

Improvement of Civilian
Oversight of Internal Security Sector Project

HANDBOOK FOR MEMBERS OF THE HUMAN RIGHTS BOARDS



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INTRODUCTION

1. Purpose of the Handbook

Welcome to this handbook.

This handbook has been prepared under the auspices of the “Improvement of Civilian Oversight of Internal Security Sector” project, implemented with the technical assistance of United Nations Development Programme, by the Ministry of Interior. Within the scope of this project, the main intent is to improve the capacity of the human rights boards (which shall hereinafter be shortly referred to as “board”, for ease of reference), in order to make civilian oversight on internal security sector more effective and functional. The aim of this handbook is to ensure contribution of these boards on improvement of civilian oversight of internal security sector, by making practical reminders of the various roles and duties of the board members and presenting recommendations for implementation. The boards have been formed according to the “Regulations on the Establishment, Duty and Working Principles of Provincial and District Human Rights Boards” (as published in the T.O.J of Nov 23rd 2003, Release 25298¹) (to be shortly referred to as the “Regulations” hereinafter) in a current total of 81 provinces and 892 districts. The Regulations outlines the duty and responsibility of the members, in addition to incorporating the working procedures and principles of the boards.

The objectives for setting up of the boards are, as follows:

- a. To create and develop awareness on human rights among the general public and public officials,
- b. To ensure respect for human rights and fundamental freedoms and review and investigate cases of alleged breach in this respect, and
- c. To eliminate the obstacles ahead of the enjoyment of human rights and fundamental freedoms and for the purpose, investigate and review various social, political, legal and administrative causes that lead to and bring suggestions as for the solution of breaches.

¹ Boards were initially formed based on the provisions of the Regulations on the Establishment, Duty Frames and Working Principles of Provincial and District Boards on Human Rights”, published and enacted on the Official Journal of the Turkish Republic of November 2nd 2001, Release 24218. It was rearranged with the regulations that was published on November 23rd 2003.

In order for boards to work efficiently, each and every one of the members should have a good knowledge of Regulation as well as national and international standards on human rights, led, particularly by the Constitution. For that reason this handbook will make a short note of concept of human rights and afterwards, draw descriptions about the various roles and duties of boards members, in addition to making suggestions for the improvement of democratic oversight of internal security sector, with the ultimate objective of creating an environment where all fundamental rights and freedoms are enjoyed by all individuals.

2. Role of Human Rights Boards in the Civilian Oversight of the Internal Security Sector

The “Improvement of Civilian Oversight of Internal Security Sector” project principally aims at democratization of public governance by enabling and improving mechanisms for oversight of the law enforcement forces and ensure effective use at full scale of fundamental rights and freedoms by all citizens. A secondary objective of the project is to ensure that services of security forces and all other institutions as should be expected in a democratic civil state and monitored by enhanced and more structured public oversight.

The Boards’ contribution to the civilian oversight of the internal security sector may take two forms, as follows:

Firstly, by paying visits to detention centres and police stations to make recommendations for eliminating the gaps and shortages in day-to-day practices of officers, to ensure that suspects efficiently enjoy their rights, as well as aligning those practices with the requirements of effective laws and legislation; and

Secondly, by reviewing and deciding upon alleged human rights violations brought against law enforcement forces.

This Handbook has been designed for developing civilian oversight for boards when rendering their usual tasks and general duties and thus contributing to the central policy of the Government of the Turkish Republic on “Zero Tolerance for Violence and Maltreatment”. Therefore, this handbook which is brought for your exclusive use and benefit, brings forth a set of explanations and recommendations for boards on how to realize civilian oversight of the internal security sector, more effectively and efficiently. The handbook has a guiding character also for the performance of general duties assigned to boards members, although its initial intention is to ensure an effective and efficient conduct of civilian oversight of law enforcement forces.

3. Methodology

This Handbook has been prepared based on visits paid to the boards in the pilot provinces in Niğde, İstanbul and Erzurum; pilot districts in Eyüp and Kadıköy; and a comprehensive review of the international documents on national human rights institutions, as well as the national legal arrangements. The Handbook is not just about relaying knowledge and information on the various roles and duties anticipated by the Regulations, but rather, it provides good practice examples from the boards in the pilot provinces, in an effort to assist individual board members adopt such knowledge and information to real life events and situations, within their personal encounters.

4. Chapters

This Handbook is composed of five chapters.

Chapter One provides a clarification as to which fundamental rights and freedoms are protected under the constitution and international conventions on human rights, after giving a brief outline concerning what they are. It also explains the roles of boards in the context of serving the obligation of the Government to safeguard and ensure the human rights.

Chapter Two describes the general qualifications each board member must have and sets the conditions of eligibility for service therein.

Chapter Three gives a comparison of regulations versus their practical implementation, sorting out their goods and odds.

Chapter Four lays focus on the duties, powers and responsibilities of the boards and their role in improvement of civilian oversight on the internal security sector. It gives a fair inclusion to exemplary cases which constitute good practices, following an overview of practical implementations, with a view to ensure for boards to fulfill their functions as overseeing the security and law enforcement forces in an effective manner. These examples were selected so elaborately that both considerations of ease of use and widest application coverage may be served at the same time. The chapter especially highlights the opportunity for and encourages boards to pay visits to detention centres and police stations and to review right infringement claims brought against law enforcement forces which would help amplify their function of civilian oversight.

The final and the Fifth Chapter provides essential information regarding the setting up of boards and desks, in addition to venues, times, terms and procedures of meetings to be conducted.

It is the sincere hope and expectation of the authors of this Handbook that it provides a source document and is used for enhancing the efficacy and efficiency of boards and contributes to establishment of a culture of human rights across our country.

I. THE CONCEPT OF HUMAN RIGHTS

1. Human Rights

The UN Universal Declaration of Human Rights provides in its Article 1 that all human beings are born free and equal in dignity and rights. An analogy to this wording, as expressed in our Constitution (Article 12), “Everyone has self-evident, untouchable, non-transferrable and unalienable fundamental rights and freedoms attached to his / her personality”. The human rights bear a universal, nontransferable, unalienable and inseparable character, for the fact that they are endowed to a person by existence as a human being. Therefore, human rights do not just consist of those rights included in the lexical texts of the constitutions and other laws of various states. They also include those rights which are not yet incorporated into the written legal texts such as the constitutions, laws, international treaties and conventions and etc. In other words, what the term “human rights” purports is the full listing of ideal rights that all human beings should have and the exercise of which is free and equal among all individuals.

2. Fundamental Rights and Freedoms

The fundamental rights and freedoms on the other hand, represent only a part of the rights and freedoms which are included in the list of human rights brought forth in an ideal sense, so could have been put in implementation and thus realized. In another words, they are the rights and freedoms which are characterized by the legal order of a state sovereign in effect, as fundamental for all human beings in existence within the domain of jurisdiction thereof. As fundamental rights and freedoms are supposed to express the rights and freedoms that an individual has against the ruling power of a state, they have all been assured at the highest practical level in the constitution. They set and govern the relations between the individual and state. In the constitution, under the article of “Fundamental Rights and Duties”, fundamental rights are divided into three parts as “civil rights and freedoms”, “social and economic rights” and “political rights”.

a. Civil rights and freedoms

It is essential that the civil rights and freedoms are not intervened or manipulated by the state, for the fact that they are all protected by constitution. The civil rights and freedoms are also called negative statutory rights, as the

government has no defined right or authority to interfere with or manipulate this area. Although the state's inability to interfere with or manipulate such rights is adopted in principle, in cases of emergency and conditions of force majeure the state is entitled to restrain or delimit such rights, as and to the extent described in the constitution, for these cases.

