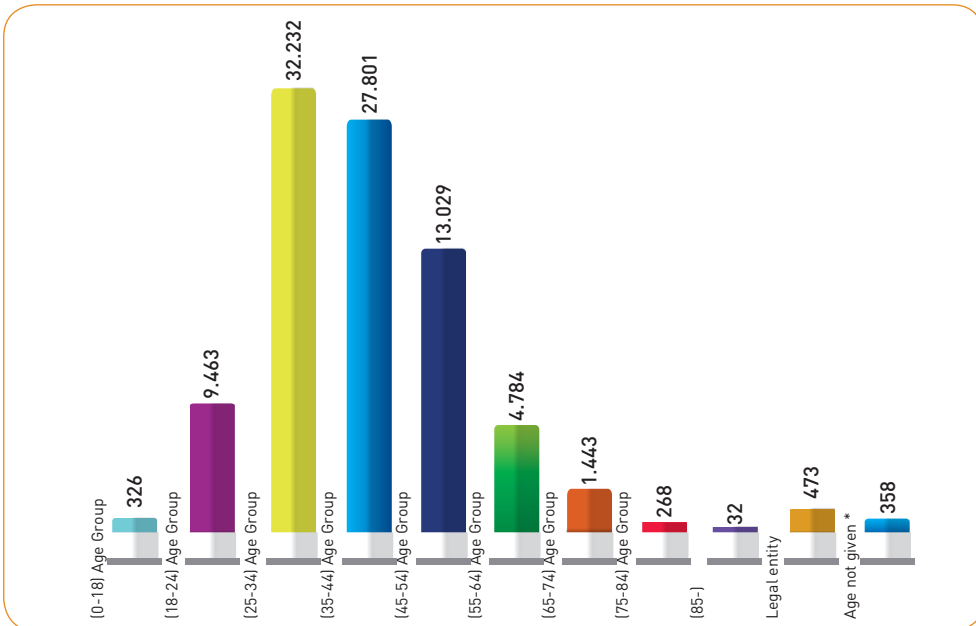
Year	2019	2020	Increase Rate %
Total Complaints	20.968	90.209	330,22%

The distribution of complaint applications filed to the Institution in 2020 as per age group is **35,73%** of the age group 25-34, **30,82%** of the age group 35-44, **14,44%** of the age group 45-54, and 10,49% of the age group 18-24.

Table 4: Distribution of complaints as per Age Groups in 2020

Age Group	Number of applications in 2020	Percentage %
[0-18]	326	0,36%
[18-24]	9463	10,49%
[25-34]	32232	35,73%
[35-44]	27801	30,82%
[45-54]	13029	14,44%
[55-64]	4784	5,30%
[65-74]	1443	1,60%
[75-84]	268	0,30%
[85-]	32	0,04%
Legal entity	473	0,52%
Age not given *	358	0,40%
TOTAL	90.209	

