

Regulation on the Establishment, Duties and Working Principles of Provincial and Sub-provincial Human Rights Boards

PART I

Purpose, Scope, Legal Basis and Definitions

Purpose

Article 1- The purpose of this Regulation is to set out the establishment, duties and working principles of “Provincial Human Rights Boards” in the provinces, and the “Sub-provincial Human Rights Boards” in the districts, in order to promote awareness on human rights in the society and among public officials, to protect human rights, to examine and investigate allegations of violations, to examine and investigate the obstacles to the enjoyment of human rights and liberties, as well as the social, political and administrative reasons leading to violations of rights and to recommend solutions to this end.

Scope

Article 2- This Regulation comprises the works and actions relating to the establishment, duties and working principles of provincial and sub-provincial Human Rights Boards.

Legal Basis

Article 3- This Regulation has been prepared based on additional article 6 of the Law No: 3056 on the Adoption of the Amended Decree on the Establishment of the Prime Ministry.

Definitions

Article 4- For the purposes of this Act;

- a) The Ministry shall denote the State Ministry or the Office of the Deputy Prime Minister responsible for human rights appointed by the Prime Minister.
- b) The Minister shall denote the State Minister or the Deputy Prime Minister, responsible for human rights, appointed by the Prime Minister.
- c) The Presidency shall denote the Human Rights Presidency of the Prime Ministry.
- d) The “Provincial Board” shall denote the Provincial Human Rights Board.
- e) The “Provincial Desk” shall denote the Provincial Human Rights Information and Application Desk.
- f) The “Sub-provincial Board” shall denote the Sub-provincial Human Rights Board.
- g) The “Sub-provincial Desk” shall denote the Sub-provincial Human Rights Information and Application Desk.
- h) Non-Governmental Organisation shall denote voluntary organisations, which have the status of a legal entity, such as associations and foundations, and which include human rights issues in their statutes and work programmes.

PART II

The Establishment of Provincial and Sub-provincial Human Rights Boards

Provincial Boards

Article 5- In order to fulfil the duties set out in this Regulation, under the chairmanship of the governor or a deputy governor to be delegated by the governor, the Provincial Board shall comprise;

- a) The mayor or deputy mayor of the greater municipality in provinces which have the status of a greater municipality, the provincial mayor or deputy mayor in other provinces,
- b) A representative to be selected by the Provincial General Assembly from among its members,
- c) The provincial head or a selected representative of the political parties represented in the Turkish Grand National Assembly,
- d) University rectors or a lecturer to be appointed by them for this purpose,
- e) A lawyer or a law school graduate public official working in the public institutions or bodies to be identified by the Governorship,
- f) The representative of the Bar Association,
- g) A representative from Turkish Medical Association,
- h) A representative from the Chamber of Industry or Trade to be identified by the Governorship,
- i) A representative from the other professional associations or trade unions to be determined by the Governorship,
- j) A representative to be identified by the Governorship from among the applications lodged by institutions such as local TV channels, newspapers and radio stations,
- k) The chairman of the Mukhtars' (headman in a village or neighbourhood of a city) Association, in its absence, a representative to be identified by the Governorship from among the applications lodged by the *mukhtars* of quarters (neighbourhoods),
- l) A representative to be identified by the Governorship from among the applications lodged by the school-parent unions,
- m) At least three representatives to be identified by the Governorship from among the applications lodged by the NGOs.

The President of the Board may invite individuals or representatives of related public or private institutions to a meeting, if s/he deems it necessary.

Sub-provincial Boards

Article 6- In order to fulfil the duties set out in this Regulation, under the chairmanship of the sub-provincial governor, the Sub-provincial Board shall comprise;

- a) The mayor or deputy mayor of the sub-province,
- b) A representative to be selected by the Provincial General Assembly from among its members elected from the sub-province,
- c) The sub-provincial head or a selected representative of the political parties represented in the Turkish Grand National Assembly,
- d) A lecturer to be appointed for this purpose by a faculty or a higher education institution,
- e) A lawyer or a law school graduate public official working in public institutions or bodies,
- f) A representative to be determined by the sub-provincial governorship from among the applications lodged by lawyers working in the sub-province,
- g) A representative to be determined by the sub-provincial governorship from among the applications lodged by doctors working in the sub-province,
- h) A representative from the professional associations or trade unions to be determined by the Sub-provincial Governorship,
- i) A representative to be identified by the Sub-provincial Governorship from among the applications lodged by institutions such as local TV channels, newspapers and radio stations,

- j) The chairman of the Mukhtars' Association, in its absence, a representative to be identified by the Sub-provincial Governorship from among the applications lodged by the *mukhtars* of the quarters,
- k) A representative to be identified by the Sub-provincial Governorship from among the applications lodged by the school-parent unions,
- l) At least two representatives to be identified by the Sub-provincial Governorship from among the applications lodged by the NGOs.

The President of the Board may invite individuals or representatives of related public or private institutions to a meeting, if s/he deems it necessary.