In the current context of our Constitutional law, these rights and freedoms are set forth under the article titled "Personal Rights and Freedoms" and also referred to as "first generation rights" or "classical rights". As they are very much susceptible to risk of infringement by law enforcement forces during performance of their duties, there present the rights which require first and foremost attention, insofar as the civilian oversight of the internal security sector is to be improved. Examples to the major rights of this category include the right to life, personal safety, of not being subjected to torture and mistreatment of any kind, privacy, house immunity, freedom of communication, freedom of settlement and travel, freedom of expression, freedom of religion and conscience, freedom of thought and opinion, freedom of work and contracting, right to fair trial, non-discrimination and right of property.

b. Social and Economic Rights

These are the immediate outcomes of the principle of social state. These rights are named as positive statutory rights, as they allow individuals to require delivery of services from, while imposing a certain set of duties upon the state. All social and economic rights that facilitate for people's possession of a humanitarian level of living and their full access to and exercise of all available civil rights and freedoms must be provided by the state. Besides, the limit to enforcement of these rights by the state is consistent with the level of sufficiency of its available financial means and resources.

These rights and freedoms which are set under the article titled "Social and Economic Rights" of the Constitution are known as the second generation rights. Notable examples to these rights include the right to education, right and freedom to work, right of social security, right of environment and right of collective bargain.

c. Political Rights

Political rights are the essential outcome of the principle of being a democratic civil state and enable the individual to participate in government. As a rule, these rights have been predicted for residents. There are exceptions where they can be enjoyed by non-residents of a state, provided that the reciprocity principle is preserved.

Notable among political rights, which are also referred to as "participatory rights" include right to elect and be selected, right to conduct political events, set up political parties, and rights to partake in and quit any existing political parties as well as right of petition.

d. Place of International Conventions in the National Law

Due to the importance of the human rights, various international treaties and conventions led by the UN Universal Declaration of Human Rights were set and defined what fundamental rights and their coverage to be thereby protected. States signatories to these treaties and conventions have clearly undertaken to provide these rights in the international platform, by approving the respective texts and becoming a party. Our country has also signed these treaties on fundamental human rights to give full commitment and undertaking on international arena to provide everyone living under her jurisdiction with fundamental human rights. Pursuant to Article 90 of the Constitution, in the event of discrepancies found between provisions of the national laws and of the international treaties and conventions governing fundamental rights and freedoms, the provisions of the international treaties and conventions shall prevail. Therefore, the boards should base their efforts and activities on international treaties and conventions on human rights, as well as the national legislative arrangements.

e. Right Holders and Duty Bearers

As a rule, every right requires a holder to exercise it and a person or body who will be responsible for showing due care and respect to, protecting and ensuring such right. In this context, the rights holders are all individuals living under the jurisdiction and rule of the state and the first and foremost body responsible for their enforcement is the state represented by and through her government. However, the state fulfills this responsibility by and through a variety of institutions, setting up various new institutions and mechanisms further to ensure protection and further improvement of the human rights.

f. Legal and Administrative Guidance Procedures

Various supervisory mechanisms have been setup and put under implementation to check whether or not those institutions which have been formed to enforce human rights fulfill their roles along with all duties and responsibilities attached properly and fully. In other words, there have been legal and administrative guidance procedures setup for the elimination of any possible infringements. Article 40 titled "Protection of Fundamental Rights and Freedoms" of the Constitution brings forth the opportunity of reference by way of filing, with appropriate competent authorities, for victims of right infringements. Also, individuals who fall under this definition may choose to refer to such reference mechanisms as specified in the international treaties and conventions in effect, after having exhausted all the legal ways described in domestic law-texts. The national reference mechanisms are divided into two parts as legal protection and administrative filing procedures. Administrative and legal reference mechanisms and their full and proper functioning have been protected under the Constitution, against all actions and procedures of the administration. Every individual has the right to bring action with courts of jurisprudence in seek of remedy or relief

through the elimination of right infringements or for obtaining a certain or set of rights. Likewise, the individual has the right to defense in regard of claims brought against him or herself.

Within the framework of administrative reference procedures, special units have been formed and put in action for the protection of human rights and reviewing applications of human rights violations cases. To this end, The Human Rights Presidency was established in 2001, under the Prime Ministry of the Turkish Republic. In addition Human Rights Boards were setup and implemented by the Regulations enacted in 2000, to review applications on the human rights violations and conduct research on problems with human rights. These boards play a significant role in assuring full and unlimited exercise and use by all individuals of the fundamental rights and freedoms, by carrying out studies, research and reporting activities on the matter, creating and developing awareness in the field of human rights and paying visits to various public entities and institutions as well as police stations and by first and foremost of all, deciding, upon a careful review of all claims of human rights violations, in the shortest possible time.

The Paris Principles

The setting up of national institutions on human rights have also been promoted for the protection and improvement of human rights in the international arena. The General Assembly Resolution of the United Nations of 20 December 1993 No. 48/134 has adopted certain principles, which are in the nature of recommendations, on the qualifications, duty and reference frames and responsibilities and in relation to the structuring and compositions of these institutions. This recommendatory resolution is shortly referred to as "The Paris Principles". In lieu of these principles, in Turkey, Human Rights Boards were established by a Regulation enacted in 2001. A subsequent Regulation which was promulgated in 2003, has helped the boards gain a new structure.

According to the Paris Principles, national institutions on human rights should fulfill the following criteria:

- A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and sphere of competence.
- A national institution should be independent and well based on a pluralistic understanding.
- A national institution should be capable of rendering education and consultancy and convey its recommendations to all related functions / units, within its designated duty frames.

II. A COMPARISON OF REGULATION WITH PRACTICE

- The boards were delegated with extensive powers and provided with special budget funds, which causes difficulties in fulfillment of duties. Lack of availability of funds in the budgets may disable boards to properly prepare, publish and disseminate such materials on human rights as books, brochures, flyers, posters and etc., preventing them from making efforts. However, while essential costs are covered by the governorship and district governorship, it has also been observed that the related materials are sent by the Human Rights Presidency acting under the Prime Ministry and various other organisational units of the Ministry of Interior.
- Unavailability of vehicles for visits to be paid to various institutions and police stations may cause difficulties to be encountered by boards members in time of fulfilling their related tasks.
- It has been observed that despite the commissions were setup and put under implementation as required by the Regulation, no newer or further commissions were created in addition thereto, for reviews and research on various different matters.
- It appears that NGOs do not lay much interest on the boards, thus have not developed cooperation with them. In the meantime, boards prove to be inefficient in providing the necessary level of support and assistance for the development of cooperation with and efforts rendered by NGOs.
- Although the original intent has been to have at least three representatives of NGOs seated in position at boards in provinces or two, in districts, there are cases where applications of some NGOs were refused by certain boards on grounds that all membership positions are already filled.
- Boards do not generally act without any applications being filed, despite having the authority to conduct followups and inspections ex officio, in relation to human right infringement cases and related problems.
- No sanctions are implemented to the members who do not regularly attend board meetings. In fact, these sanctions are a must-have to persuade them regularly attend all board meetings, if not to help work performed by the boards attain an acceptable level of success.

- While there is a position defined within the boards for a permanent secretary, general practice employs part time civil servant as board's secretary, casually selected and appointed from the administrative departments.
- Despite being devised with all the capacities and powers to conduct research and make decisions in relation to right infringement claims, the number of applications actually received by boards retain a very low level. One of the reasons that can be associated with this is the consultative nature of the boards decisions and their consequences and the executive character of the classic administration, namely, the lack of direct enforceability of decisions taken by the boards. However, just as in the case of the Universal Declaration of Human Rights, which is a supreme binding text in moral and ethical sense, while possessing no binding nature as a legal text, the boards decisions also have similar binding power for related institutions and organisations. A similar case can also be considered for the institution of ombudsman, in general.
- Despite various boxes have been set in public locations at provinces and districts for filings on human rights, in addition to reference mechanisms that activate upon phone calls or e-mail messages, the number of files hitherto received in relation to right infringement claims remains short. This may in a sense be interpreted as there have been no incidents of human right infringements at either province or district levels, which is worthy to report. However, there is still one other possibility to keep in mind as a probable cause of this result, which is the lack or insufficiency of information among the public, on efforts being rendered by the Human Rights Boards. As the case may be, the citizens might not have a full awareness and information on their fundamental rights and freedoms, which is another potential factor to cause the experienced sheer levels of feedback, to consider.
- A vast majority of applications received by the boards is relevant to deficiencies in service offerings of hospitals and municipal administrations, food safety, traffic related problems and etc. Not quite an amount of applications are filed with regard to law enforcement forces. This may stem from the general trend of hesitation among public, driven mostly by fear, about filing complaints with regard to policing functions.
- Another observation made reveals that not much attention has been paid to struggle against discriminative practices, among the working objectives of boards, despite the requirement of law and regulations. Lack of necessary information on or knowledge of what the concept of discrimination or struggle against it would mean or cover, may be one cause of this.