Figure 2: Distribution of complaint applications as per Age Groups in 2020

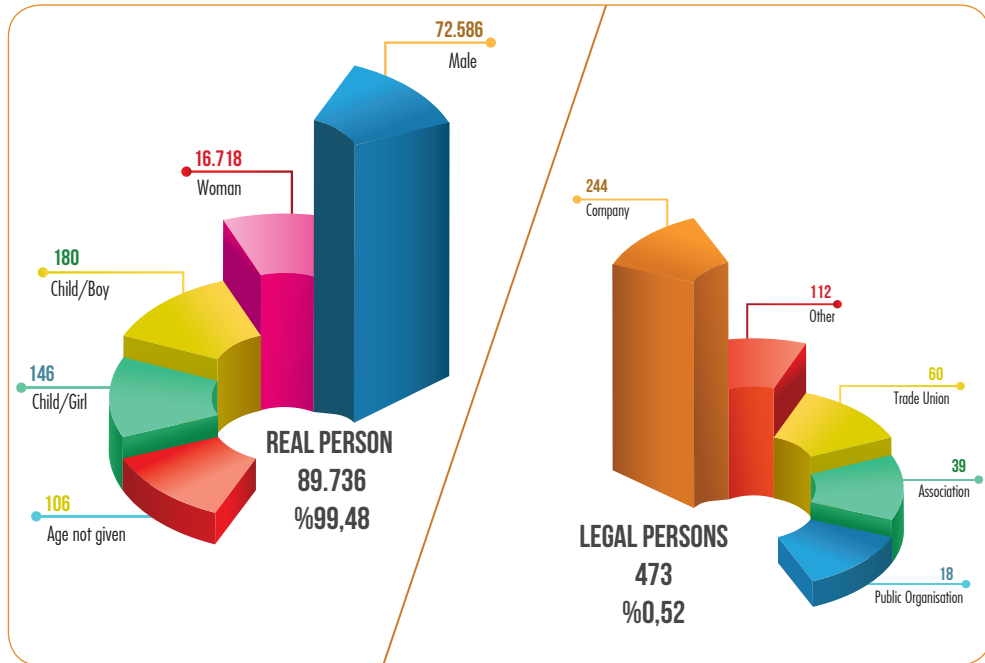


In 2020, **99,48%** of applications were filed by real persons while **0,52%** were filed by legal persons.

Table 5: Distribution of Complaints as per Types of Applicant in 2020

Type of Applicant			2020	%
Real person	Male	72.586	89.736	99,48%
	Women	16.718		
	Child/Boy	180		
	Child/Girl	146		
	Age not given	106		
Legal persons	Company	244	473	0,52%
	Trade Union	60		
	Association	39		
	Public Organisation	18		
	Other	112		
TOTAL			90.209	

Figure 3: Distribution of Complaints as per Types of Applicant in 2020

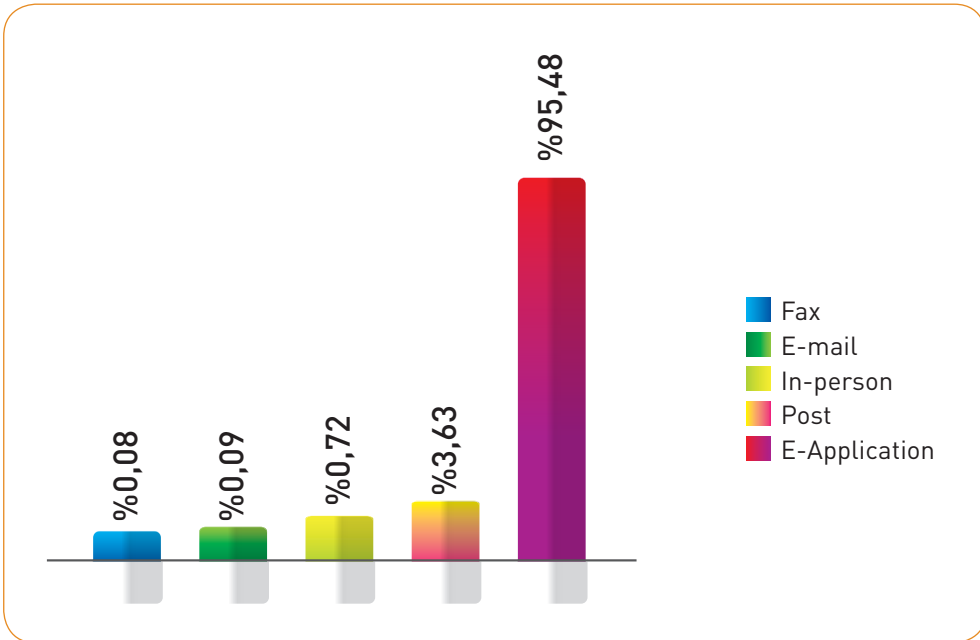


As in previous years, in 2020 as well, the majority of applications have been filed through the **E-Application method** with the rate of **95,48%** which is followed by **“By post”** with the rate of **3,63%**. Due to the pandemic, the e-application method has considerably increased with the increase rate of **456,07%**.