Information and application desks

Article 7- An easily accessible information and application desk shall be set up at the secretariat of the governorships and the sub-provincial governorships. A full-time employee shall be appointed by the governor in the provinces and the sub-provincial governor in the districts to deal with applications made to the desk. The fact that the employee working in the desk should have a legal background or should be specialised on public relations shall be taken into consideration.

Committees

Article 8- Under the body of the Provincial and Sub-provincial Boards, committees shall be formed in the following areas with at least three members;

- a) Public relations and communication activities,
- b) Human rights training and increasing awareness on human rights,
- c) Investigating, examining and evaluating human rights violations.

Committees may be established in other areas, if deemed necessary.

PART III

Duties of the Provincial and Sub-provincial Human Rights Boards

General Duties

Article 9- The Provincial and Sub-provincial Boards shall have the following duties;

- a) To evaluate, in the provinces, the issues brought to the attention of the Provincial Boards by the Ministry, Presidency, Governorship, Provincial Desk, members of the Provincial Board and Sub-provincial Boards; To evaluate, in the sub-provinces, the issues brought to the attention of the Sub-provincial Boards by the Ministry, Presidency, Governorship, Provincial Board, Sub-provincial Governorship, Sub-provincial Desk and the members of the Sub-provincial Board,
- b) To examine and investigate allegations of human rights violations,
- c) To examine and investigate the obstacles to the protection of human rights, the enjoyment of human rights and liberties, as well as the social, political and administrative reasons leading to violations of rights and to recommend solutions to the Governorship and Sub-provincial Governorship,
- d) To conduct the necessary work in order to prevent all kinds of discrimination,
- e) To conduct the necessary work in order to ensure that the administration treats the citizens in a tolerant and polite manner in its practices,
- f) To give, on a monthly basis, a summary report of the work done to the Provincial Board in the sub-provinces and to the Presidency in the provinces.

Public Relations and Communication

Article 10- The Provincial and Sub-provincial Boards shall have the following duties;

- a) To set up Provincial and Sub-provincial Desks,
- b) In order to facilitate the applications to human rights boards of persons who have denunciations, requests, demands or complaints concerning human rights, to install “Human Rights Application Boxes” in all public bodies and institutions and in the important locations of the city, and to ensure that these boxes are opened, as soon as possible, by personnel to be appointed by the governorship and the Sub-provincial Governorship and that its contents are submitted to the desks along with a written report,
- c) To take measures in order to allow denunciations to be reported via telephone and e-mail and, to this end, publicly announcing through written and visual media the telephone numbers and e-mail addresses providing access to information and application desks,
- d) To inform the public about the work of the Boards, to this end, cooperating with the written and visual media organisations and making use of the internet,
- e) To promote cooperation with NGOs in the works and duties of the Boards,
- f) To encourage and support the NGOs to conduct works on human rights issues.

Information campaigns, awareness building and training

Article 11- The Provincial and Sub-provincial Boards shall have the following duties;

- a) To organise activities so as to increase the awareness of the members of the board, implementers and citizens by conducting all kinds of works on human rights issues enshrined in the European Convention on Human Rights and the Constitution of the Republic of Turkey,
- b) To distribute to the members of the board, public bodies and institutions and the citizens the text of the UN’s Universal Declaration of Human Rights and the international conventions on human rights to which we are a party,
- c) To obtain books, brochures and legal texts on human rights and to distribute them to the members of the board, public bodies and institutions and the citizens,
- d) To prepare or obtain signboards, posters and notice boards on human rights and to put them up in visible places,
- e) To enhance dialogue with the mukthars of villages and districts with the aim of promoting awareness on human rights,
- f) To organise activities on human rights such as panel discussions, conferences, concerts, plays, slight and film shows,
- g) To organise human rights programmes in the local radio and TV channels with the participation of experts and thus to ensure that explanatory information is provided,
- h) To stimulate the formation of human rights student’s clubs in primary and secondary education schools and the organisation of activities aiming to promote awareness on human rights,
- i) To conduct work on information campaigns and awareness building in order to promote awareness on environment,
- j) To provide to the libraries and thus submit to the disposal of people sources such as books, periodicals and brochures on human rights.

Researches and Monitoring

Article 12- The Provincial and Sub-provincial Boards shall have the following duties;

- a) To ensure that researches are conducted, commissioned and reports are prepared on issues relating to human rights, in cooperation with universities, public bodies and institutions, NGOs and other organisations,
- b) To stimulate researches and finding of solutions relating to the rights of women, children, the ill and disabled,

- c) To stimulate researches and finding of solutions on environmental and traffic problems leading to human rights violations,
- d) To ensure that researches are conducted on children who, for various reasons, cannot enrol in school education despite having reached the age of basic education,
- e) To ensure that work is carried out in order to seek solutions to the problems of street children and to prevent child labour and child begging,
- f) To conduct visits to the related institutions and bodies in order to observe, on site, the human rights practices,
- g) To identify and reward exemplary institutions, agencies and public officials, in order to promote human rights practices,
- h) To examine the inspection forms at the police stations and detention houses and to make recommendations for the elimination of discrepancies, if any,
- i) To make recommendations for improvement of conditions in detention houses and on their compliance with the relevant legislation,
- j) To conduct researches and examinations to ensure that the rights of suspects are exercised in an effective manner.