- There is also a misconception among public that provincial boards are superior bodies over district boards. There is not any hierarchical structuring to speak of, among provincial and district boards and provincial boards are not the immediate higher ranking position to receive filings for reviewing if any, decisions adopted by district boards. The only obligation that has to be fulfilled by district boards is to notify their monthly activity reports to provincial boards, for further submission to the Human Rights Presidency.
- The fact that the chairing positions of the boards are held and fulfilled by provincial governors at provinces and district governors in districts gives the impression as if there is a hierarchical order between boards. However it should always be kept in mind that boards in fact are independent functional units, that are not subject to administrative hierarchy.

III. MEMBERSHIP STRUCTURE OF BOARDS

Since boards are formed with a pluralistic understanding, in line with the Paris Principles, they have a wide spectrum of membership. They are platforms which combine representatives of public institutions, political parties, local governments, media and press, professional chambers and non-governmental organisations together.

Board members should possess fair experience, knowledge and interest in the area of human rights. They should regularly attend meetings and not hesitate to convey human rights problems to the discussion agenda of board for due reviews and investigations.

1. Membership Structure of Provincial Boards

Provincial boards are chaired by the governor or his or her deputy. Additionally, the following members assume roles and have seat in these boards:

- a) The metropolitan province mayors or their deputies in cities that are declared with the status of metropolitan cities due to their large populations and the mayors or deputy mayors of other cities,
- b) A representative to be selected by the province councils from among their members,
- c) The provincial leaders of political parties which hold seats thus find representation in the Turkish Grand National Assembly, or a representative to be appointed by them,
- d) Presidents of universities or an academic they will appoint for this purpose,
- e) A law attorney or other public official with BA degree in law, attending regular duties at public institutions and organisations who will be designated by the governors,
- f) A representative of bar of attorneys,
- g) A representative of the Medical Chamber,
- h) A representative to be designated by the governor of the Chamber of Commerce or Industry,

- i) A representative of other professional chambers or unions to be designated by the governor,
- j) A representative to be designated by the governor from among applicants from local TV networks, newspapers, radios etc.
- k) The president of the association of reeves and headmen for the province or, where there is no such association in practice, a representative to be designated by the governor from among applications filed by reeves.
- l) A representative to be named and nominated from among applicants from parent - teacher associations,
- m) At least three names to be designated and appointed by governors from among applicants representing non-governmental organisations to hold office at boards.

If and when required by the President, the boards may invite through an official call made in writing, those representatives of public or private organisations and people, who may be of relevance to the matters being or to be discussed.

During meetings where matters that fall within the duty and reference frames of local police and gendarmerie forces, directorates of national education and health, which find no representation in the board are included in agenda of discussions, representatives of these entities may be invited to partake in the relevant sessions.

2. Membership Structure of District Boards

Example: İstanbul Human Rights Board receive opinions from experts in various fields of speciality. These experts may raise their opinions to relevant meetings in writing and without having to physically attend the sessions.

Suggestion: On matters which require expertise, inviting an expert to attend in board meetings will help the board better assess the right infringement cases in hand, thus draw the most appropriate decision. Where experts are unable to attend the meeting in person, they may provide their opinions in writing.

District boards are chaired by the district governors. Additionally, the following members assume roles and have seat in these boards:

- a) District mayors or their deputies,
- b) A representative to be selected by the province councils from among their members,
- c) The district managers of political parties which hold seats thus find representation as groups in the Turkish Grand National Assembly, or a representative to be appointed by them,

- d.) An academic or lecturer to be appointed by universities for this purpose,
- e) A law attorney or other public official with BA degree in law, attending regular duties at public institutions and organisations who will be designated by the governors,
- f) A representative to be designated by governor from law attorneys assuming various roles in the district,
- g) A representative to be designated by the district governor from among health physicians at the district,
- h) A representative to be designated by the district governor from designated local professional chambers or trade unions,
- i) A representative to be designated by the governor among applicants from local TV networks, newspapers, radios etc.
- j) The president of the association of reeves and headmen for the province or, where there is no such association in practice, a representative to be designated by the district governor from among applications filed by reeves.
- k) A representative to be named and nominated from among applicants from parent - teacher associations,
- l) At least two names to be designated and appointed by district governors from among applicants representing non-governmental organisations to hold office at boards.

If and when required by the President, the boards may invite through an official call made in writing, those representatives of public or private organisations and people, who may be of relevance to the matters being or to be discussed.

Human Rights Boards have gained a more civilian structure with the new Regulations of November 23rd 2003 than that provided by the original Regulations of November 2nd 2000, establishing them. All members but the governors acting as provincial boards presidents and law attorneys attending the boards at provincial level and the district governors acting as the district boards presidents and public attorneys holding office at districts, have become civilians. With the new regulations, a change has been brought to membership positions of boards, to include at least three NGO representatives at provincial and two NGO representatives at district level, as a target. Inclusion of non-governmental organisations concerned with human rights in these boards is extremely important, for boards to work more efficiently with the added expertise and experiences in the area of human rights and thus, to better protect and serve for human rights.

Example: Assumption of various roles and duties by NGOs operating and having in-depth experience in the area of human rights at boards will help bringing a more functional structure to the boards and setting them work more effectively. İstanbul Provincial Human Rights Board has sent a number of invitations to various non-governmental organisations of the province, known to work in the area of human rights to file official applications with it for membership.

Suggestion: In order to increase the efficiency of NGOs within the board, NGOs working in the area of human rights should first be identified and then encouraged to apply for becoming members to the board.

IV. DUTIES, POWERS AND RESPONSIBILITIES OF MEMBERS

1. Common Duties

The common duties of the boards will be as follows:
(per Article 9 of Regulations)

a. Evaluate Matters brought to the Boards' Meeting Agenda

The boards' meeting agendas are setup by their respective presidents. Members should refer any matters they find necessary or desirable for inclusion therein, to the presidential positions.

The boards are entitled to include all kinds of questions and concerns with regard to human rights in their agendas and conduct research, evaluation and monitoring on the same. The boards' agendas may be proposed by Ministerial, Mayoral and Governor Offices, province desk and boards' members at cities and by Ministerial, Mayoral and Governor Offices, district desks and boards members, at districts.

b. Review Right Infringement Claims

The boards are charged with and responsible for reviewing and deciding upon right infringement claims, raised to their concern through applications. This duty which is outlined herein will be examined in more detail in the following sections, due to its special importance.

c. Investigate the Causes of Right Infringements

The boards are charged with and responsible for elaborately investigating, examining and making proposals for the solution of social, political, legal and administrative causes that delimit or restrain the exercise of human rights, to province or district governorates. All research conducted, investigations made, reports drawn and decisions rendered on these matters of concern are meant for bringing a guiding mission for boards to undertake and carry on, for citizens and the administration in the area of human rights.

Example: İstanbul Provincial Human Rights Board has thoroughly reviewed the various social, political, legal and administrative impediments against full exploitation of fundamental human rights by women and made a number of recommendations for their elimination, in their report drawn on the subject “Prevention of Customary and Honour Killings and Violence Against Women”. The boards has drawn the following final recommendations, after identifying the problems caused by legislation:

-There is the need for intensifying and wider spreading of educational services for people who are officially charged with enforcing and implementing the 4320 Numbered Family Protection Law.

-There is also the need for setting up and implementing a special unit within the national police organisation to deal with “Violence Against Women and Sexual Crimes”.