Table 6: Distribution of the complaints as per Application Methods for 2019-2020

Application Method	2019	%	2020	%	Rate of Change %
By fax	81	0,39%	74	0,08%	-8,64%
In person	1739	8,29%	645	0,72%	-62,91%
By post	3339	15,92%	3279	3,63%	-1,80%
By E-application	15489	73,87%	86129	95,48%	456,07%
By e-mail	320	1,53%	82	0,09%	-74,38%
TOTAL	20.968		90.209		330,22%

Figure 4: Distribution of the complaints as per Application Methods for 2020



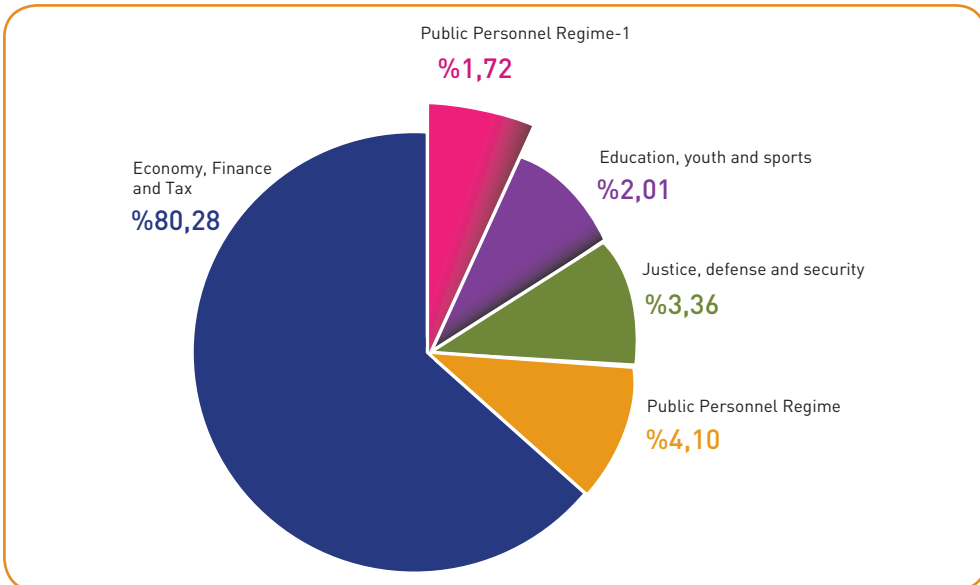
In 2020, the majority of the complaints have been about “Economy, Finance and Tax” with a rate of 80,28% followed by the subject matter “Public Personnel Regime” with a rate of 4,10 %.

Table 7: Distribution of the Complaints as per Subjects in 2019-2020

Subject of the Complaint	2019	%	2020	%	Rate of change %
Economy, finance and tax	1568	7,48%	72418	80,28%	4518,49%
Public personnel regime	4656	22,21%	3703	4,10%	-20,47%
Justice, national defense and security	3250	15,50%	3032	3,36%	-6,71%
Education, youth and sports	1782	8,50%	1813	2,01%	1,74%
Public personnel regime-1 (Issues related to the rights of employees working in the status of workers in the administration arising from the Labour Law and employment contracts)	514	2,45%	1548	1,72%	201,17%
Services provided by local governments	1971	9,40%	1418	1,57%	-28,06%
Labor and social security	2366	11,28%	1325	1,47%	-44,00%
Social services	165	0,79%	997	1,11%	504,24%
Health	427	2,04%	701	0,78%	64,17%
Transportation, press and communication	1188	5,67%	498	0,55%	-58,08%
Energy, industry, customs and trade	414	1,97%	450	0,50%	8,70%
Other subjects	90	0,43%	400	0,44%	344,44%

Right to Property	493	2,35%	378	0,42%	-23,33%
Forestry, water, environment and urbanization	478	2,28%	352	0,39%	-26,36%
Child rights	459	2,19%	351	0,39%	-23,53%
Disability rights	435	2,07%	275	0,30%	-36,78%
Population, citizenship, refugee and asylum rights	223	1,06%	193	0,21%	-13,45%
Human rights	234	1,12%	139	0,15%	-40,60%
Food, agriculture and livestock	76	0,36%	79	0,09%	3,95%
Protection of family	105	0,50%	70	0,08%	-33,33%
Science, art, culture and tourism	65	0,31%	63	0,07%	-3,08%
Women's rights	9	0,04%	6	0,01%	-33,33%
TOTAL	20.968		90.209		330,22 %

Figure 5: Distribution of the Complaints as per Subjects in 2020



The majority of the complaints has been filed against the **bank and finance institutions** with a rate of **76,25%** followed by the Ministry of Justice with a rate of **2,42%**.