Examining and deciding on allegations of violations

Article 13- The Provincial and Sub-provincial Boards are entrusted with the task of examining and investigating applications concerning allegations of human rights violations, assessing the results of the examination and investigation, and referring the obtained results to the Offices of the Public Prosecutors or relevant administrative authorities depending on the subject and following up its results.

PART IV

The Working Principles and Procedures of Provincial and Sub-provincial Human Rights Boards

Principles governing Board Meetings

Article 14- The Boards shall function on the basis of the following principles and procedures;

- a) The Boards shall convene once a month. However, when deemed necessary, it may convene more than once upon the call of the chairman.
- b) The Board meetings shall be chaired by the governor or a deputy governor to be delegated by the governor in the provinces, and by the sub-provincial governor in the districts.
- c) The Board shall convene with absolute majority of the total number of members and take decisions by an absolute majority of those present.
- d) Where members have objections against a decision, their reasons for voting against the decision shall be noted in summary under the decision,
- e) The Chairman and members of the Board cannot participate in meetings where issues relating to themselves, their parents, offspring or spouses are being deliberated,
- f) Where members fail to attend the meeting, the reason shall be indicated in the minutes of the meeting. The institutions and bodies of members, who are careless about their attendance in the meetings, shall be warned and those failing to participate in three successive board meetings shall be excluded from membership.
- g) The agenda shall be prepared by the Chairman of the Board by taking into consideration the proposals of the members and shall be distributed to the Board members before the meeting.
- h) No fees shall be paid to the members on account of the meetings.

Secretariat Services

Article 15- The secretariat services of the Board shall be carried out by the secretariats in the provinces and sub-provinces. Compulsory expenses shall be met by the governorships and sub-governorships.

The Working Principles and Procedures of the Committees

Article 16- The committees shall hold their meetings at intervals they will determine according to their working conditions. During the performance of their work, the committee members may consult the other board members for information or opinion. The committees shall present to the chairman of the board the reports of their researches, examinations and assessment so as to be brought to the agenda of the board.

Receiving of Applications

Article 17- The Desks shall follow the below principles and procedures when receiving applications;

- a) As it is essential to facilitate, as much as possible, the application process, it shall be possible to lodge applications by petitions, telephone, e-mail or via the Human Rights Applications Boxes installed in different locations of the city.
- b) The e-mails and Human Rights Applications Boxes shall be opened as soon as possible.
- c) Information and documents relating to the application shall be taken from the applicant.
- d) Where applications are made by a petition, a receipt stating the date and number of the application shall be given to the applicant.
- e) All applications received by the desk shall be filed and registered in a notebook in order to be followed-up; each application shall be forwarded to the chairman of the board, as soon as a registration number is given to it.

Assessing and Finalising Applications

Article 18- Applications shall be assessed and finalised on the basis of the following principles and procedures;

- a) The applications made to Provincial and Sub-provincial Boards shall be brought to the agenda of board by Provincial and Sub-provincial Desks.
- b) All applications received by Provincial and Sub-provincial Desks shall be discussed by the board and a decision shall be taken on the type of procedures to be conducted.
- c) Depending on their subjects, the applications shall be evaluated taking into account the time limits for punishment of crimes, as foreseen in the laws.
- d) The applicant shall be informed, in writing, of the decisions made and actions taken by the board within 30 days at the latest and interim information may also be provided, when necessary.
- e) If deemed necessary, upon the request of the applicant or on its own initiative, the board may listen to the applicant or his/her representative.
- f) If there are missing elements rendering it impossible to reach a decision on the application, an interim decision shall be taken to remedy the deficiencies.
- g) The issues conveyed by the Ministry or Presidency shall be debated and finalised, in priority, at the relevant board and the Ministry or Presidency shall be informed of their results.
- h) In the reply to be given to the applicant, s/he shall be informed about the applicable legal remedies.
- i) The decisions of the board shall be taken up and finalised, in priority, by the relevant public bodies and institutions without delay.

Reporting

Article 19- The boards shall prepare monthly reports about their activities. The reports prepared shall be sent to the Presidency through the Governorship within the first 10 days of the month following the reporting period.

In addition, through the Governorships, the boards shall send to the Presidency a report about the activities carried out, within the framework of the Programme for the World Human Rights Day and Week, within one month.

PART V Miscellaneous

Abrogated provisions

Article 20- “The Regulation on the Duties, Establishment and Working Principles of Human Rights Boards” published in the Official Gazette of 2/11/2000 with No: 24218 has been abrogated.

Implementation

Article 21- This Regulation enters into force on the date of its publication.

Enforcement

Article 22- - The provisions of this Regulation is implemented by the Minister responsible for human rights.