-There is further the need for inclusion of representatives of non-governmental organisations concerned with women’s rights in the decision-making processes of family councils about honor killings board or threats directed against them.

-A set of protective custody programs should be developed for trials of cases involving honor killings, as an organized crime.

-Secure channels of communication for the exclusive purpose of referrals by victims of such crimes for remedy or relief against any threats or failing attempts and legal mechanisms of reference formed to effectively use them, which should also be publicly promoted.

d. Struggle with Discrimination

The boards are assigned with and responsible for carrying out all kinds of efforts to struggle with and prevent discrimination in all kinds and forms. The principle of equality and prohibition of discrimination are of the fundamental rights protected by national and international laws. All individuals are equal before the law, without any discrimination, according to article 10 of our Constitution. The state is bound and obliged to treat all its citizens equally. Conduct of different, unequal treatment against individuals having identical status on any ground such as gender, disabled status, age, religious faith, language or race is clearly a violation of the principle of equality and constitutes an act of discrimination. According to the article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, all kinds of discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status are prohibited.

Discrimination may also occur at various levels of public service. Therefore all public officials and workers are bound to not discriminate in services they would

be offering and treat all individuals with identical status, equally. Any act in violation of this rule is subject to severe disciplinary punishment and may call for financial indemnities, depending on its character and nature as defined by the criminal law (i.e. Abuse of an office or position etc.).

Example: İstanbul Provincial Human Rights Board receives an application from citizen X, reported to be a patient presented with HIV by his employer Y, with which he worked for the last 3 or 5 years, wherein this person complains about being deprived of any access to the employer’s organisation to resume his work before leave by virtue of an instruction issued to security personnel, despite the reports he has managed to obtain from three different hospitals to the effect that he may conveniently proceed with his work and fulfil the requirements of his occupation without being entangled by his condition. After reviewing thoroughly the application and investigating the claim, the board decides that the Employer Y has fired citizen X for being HIV- positive, thus treated the case in such a manner that amplifies prejudices about the AIDS disease and has therefore committed an act of “discrimination” from the perspective of human rights.

There are also prohibitions brought against discrimination by individuals other than public officials, private employers and service providers, for instance, according to the Labour Law, any violations of these prohibitions in the course or during the conduct of transactions and procedures handled or attended would automatically call for due punishment. In cases where an act of discrimination implies a greater outcome in terms of discomfort of the general public order or threatens public peace, intervening counter-action by the law-maker and action to that extent by boards may come into concern.

Boards have the right to review and investigate and decide, based on the findings of the former, upon claims connected with any illegal acts and actions of either public servants or individuals, in violation of the prohibition of discrimination.

Example: İstanbul Provincial Human Rights Boards has, in a matter to which its attention was drawn, where a citizen wishing to benefit from services of a public teahouse facility was repelled by the facility owner saying that such place was reserved for family use only and asking him to leave the premises immediately, in presence of other customers, found the facility owner guilty for committing an act of discrimination, which constituted a violation of human rights, with reference to the meaning of term defined in Article 14 of the European Convention on Human Rights and Article 10 of the Constitution. Suggestions were also brought in the context of the decision for giving a warning by authorities issuing the authorization thereof to the facility owner and his servants to cease and for the subsequent terms, avoid such behavioural conduct and treatment as may be humiliating and detrimental to human honour and dignity, when rendering their services. Furthermore, it was indicated in the decision of the district boards that the need is apparent for initializing work toward raising awareness among the community engaged in this and other sectors of industry through ad hoc “Educational Programs on Human Rights” to be setup and implemented, with particular consideration of the touristic value of the district in which the event occurred.

Suggestion: In light of the rule of indiscrimination set forth and enforced by the Turkish Criminal Code, similar applications to those mentioned above should not be refused on grounds that no violation has been caused by a public official. The state is the ultimate body responsible for ensuring that rights of individuals are not violated by other individuals in the society. For this reason, claims of discrimination should be thoroughly and diligently reviewed, with necessary set of research and investigations conducted to prevent recurrence of those identified and decisions be made on this matter.

Boards may submit their decisions concerning right infringement cases that fall within the meaning of Article 122 of the Turkish Penal Code to Public Prosecutors to help prevention of all forms of discrimination by allowing enforcement of penal sanctions.

Suggestion: Boards are encouraged to perform an investigation and research in relation to such community groups as women, people with disabilities and etc which are exposed to discrimination and convey their conclusive propositions on action and measures to be taken for the elimination thereof.

Section 122 of the Turkish Penal Code provides that servitude in prison for six months up to a year or civil penalty shall be sentenced for any person who performs an act of discrimination between people on any ground such as language, race, colour, sex, disability, political thought, philosophical or other opinion or religious faith, sect and etc by:

- a) preventing the sale or delivery of a commodity or real property or delivery to or utilization by any person whatever service rendered for or meant to such person or as the case may be, preventing the recruitment or non-recruitment of a person by a certain employer at a certain workplace based on any of the foregoing grounds, or
- b) Unreasonably retaining foodstuff deliveries or refusing to perform a service offered to the general public, for a person, or
- c) Preventing a person’s engagement in any economic activities, which are ordinarily performed by others in the community, to earn a living.

e. Ensure Kind and Insightful Approach by Administration to Citizens

While failure by the administration to approach the individual in a kind and insightful manner does not constitute a human rights issue, the board should give proper inclusion in its agenda of discussions to complaints and information on mistreatment, reprehension, relentlessness and etc, allegedly shown by the administration, due to the citizen-focused service understanding. To this end, dialogue and communication between the boards and those staff assuming regular duties at public entities and institutions and the training of the latter in the areas of public relations and human rights will play a significant role in the establishment of a citizen-focused public administration.

Suggestion: In order to ensure that all citizens are approached by the public administration in a kind and insightful manner, boards may pay visits to offices of public entities and organisations to witness practices at site and after conducting the necessary set of reviews and inspections, give recommendations for further improvement, in the meantime, giving rewards to exemplary public institutions and officials for best practices.

The current understanding of public administration requires transparency, efficiency, speed, effectiveness and citizen-focus. Consequently, administration has legally been empowered and obligated to deliver services to individuals. The fundamental yet indispensable element of activities is to realize the public interests. In this sense, public officials should behave in extreme compliance with the rules of accountability, insight, kindness and respect, as laid down in their job descriptions against all beneficiaries of the services rendered by their public employer as well as any third parties. Public officials and servants should consider any and all requests reaching them through legitimate channels and procedures of reference within legally applicable or otherwise permissible periods of time, in good faith and with insight, within the boundaries defined for their posts or positions. Accordingly, public officials and workers have the responsibility to provide guidance to people for solution of problems they may

encounter. Article 40 of the Constitution requires that full detailed information shall be provided for the people concerned, on which legal avenues to appeal and public authorities to file and the time limits applicable to such applications. The article on the right of petition states that petitioners will duly be informed of the consequences of their filing and in cases of administrative lawsuits, the period for application will start with written notification. Shortly, the administration is liable for reviewing and assessing each and every request of individuals for public services and unless there are any obstacles from the standpoint of laws, fulfilling such requests in a timely and proper manner, as per the constitutional arrangement. In the event that non-or partial fulfilment of this liability violates the fundamental rights and freedoms of a person as envisaged in the constitution and other legislative texts, then Human Rights Boards may intervene the situation to help solution in a peaceful manner.

f. Prepare Monthly Activity Reports

District Human Rights Boards should prepare and send monthly activity report summaries on their activities and work conducted during each month of relevance to the provincial Human Rights Boards for further submission to the Human Rights Presidency. Provincial Human Rights Boards should also prepare and submit such reports directly to the Human Rights Presidency. The reporting activity is essential for disseminating information on activities performed by the boards to general public and public organisations. In the meantime, it is possible for any boards to learn about those works rendered by other boards and where needed, implement such activities in their own provinces and districts, due to these reports. The activity reports of all provincial Human Rights Boards across the country are accessible from the official web site of the Human Rights Presidency.

Example: Reports drawn by provincial boards can be found at the address: <http://www.ihb.gov.tr/K.AnaSayfa.aspx> along with some other district boards' reports. A good work can be done out of good examples by reviewing these reports.