Table 8: Distribution of the complaints as per Institutions (Top 5 Institutions)

Name of the Institution	Number	Percentage %
Banks and Finance Institutions	68.720	76,18%
Ministry of Justice	2205	2,44%
Local Governments	2013	2,23%
Universities and Faculties	1860	2,06%
Ministry of Health	1732	1,92%

Table 9: Data on Cases of 2020

Number of the cases transferred from 2019	Number of the Cases Received in 2020	Total	Number of the Cases Concluded in 2020	Number of Cases being processed
3.830	90.209	94.039	91.100	2.939

The percentage of the decisions in 2020 has been as follows:

Referral with a rate of **9,51%**

Inadmissibility with a rate of **10,29%**

Amicable Settlement with a rate of **2,01%**

Invalid Application with a rate of **0,18%**

Decision as to no ground exists for taking a decision with a rate of **0,32%**

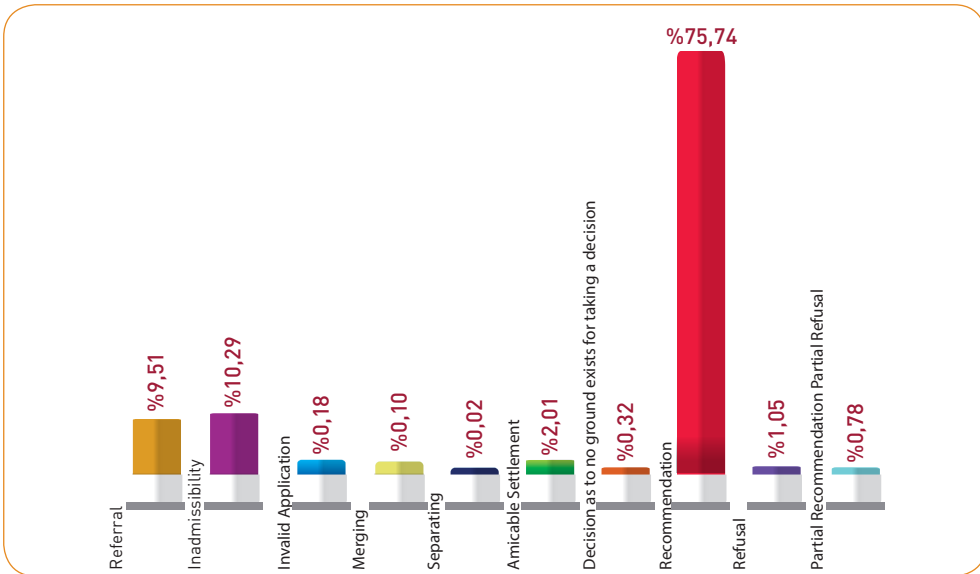
Recommendation with a rate of **75,74%**

Refusal with a rate of **1,05%**

Partial Recommendation Partial Refusal with a rate of **0,78%**

Table 10: Percentage of the Types of Decisions in 2020

Types of Decision	2019	%	2020	%	Rate of change %
Referral	8112	9,02%	8555	9,51%	5,46%
Inadmissibility	6981	7,76%	9254	10,29%	32,56%
Invalid Application	159	0,18%	164	0,18%	3,14%
Merging	98	0,11%	87	0,10%	-11,22%
Separating	27	0,03%	20	0,02%	-25,93%
Amicable Settlement	1607	1,79%	1808	2,01%	12,51%
Decision as to no ground exists for taking a decision	435	0,48%	284	0,32%	-34,71%
Recommendation	860	0,96%	68128	75,74%	7821,86%
Refusal	893	0,99%	941	1,05%	5,38%
Partial Recommendation Partial Refusal	410	0,46%	704	0,78%	71,71%
TOTAL OF DECISIONS	19.582		89.945		
Number of the cases resolved by merging decision (+)	1588		1155		
Total number of cases resolved	21.170		91.100		330,33%

Figure 6: Distribution of Types of Decisions in 2020

2020, the number of the cases resolved through “Amicable Settlement” has been **1.808** while the number of referral decisions has been **1.059**.

Table 11: Distribution of the cases resolved through amicable settlement in 2020

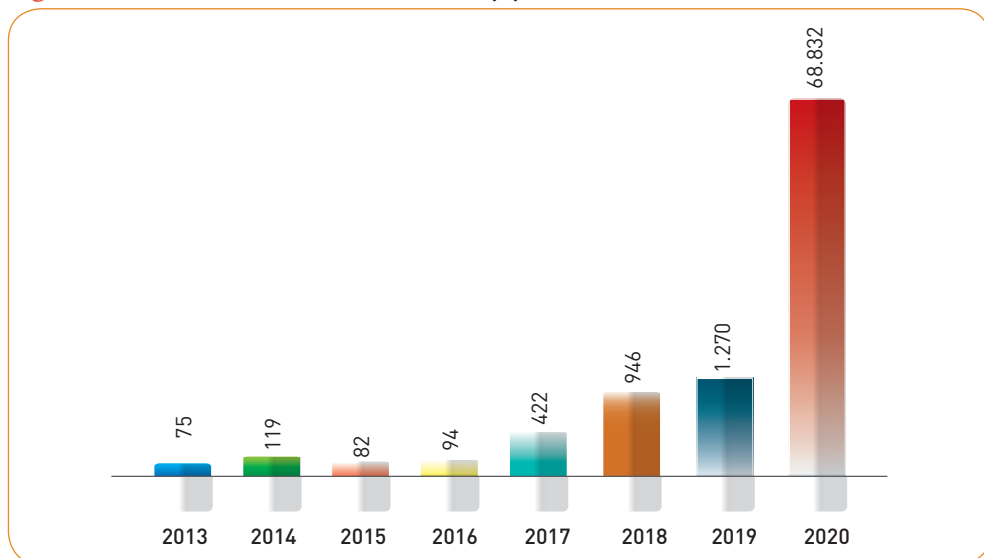
Number of the Cases resolved through amicable settlement	Through Amicable Settlement	Through Referral	TOTAL
	1.808	1.059	2.867
	63,06 %	36,94%	

In 2020, the number of the Recommendations has been **68.128** while the number of Partial Recommendation Partial Refusal has been **704**.

Table 12: Comparison of Recommendation, and Partial Recommendation Partial Refusal by Years

Type of Decision	2013	2014	2015	2016	2017	2018	2019	2020	2019-2020 Rate of change (%)
Recommendation	64	93	56	62	245	677	860	68.128	7821,86%
Partial Recommendation Partial Refusal	11	26	26	32	177	269	410	704	71,71%
TOTAL	75	119	82	94	422	946	1.270	68.832	

Figure 7: Number of Recommendations by years



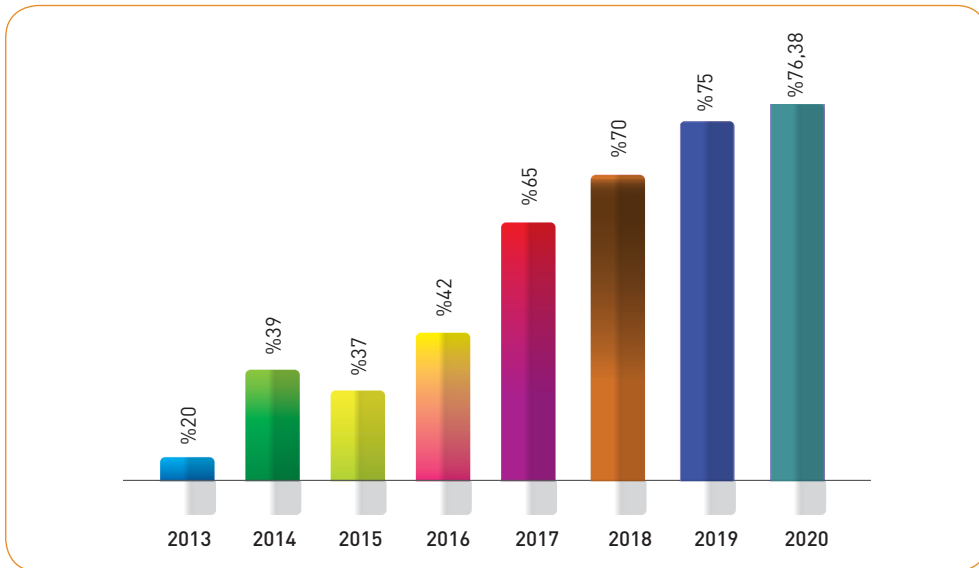
Compliance Rate

While the compliance rate of the Administrations with the decisions of the Ombudsman was around 20% in 2013, when the Ombudsman Institution was newly established, this rate has increased to **76,38%** in 2020.