The boards should send each and every report they draw within the first ten days of the subsequent month to the Human Rights Presidency, through the office of governors. Furthermore, the report that incorporates information on work performed by virtue of December 10 Human Rights Day should be submitted to the Presidency within one month. (Reg. Art. 19)

2. Duties regarding Publicity

The boards is anticipated to fulfil the following duties, in addition to setting up and implementing a commission for the purpose of promotion. (Reg. Art. 10)

a. Setting up the Channels for Application

I. Human Rights Desks

One of the most important duties of boards is to receive and decide upon applications on human rights abuses. There is the need for setting up and implementing Human Rights Desks at provincial and district governorates in order to allow citizens file their applications concerning right infringements, get familiar with the work conducted by the boards and the boards themselves. These desks may receive applications through a variety of communication means including, but not limited to phone access and e-mail messaging. Staff attending the desks should have background in the field of law or specialized knowledge in the field of public relations, which are construed as factors increasing the functionality of desks.

II. Public Boxes for Applications on Human Rights

Example: Erzurum Provincial Human Rights Board has placed Human Rights Application Public Boxes at 76 different spots across the province. Among these locations included are municipal buildings, libraries, provincial directorates of the social security administration and public hospitals.

Suggestion: You may consider placing Human Rights Application Public Boxes at locations which you may find convenient in your province or district, with the dual purpose of ensuring public awareness on existence of the boards and full and unrestrained access by public for filing applications.

Applications containing notifications, requests, wishes and complaints on human rights may be posted via the "Human Rights Application Public Boxes" located across cities and districts, along with a duly filled, completed and signed application form or letter of application. In this context, arrangements should be made and measures taken to ensure placement of "Human Rights Application Public Boxes" at all central locations visited frequently by the general public such as public buildings, shopping malls, intercity bus terminals, hospitals, train stations and etc. Such public boxes will enable citizens to easily file their applications concerning human rights at any time and location they want. These boxes should be placed at locations where they could easily be noticed by and at all times remain visible to general public, in order to allow people know about the presence of such boxes as well as providing full and unlimited public access to application mechanisms. The public boxes once being set firmly in place and brought fully functional, should be checked by an officer authorized by the province or district government, for content and integrity, within the shortest possible time thereafter. Notifications, complaints and applications sent through the public boxes should be delivered to the presidents of boards in the attachment of delivery records, by the duly authorized personnel.

III. Setting up Phone and E-mail Communication Lines

Suggestion: You may consider receiving support and assistance for the board's ongoing efforts by a permanent full time staff you would be voluntarily attiring to attend the desk, who has background in law or specialized knowledge in the area of public relations, if the staff assigned by the governorates fail to attend the desk, on a full time regular basis.

The Human Rights Desks should be permanently staffed, have a reserved secure phone line and e-mail address for calls and inquiries, which should regularly be checked and arrangements should be made for publicizing related contact information to the general public either by notice boards placed at locations frequently visited by the public or via local media and press.

Suggestion: In order to demonstrate that applications filed via phone or e-mail are duly included in the boards' working agenda, you may consider revealing information to the general public on sample cases through local media.

b. Publication Work Rendered By the Boards

Example: Niğde Provincial Human Rights Board informs public on its ongoing work and efforts by writing columns in local newspapers through its media representative.

Example: Niğde Provincial Human Rights Board uses press releases it sends to local newspapers for publication, to inform the public on minutes of its meetings and arranges for their full disclosure therein. By doing so, permanent information of the public can be ascertained, on scheduled or conducted board meetings and various tasks and efforts pursued.

The boards should be introduced and promoted publicly and public awareness-raising campaigns be organized for Human Rights Boards to fulfil their duties more effectively. Decisions adopted by boards and their consequences should be shared with general public, thereby persuading them that the boards is an effective and efficient mechanism. For the purpose, it is essential that the boards' media representative should regularly attend all boards meetings and assume active roles in various tasks and duties, in order to ensure full and effective utilization of press and audio-visual media. Another possibility for informing the general public is the internet, which is becomingly the most frequently used tool of communication around the globe. Frequent updates of and inclusion of links to the boards' official web site on web pages of various public entities and organisations can be arranged.

Example: Erzurum Provincial Human Rights Boards has adopted an advisory decision for the elimination of barriers blocking the access of people with disabilities to public entities and organisations, in an effort to ensure full and unrestricted utilization of all human rights and freedoms by the disabled community in our country, according to The Convention on the Rights of Persons with Disabilities signed by the Turkish Government. The related entities have briefed the boards on various tasks fulfilled and work conducted by themselves for the abolishment of impediments that block or impair full and unlimited access to public services by people with disabilities. Informing the public on the fact that boards' decisions are followed and enforced by entities and organisations that they relate on and developments in consequence of the enforcement of these decisions is vital for boards to demonstrate that they provide an effective tool for reference.

c. Development of Cooperation with NGOs

Example: İstanbul Provincial Human Rights Board has provided support for training activities rendered within the auspices of "Human Rights Education at Coffee-houses Project", undertaken by the Association of Supporting Modern Life funded by the European Community.

With the new Regulations enacted in 2003, boards gained a more civilian structure and entered in a trend towards increasing the efficacy and efficiency of NGOs within their bodies. In addition, development of cooperation with non-governmental organisations and provision of support and assistance to efforts they pursue in the area of human rights have literally been encouraged. At this end, the boards may serve as intermediary bodies abridging the public administration with civil society. Thereby not only the capacity building and development of NGOs is ascertained, but also full exploitation by all individuals in the community of their rights and freedoms as human beings would be secured.

Suggestion: You may consider sharing your own experiences with and benefiting from the experiences of NGOs active in your province or district by organizing joint events or supporting their work.

The Regulations set the number of representatives of non-governmental organisations to hold seats and assume roles at province and district boards to be at least three or two in respective order, but make no maximum limit assignments. By posing no maximum limits to number of representatives of NGOs in the boards, the Regulations aim at encouraging boards to include as much NGO representatives as possible to wit, assist and attend their day-to-day works. At this end, practices of refusing applications of NGOs for holding seats and assuming duties at boards on the grounds that no seats or positions are available or all positions are sufficiently filled, should strictly be avoided. The

participating NGOs should be encouraged to share their experience, knowledge and acquisitions in the field of human rights with boards members and relay them to the boards' works.

3. Tasks Related to Information, Awareness-Raising and Education

A comprehensive set of arrangements have been brought into force on the duties of boards related to information, awareness-raising and education (Reg. Art. 11), which can be outlined, as follows:

a. Inform and Educate the Public on Human Rights

The boards are expected to organize events for creating and raising awareness among citizens and public officials, on fundamental rights and freedoms as delineated in human rights conventions and treaties to which Turkey has become a party and under constitutional articles governing the same. A way of protecting the fundamental rights and freedoms passes through full acknowledgement of such rights by both public servants and citizens. Action by public servants with full knowledge of respect to human rights in all their transactions and the ability of citizens to take legal action whenever their rights are breached is only possible with raised awareness and increased information among both the public servants and members of the society. The purpose with raising awareness on human rights is to allow individuals gain a good understanding and knowledge of their rights and become aware of where and how to exercise them in cases of infringement. Subsequently, the main aim is to make all public servants, led particularly by security and law enforcement forces, aware of the requirement to respect human rights and gain full knowledge of the legal consequences and sanctions of action to the otherwise.

Example: İstanbul Provincial Human Rights Board has conducted a training for staff assuming executive positions in the II. Regional Directorate of Title and Land Registry Department in İstanbul, on fundamental human rights, the fundamental rights defined in the European Convention on Human Rights, functions of the boards based at cities and districts and on various Civil Code and Family Law matters, with participation of experts. 75 public servants participated to the trainings .

Suggestion: You may consider giving training on human rights for public officials assuming regular duties at various public entities and organisations in your province or district, by securing cooperation and participation by experts of local or nearby universities and NGOs. By doing so, you may ensure behavioral conduct by public servants as fully aware of the human rights in all their daily procedures and transactions, after having a good knowledge thereof.