Table 13: Compliance rate of the Administrations with Recommendations by years

Year	2013	2014	2015	2016	2017	2018	2019	2020
Compliance rate %	20	39	37	42	65	70	75	76,38

Figure 8: Compliance rate by years



CHAPTER

VIII

2020

ANNUAL REPORT

EXPECTATIONS AND TARGETS

Our Expectations

Our Targets for 2021

8.1 OUR EXPECTATIONS

- Regarding the Ombudsman Institutions, the Venice Commission adopted the “Principles on the Protection and Promotion of the Ombudsman Institution in 2019. These Principles were also endorsed by the Committee of Ministers of the Council of Europe on 2 May 2019. The core principle is creation of an Ombudsman mechanism which is based on independence, objectivity, transparency, fairness and impartiality. When the Constitution, the Law on the Ombudsman Institution of Turkey No. 6238 as well as other legislation, it is clearly seen that the Ombudsman Institution of Turkey is mostly in compliance with the above-mentioned Venice Principles. However, as stated in the Article 16 of the Venice Principles, it is important that the Ombudsman shall have discretionary power on his/her own initiative to investigate cases. When the global Ombudsman Institutions are examined, it is seen that around in 80% of the countries, the Ombudsman Institutions have the power to act on his/her own initiative and therefore they are entitled to regularly visit prisons, detention centers for children, the psychiatry centers, refugee camps and similar places without receiving a complaint. In this regard, it is believed that giving the power to act on its own initiative to the Ombudsman Institution of Turkey will highly contribute to the spreading of the culture of human rights, and resolving the problems of the disabled, children, women and other fragile segments of the society.
- In most countries, the Ombudsman Institutions have the duties of national preventive mechanisms, intervening in proceedings, and the power to file a suit against the Constitutional Court. In this regard, it is deemed appropriate to give power to the Institution to perform the duties of national preventive mechanism, the power to intervene in proceedings and to file a suit against the Constitutional Court as stated in the Venice Principles, Paris Principles and EU Progress Reports as well as in line with public expectations.
- It will be beneficial to carry out activities of training, research, reporting and publications in order to increase the service quality of administration, to absolutely implement the law and fairness, and to internalize the human rights as well as to make necessary legal amendments in order to establish an Ombudsman Institute of Turkey with an aim to conduct researches, provide trainings, reports and preparing written publications within the Ombudsman Institution.
- The 11th Development Plan for 2019-2023 period states that “*a system of investment Ombudsman will be created in order to resolve investment disputes*”

between the public organisations and the investors”. To this end, the works on creating an Investment Ombudsman are in progress. The Ombudsman Institution of Turkey regularly handles and resolves the complaints regarding investors. With its broad experience, qualified staff and institutional structure, it has the ability to provide contributions expected from an investment ombudsman in an effective and fast manner. Instead of establishing a new and separate investment ombudsman institution, it would be better to authorize the Ombudsman Institution of Turkey to carry out the duties of investment ombudsman with relevant legal amendments.

8.2. OUR TARGETS FOR 2021

As in every year, in 2021 as well, the Institution will decisively continue to perform its activities in order to help provide citizens with better public services, creation of an accountable and transparent administration, increase trust in public organisations with the purpose of protection of individuals against any unlawful acts and actions of administration and fairly resolving the disputes in line with general legal rules.