In this context, dialogue should be started and developed with headmen and reeves in an effort to raise awareness on human rights.

Example: İstanbul Provincial Human Rights Board has held training sessions for 369 members of the local gendarmerie forces, on matters related to fundamental human rights and their areas of application.

Suggestion: You may contribute to the development of civilian oversight of security forces by holding training sessions for members of the national police and gendarmerie forces on human rights and fundamental freedoms as defined by the Constitutional Law and under European Convention on Human Rights and other international conventions and treaties.

Example: İstanbul Provincial Human Rights Boards has held a training for the headman and reeves of 118 villages and administrative quarters in total, from Beyoğlu, Kağıthane, Sarıyer and Şişli Administrative Districts, which covered all headmen and reeves across İstanbul.

Suggestion: You may consider holding meetings regularly with reeves and headmen of your province or district, where various subjects such as women's or children's or disability rights etc can be discussed. Thereby you may secure full and unrestrained access by the local public to boards, in addition to making an invaluable contribution to the promotion of boards among the society.

Example: İstanbul Provincial Human Rights Board has organised a panel on "Human Rights and Turkey", within the auspices of events held for "2009 - Year of Human Rights Awareness" and "December 10 Human Rights Day" on December 11 2009.

Suggestion: You may consider organizing different panels and conferences on a variety of matters, not only on special days but throughout the year. It should be borne in mind that such activities and events may also be organized with sole participation and support of universities, professional chambers and NGOs, without the need for any budgeting.

The boards should create a platform in which human rights can thoroughly be discussed by organizing panels, conferences and other similar meetings on human rights and ensure an increased level of knowledge and awareness among the audience.

They should mediate and sponsor organisation of shows both on local and national television networks or join in such shows that are already put on the air, to raise and ensure awareness among the general public on their work and efforts.

Suggestion: It may be useful to regularly hold panels and seminars on thematic subjects for teachers and students attending institutions and elementary education. Furthermore, you may consider preparing and publishing for dissemination among school brochures, books and etc. On human rights, as well as the texts of international conventions establishing the fundamental rights and freedoms.

Organisation of events on human rights at institutions of education and training will help early acquaintance of students with the concept of human rights and build a sense and awareness with respect.

Example: İstanbul Provincial Human Rights Board has given the “Contemporary Conception of Human Rights and Human Rights training” for approximately 2,000 elementary school teachers and principals in addition to the “Human Rights Training of Trainers Seminar” held for 65 high school teachers.

Example: İstanbul Provincial Human Rights Board has organized drawing arts and literal composition contests on “Children’s Rights and Peace”, “Human Rights and Peace” and “Understanding, Insight and Solidarity”, for elementary schools and gave awards to those students achieving success in these competitions.

Suggestion: You may consider staging your own contests in the fields of pictorial arts and literal composition for elementary school enrollments with the dual purpose of introducing the boards and raising community awareness and level of knowledge on concerns attended by them.

For enhancing the academic structure in the area of human rights, it is essential that support of faculties and high schools of universities that conduct research and studies in the area of human rights should be secured for the activities and events. Proper fulfilments of the information, awareness-raising and educational tasks mentioned above will ensure continuity of these events and activities.

b. Information of Public on Human Rights

I. Dissemination of Copies of Texts of the International Conventions and Treaties on Human Rights signed and approved by Turkey

Example: İstanbul Provincial Human Rights Board has incorporated reference to Article 25 of the “Universal Declaration of Human Rights” of December 10, 1948, in addition to Articles 56 and 60 of the Turkish Constitution in its resolution of July 31st 2006, No. 45 and grounded its decision upon a right that is protected under international instruments on human rights.

According to the constitution, an international convention or treaty signed and approved according to procedure set for the purpose have the enforceability and effect of law. Where discrepancies are found between the contexts of international conventions on human rights and fundamental freedoms and laws enacted to enforce them, it is specified that the provisions of the international conventions or treaties shall prevail. Given the legal nature of the provisions of international conventions and treaties signed and approved by the Turkish Government, they find as many areas of enforceability as normally recognized for any law or regulatory arrangement of the Republic, in the domestic law. Boards may make decisions, draw reports and make recommendations based on international standards on human rights, when conducting research - investigation on claims of potential infringement. Accordingly, as the law texts provide, boards are expected to disseminate in required quantities, copies of texts of the UN Charter of Human rights, Universal Declaration of Human

Rights and European Convention on Human Rights among various bodies, levels, institutions, agencies and organisations of the government in addition to citizens, in order to keep them informed on the full scope of fundamental rights and freedoms enforced internationally and judicial mechanisms set to enforce them.

Turkey has become a party and signatory to eight basic conventions on human rights of the United Nations, which are, as follows:	Signed	Approved
The International Covenant on Civil and Political Rights	Aug 15, 2000	Sep. 23, 2003
The International Covenant on Economic, Social and Cultural Rights	Aug 15, 2000	Sep. 23, 2003
The International Convention on the Elimination of All Forms of Racial Discrimination	Oct. 13, 1972	Sep. 16, 2002
The Convention on the Rights of the Child	Sep. 14, 1990	April 4, 1995
The International Covenant on Prevention of All Types of Discrimination Against Women	11 Jun 1985	19 Jan 1986
International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Jan 25, 1988	Aug 2, 1988
International Convention on the Protection of the Rights of All Migrant Workers and members of Their Families	Jan 13, 1999	Sep. 27, 2004
International Convention on the Rights of Persons with Disabilities	Mar 30 2007	Dec. 3, 2008
In addition to the above listed UN Conventions and Covenants, Turkey has also become a Party and Signatory to a number of regional conventions on human rights, the most notable of which is:	Signed	Approved
European Convention for the Protection of Human Rights and Fundamental Freedoms	Nov. 4 1950	May 18, 1954

II. Dissemination of Materials on Human Rights among Related Functions

Example: İstanbul Provincial Human Rights Board has prepared and published a brochure that includes full cited text of the Universal Declaration of Human Rights, gives descriptions as to various roles and functions of the Human Rights Boards and information about public reference spots and encourages communication on relevant matters, in 20,000 copies.

The boards are legally charged with and expected to disseminate such books, brochures and legis-lative texts as related to human rights, among citizens, public officials and boards members, to help raising their knowledge and awareness on the issue. The main intent herewith is to raise the level of knowledge and awareness among the communities served, on the latest versions of legal texts, regulatory arrangements and public notices and ordinances enacted concerning the human rights, in addition to various other explanatory and informational books and brochures and the texts of con-ventions and treaties.

Example: İstanbul Provincial Human Rights Board has prepared a variety of brochures detailing procedures for the receipt and acceptance of applications by victims and their protection and for referral of cases to judicial authorities and courts of jurisprudence for informational purposes, within the implementation coverage of the 4320 Numbered Law on the Protection of Family and sent them to the Police Department, Provincial Gendarmerie Command and various district governorates to make them fully informed on policing and gendarmerie functions, headmen and reeves as well as female victims of crimes.

Example: İstanbul Provincial Human Rights Board has sent the brochures it has prepared and printed to include full listing of phone and facsimile access numbers of province and district human rights boards and full texts of the European Convention for the Protection of Human Rights and Fundamental Freedoms to 32 district governorates.

Arrangements should be made for the delivery of duplicate copies of the above mentioned texts of international conventions and treaties, legislative arrangements, brochures, books and other similar materials to public libraries.

III. Arranging for the Inclusion of Human Rights Related Posters on Signboards in Public Areas

Example: İstanbul Provincial Human Rights Board has printed and disseminated flyers in 5,000 copies, which describe the significance of the Universal Declaration of Human Rights, while making notion in necessary detail to its 60th anniversary.

The boards are supposed to hang or arrange for the hanging of such visual materials as signboards, posters, flyers and flip charts covering or including

information on human rights at locations where they can easily be seen by the general public and by-standers, to visualize the fundamental rights of citizens as extensively as possible.