In this regard, our main targets are as follows:

- In 2020, the Institution prepared three special reports. As is known, acting as human rights institutions, Ombudsmen play an active role in reporting, examining and promoting universal human rights. And as the Ombudsman Institution is the principle actor responsible for protecting and promoting human rights, the Institution plans for the year 2021 to prepare five special reports on matters concerning the whole society, particularly on human rights.
- Our targets for 2021 also include ensuring the adoption of good administration principles by all public institutions and agencies as well as spreading these principles.
 - Our Institution not also supervises the acts and actions of the administration in compliance with the law and fairness but also supervises their actions whether they are in line with the good administration principles.
 - In this regard, our Institution prepared a Manual on Good Administration Principles” in order to guide administration based on these principles. In addition, an international symposium under the theme “Good Administration Principles and the Ombudsman” was organized on 18-19 November 2019 in Istanbul with participation of many Ombudsman institutions across the world. The Manual on Good Administration Principles was published and distributed to all public institutions and agencies in order to introduce these principles. Also the English version

of this Manual was shared with the Ombudsmen across the world. It is aimed to provide trainings for all public officials so that these good administration principles are adopted and implemented by around 2 and half million existing public officials.

➤ Another target is to continue the efficiency of the works of Ombudsman Institution of Turkey in order to reduce the workload on administrative judiciary.

- Application to our Institution free of charge and the obligation to finalize the applications within six months at the latest show that our Institution is a key instrument for individuals to access justice easily and quickly. The Institution aims at contributing further to reducing workload on judiciary with its amicable settlements and decisions concerning a large segment of society.

➤ With the purpose of finalizing complaints in a quicker and more efficient manner, and spreading the culture of seeking legal remedies, the following activities are planned:

- In 2020, with the effect of the pandemic, the number of complaints reached over 90 thousand. And in 2021, the number of complaints are expected to be around 30,000 with the diminishing effects of the pandemic. The more the recognition of our Institution the higher the number of qualified applications filed to the Institution. With the increased rate of qualified applications, the number of amicable settlements and recommendations increases as well. In 2021, the Institution aims at increasing its ability to settle disputes by resolving the complaints in a faster and amicable ways.
- The Institution aims at focusing on trainings to increase the competence of the staff in order to ensure resolving the complaints in shorter time than six months.
- The Institution intends to turn the Preliminary Examination, Distribution and Information Bureau in a call center in order to ensure this Bureau to work more efficiently and to provide better services for citizens.
 - With an aim to reduce the inadmissibility and referral decisions, necessary works will be carried out to receive more qualified complaints and resolve the complaints more effectively.
 - Particularly witnessed in elections in Europe, racism, xenophobia and Islamophobia are spreading. And the key victims of these discrimination acts are the people who do not know how they can seek their legal remedies. In this regard, we will continue our activities which were

started in 2018 in order to guide our citizens, Turkish CSOs and opinion leaders by meeting them and explaining how they can apply to the Ombudsman in their own country.

- It is our intention to continue the organization of international ombudsman conferences in 2021. To this end, the Institution plans to organize 2 symposiums and around 10 workshops to be attended by international participants.
- In 2021, the Institution will continue its cooperation and working visits to the Ombudsman and Ombudsman Associations around the world. In this regard, the Institution plans to conduct around 20 bilateral cooperation and working visits.
- The regional meetings will continue to be held with participation of provincial administrators, citizens, CSOs, and opinion leaders in 15 provinces in 2021.
- It is planned to come together with the CSOs and press members for at least 100 times.
- Within the radio program project in 81 provinces started in 2020, the Institution will continue to attend the radio programs of different cities in 2021 to introduce the activities and familiarize citizens with the Institution.
- The Ombudsman Institution of Turkey receive applications from children as well. In this regard, essay writing, brochure and painting competitions are planned to be continued also in 2021 with the target group of primary and secondary students in order to increase the recognition of our Institution and spread the culture of seeking legal remedies. And the works in progress with UNICEF in this subject will also continue in 2021.
- With an aim to spread the culture of seeking legal remedies among university students, 100 conferences, workshops and events are planned.
 - As of today, there are Ombudsman Student Clubs at 100 universities in the country. These Clubs not only introduce the Ombudsmanship to the students and academia but also contribute to the improvement of culture of claiming rights at the universities. In 2021, it is our aim to contribute to the establishment of Ombudsman Student Clubs at all universities around the country.

- Joint activities are planned with the universities, particularly the faculties of law, in order to improve the complaint handling mechanism of the Institution. In this regard, a cooperation activity will be carried out with around 20 faculties of law through clinical works with students.



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