Example: İstanbul Provincial Human Rights Boards has arranged for the information of general public through dissemination in public transport vehicles (i.e. taxis and mini busses) in addition to other commercial vehicles owned and operated by İstanbul Provincial Association of Chambers of Tradesmen and Artisans by attendants employed for full day aboard as well as hanging on windscreens and other windows of these vehicles of A3 size posters it has prepared to give coverage on significance of the Declaration of Human Rights and the theme of “Year 2009 of Awareness on Human Rights”. It has also published and disseminated block-notes and pens with imprints of the theme, during the conduct of panels.

4. Investigation, Monitoring and Reporting Tasks

A variety of investigations, monitoring and reporting tasks are charged upon boards to fulfill, in the following areas of concern (Reg. Art. 12).

a. Human Rights and Especially The Rights of Women, Children and People With Disorders and Disabilities

It may be useful to recognize a wide spectrum for memberships to commissions established for the purpose of conducting research and studies. Obtaining the support and assistance of universities in time of conduct of research and studies by the assigned commission will help scrutinize the scientific recognizability of the contents of the reports to be drawn at the end.

Suggestion: Establishing and further developing cooperation with universities found at your province and securing full academic support and feedback on matters forming subject of research and studies conducted will not only enrich the content and contexts of the report that you will be drawing at the end, but also help its findings and conclusions gain wider scientific recognition.

Conduct of research in cooperation with universities, public institutions, NGOs and other entities on matters relating to human rights and reporting are among the duties of the boards. The boards are obliged to adopt initiatives for protecting human rights and upholding and improving the standards applicable thereto, not only in connection with the applications they receive and conduct research and studies as much and comprehensive as possible on possible ways for elimination of economic, social and political reasons that underlie right infringements and of obstacles against full and unrestricted exercise of human rights by all citizens. The boards should be able to take and act upon their own decisions, in the absence of a formally filed application or complaint or without

having to wait for any letter or correspondence to come from the Human Rights Presidency. Reports drawn at the end of any research and studies conducted based on findings should be sent to related authorities to allow for the taking of necessary measures and shared with the general public as well.

Example: İstanbul Provincial Human Rights Boards has set objectives towards training members of the national police, gendarmerie forces and other organisations on safeguarding the right of asylum, approach to victim groups and struggle against illegal immigration and plans toward conducting studies on provision of legal requirements of irregular immigrants, refugees, asylum seekers, incognitos and victims of human trafficking and the elimination of legal and administrative obstacles there against, by and through the standing commission on “Struggle with Human Trafficking, Immigration and Immigrants” it has established within its body. This commission has so far organized a conference on “Contemporary Changes in the Area of Law concerning Refugees and Asylum-seekers” and managed to establish a platform where various solution proposals were discussed, by gathering all stake-holders together.

Suggestion: You may consider conducting research studies on human rights issues frequently reported or encountered in your province or district and draw recommendations and reports based on their findings.

Efforts concentrated around developing cooperation should not take the form of NGOs or universities providing support and contributions to the boards, but instead, follow a mutual stance. Likewise, boards should make contributions to the combined or singular efforts and work conducted by such organisations with which they have developed cooperation.

Certain groups, i.e. women, children and people with disabilities are in a disadvantageous position due to their physical / mental conditions and frequently require special protection, as their potential for being subjected to discrimination in any forms is more likely than any other members of the society. Conducting research studies specifically addressing the needs of these groups and making recommendations on appropriate measures to prevent related cases are among the duties of boards.

Example: Eyüp District Human Rights Board has conducted a study and drawn a report on “Early Marriage in Childhood” addressing the female children and their families of the district. The report provides a set of recommendations for preventing marriage of female children with disadvantageous status in the community in early ages.

Suggestion: You may consider setting up commissions for identifying and working out solutions for the problems of disadvantaged community groups in your province or district, which require special protection and draw and communicate reports on the matter so as to incorporate your findings and conclusions to all relevant entities and agencies.

Example: İstanbul Provincial Human Rights Board has adopted a decision for inclusion of an engraved plate arranged in braille alphabet to contain the schedule of applicable rates aboard commercial cabs, mini busses and busses at a spot easily accessible by customers with visual disabilities and informed all related functions of its action to take appropriate measures.

Example: İstanbul Provincial Human Rights Board has decided to initiate action according to an action plan to be elaborated, for the establishment of a commission on equality of women and men to carry out studies aimed at ensuring equal treatment for both men and women of the society.

Suggestion: You may consider conducting the necessary set of research and studies and draw a final report compiling the findings on ensuring the human rights of women, after having established a “Commission on Equality of Men and Women” in your own organisation, to ascertain human rights of women.

Example: İstanbul Provincial Human Rights Boards has rendered training sessions to the staff of patients’ rights offices of 125 state hospitals, on fundamental human rights, crimes against family order, welfare, law of patients’ rights, related institutional mechanisms and their roles and functions.

Suggestion: You may consider organizing trainings on patients’ rights, for staff regularly attending various patient rights offices in hospitals and health-care facilities located in your province and district, in order to ensure full protection for patients’ rights. You may also prepare or obtain posters and flyers on patients’ rights and hang them over any or all suitable locations within hospital facilities. Furthermore, you may prepare or obtain for redistribution at hospitals and other health-care institutions brochures and handouts introducing or covering patients’ rights.

b. Environmental and Traffic Problems Entailing to Human Right Violations

Example: Niğde Provincial Human Rights Board has consulted the Niğde Provincial Health Department and Municipal Administration for and obtained information on whether the waters pumped into the province network, and water supplied through potable water pipelines and those found in natural springs contain any properties or characteristics that are detrimental to public health. Thus, it took such measures as needed for the solution of any potential problems that would have adverse effects on communal health.

The environmental and traffic problems proliferate with the advancements in technology, affecting adversely the health conditions of all living creatures. Nevertheless, it is a constitutional right of all individuals to live in a healthy environment. According to Article 56 of the Constitution, “Everyone has the right to live in a healthy and stable environment. To improve and enhance the environment, while protecting its health qualities and avoiding its contamination by pollutants is the obligation of both the state and citizens”. Contamination of air, water and earth which are vital for all living organisms of the world immediately calls for the highest attention and requires action to be taken by the government, at any level, office or department, private sector enterprises and individuals. The boards are expected by law to provide full support for the conduct of research studies concerning environmental and traffic problems that have adverse effects on human lives and encourage solution of traffic problems as well as conservation of environmental health.

Example: İstanbul Provincial Human Rights Board has conducted research on detrimental effects of GSM base stations on human health and provided a report to all related public authorities on necessary action and measures to be taken.

Example: Niğde Provincial Human Rights Board has made a set of recommendations to the Provincial Directorate of Environment on measures necessary for the prevention of pollution, due to increased air pollution across the province with the emergence of the winter season.

In case of traffic accidents occurring due to failure of public servants to take the necessary measures in a timely and appropriate manner, the boards are liable to make and submit to the authorities in charge of making advisory decisions on the matter of shortages found in this regard and then follow up the enforcement thereof, in line with any subsequent updates.

c. Uneducated, Homeless and Working Children

Education is a fundamental right and an imperative that the state has to fulfil as

per our current laws. The boards is obligated to search for and identify the causes of existence of children with disabled access to basic education, whenever it encounters any and to conduct research on possible ways of eliminating this constraint. In addition, the problems of homeless children begging on streets and child workers should also be identified and solved through research studies to be conducted by the boards, who shall also be responsible for providing every support for efforts aimed at prevention of this social problem, among its other duties.

d. Visits to Detention Centres and Police Stations

Suggestion: Commissions to be formed up to pay visits to detention centres and police stations may include representatives of bars, medical chambers and NGOs, as an indication of independence and impartiality.

The boards is responsible for working out and coming up with recommendations as to optimization of current conditions, whenever it happens to identify a shortage or defect, during its visits paid to gendarmerie and police stations. Realization of visits by the boards to detention centres and police stations at its province or district of reference whether upon an application or ex officio may have a preventive effect on these locations where right infringements are most likely to occur. Thus, boards may transform into some sort of mechanisms for preventing human right infringements. For this purpose, individuals taken to custodial detention should be listened to and analysis should be made to determine whether the physical conditions met the standards. The boards have to inform staff at detention centres on standards that should be followed by each detention facility, during the visits they pay. Police station visits are considered crucial for the realization and enforcement of the central government’s long emphasized policy of “Zero Tolerance for Torture”. These visits also function as evidence of this policy.

Suggestion: These visits have to be unsolicited. Even if solicited, the actual dates and times of visits should remain as secret, as this is crucial for attaining the original purpose intended with the visits.

The boards should decide on paying urgent visits, in addition to and as separate from routine visits, if:

- there is strong evidence available in hand to make one believe that torture and maltreatment takes place in a particular location, or
- there are complaints requiring attendance at police stations or detention centres.

Example: Just reviewing the forms provided by police stations and custodial prisons is not enough. Reports with more comprehensive content have to be drawn in relation to police stations and custodial detention centres insofar as optimization of conditions inherent in detention centres and assurance of their compliance with applicable laws are concerned.

Decisions should be made through appropriate checks if the following physical conditions are met by any particular detention centre or police station:

- The custodial detention rooms should have a space at least 7 m wide and 2.5 high, with minimum 2 m inter spacing allowed between any two lateral walls opposing each other, for unrestricted movement.
- Measures should be taken for rest room, bathing and general cleaning needs.
- Spaces should be sufficiently illuminated by natural light and have air-circulation facilities.
- Stationary seats and beds should be sufficient to accommodate all custodial detainees.
- There should be blankets and beds in sufficient quantities.
- Minor custodial detainees should be held in a separate space from adults.

Example: İstanbul Provincial and Kadıköy District Human Rights Boards have paid a joint visit to İskele Quarter Police Station acting under the Kadıköy District Police Department, where they examined the physical conditions of the police station in general and detention centre in particular and received information about procedures carried out by the police attending the location.

- Each detention room should accommodate maximum five individuals at a time.
- Measures should be taken for the protection of the right of life of people under custodial detention.
- Nutritional, health and treatment costs of people under custody should be covered.
- There should be full records of people taken to custodial detention.
- The interrogation rooms should be safe, specially prepared for the purpose, devised with all appropriate technical instruments and appliances and be set apart from any other articles or compartments.

Example: İstanbul Provincial Human Rights Boards has paid a number of visits to the guest house facility of the National Police Department in Kumkapı District, where it observed that irregular immigrants, asylum-seekers, incognitos, refugees and victims of human trafficking were totally deprived from any access to legal assistance, living under extremely harsh conditions and incapable of meeting even their most vital humanitarian needs. Reports drawn by the related commission based on a set of reviews and inspections it has conducted came to indicate that some severe problems were encountered in the guest house, regarding health and hygiene, education and law. Inter-institutional dialogue has then been started not only to help the institution remedy its problems, but also to take the necessary set of measures to let its guests live in compliance with the standards on human rights.

e. Efficient Use of Rights of the Accused

In order for rights of the accused to be safeguarded efficiently, citizens should first of all need to know that such rights exist and officials respect and protect them. The main intention with visits paid to custodial detention centre is to ensure that the established procedure for taking under custody is fully and properly adhered to by law enforcement forces, in relation to people they put in detention centres. For the prevention of torture and maltreatment or any claims or assertions thereof, officials have to bind themselves with and strictly follow the set detention procedures. At this end, the boards should determine whether such mechanisms as notification of households or close relatives of or issuance of health reports for people taken under custody are in place and running efficiently and properly. In order to make this decision, the boards members should review books and records kept by detention officers and conduct face-to-face interviews with the custodial detainees themselves. Boards may help alleviation of the number of claims of torture and maltreatment, by personally interviewing with people under custodial detention and reviewing the custody books and records.

Suggestion: In order to ensure the efficient use of rights of the accused:

- You may consider preparing handouts and flyers including information on suspects' rights for dissemination among police stations at the district and across the province.
- You may give trainings on suspects' rights to officers attending regular posts at police stations.

Suggestion: In order to determine whether rights of the accused are exercised efficiently, there should be people captured or taken under custody at detention rooms. Therefore, before paying a visit to a particular post, make sure that there is at least one person retained under custody.

Points to pay attention in time of visits to determine whether or not rights of the accused are efficiently exercised:

- The detained person should be informed about the reason why he or she has been detained, together with charges linked to him or herself, with reminder of his or her right to challenge.
- In case of arrest by the use of force, prolonged times of capture and detention, with the detainee experiencing health problems, the detainee should immediately see a doctor to undergo a physical check.
- The interrogating officer of the person under custody and the security officer taking him or her to a medical facility for examination should be different.
- For the duration of examinations, the detainee should be left alone with the doctor or health physician, for privacy.
- If requested by a woman suspect or detainee and to the extent that the conditions of the time are suitable, the suspect or detainee, depending on the case, should be seen and examined by a female doctor or health physician. In cases where no female doctors or health physicians are available to carry out the examinations despite the request of the suspect or detainee, the examination room should be attended by one female health physician or professional to escort and accompany the detainee throughout her examination.
- Before a person entering the detention facility by police escort is put in the detention room, a full body search should be performed, following the established procedures.

It should not be forgotten that filing of a complaint to institute legal action based on a claim of torture and maltreatment does not terminate duties of boards at detention rooms and with regard to suspect's rights. Determination of whether the conditions inherent in the detention centre are in compliance with the standards or rights of the accused are exercised efficiently are among the duties of boards. This is an essential exigence of an active civil society.

- The relevant provisions of the Turkish Criminal Code should strictly be followed with respect to detention times.
- The suspect's or detainee's right to attorney and interview with a legal counsel or any exercise thereof by the suspect or detainee during investigations and prosecution should not be limited or hindered.
- A separate room suitable for such interview should be allocated for the purpose.
- Prohibited methods and procedures should be avoided during interrogation.

5. Paying Visits to Public Entities and Organisations and Rewarding of Those Which Present Exemplary Performances

Example: İstanbul Provincial and Kadıköy District Human Rights Boards have paid a visit to SHCEK Semiha Sakir Nursery for Toddlers and Pre-school Children, inspected the premises and their physical conditions and received information from the warden about the nursery's peculiar needs and problems.

Boards are responsible for checking by physically attending the site whether standards of human rights are fully observed and if any right infringements have occurred and give recommendations to officials in charge for the elimination of delays and deficiencies, by paying visits to nurseries, student dormitories, houses for the elderly and public organisations. (Reg. Art. 12.f)

The boards are also held responsible for making arrangements for the granting of "Human Rights Awards" to well -performing organisations and their successful officials to make examples for other entities, organisations and their respective staff, to foster the protection and enforcement of and respect for human rights and raise awareness on human rights among the public institutions and their servants. (Reg. Art. 12.g) Granting of such awards as mentioned will certainly have an encouraging role on the level of respect shown by other entities and organisations and their respective staff.

6. Reviewing and Deciding upon Human Rights Violations Claims

Right infringement claims that may most likely be brought to the agenda of boards include complaints with regard to the following rights and freedoms:

- | | |
|--|--|
| - Right Of Life | - Freedom Of Expression |
| - Prohibition Of Torture And Ill Treatment | - Freedom Of Press |
| - Prohibition Of Discrimination | - Right Of Fair Trial |
| - Prohibition Of Slavery And Forced Labour | - Freedom Of Association, Holding Meetings And Protest Marches |
| - Right To Liberty / Security | - Right Of Effective Remedy |
| - Rights Of The Accused | - Right Of Ownership |
| - Immunity Of Domicile | - Right To Environment |
| - Right Of Protection Of Private And Family Life | - Right To Health |

One of the primary duties of boards is to review and decide upon human rights infringement claims. Article 1 of the Regulations enumerate "the review and investigation of infringement claims" among the list of common duties of boards.

In addition, Article 13 thereof provides that:

- All claims of right infringements will be investigated,
- The findings of investigations and reviews will be assessed,
- The results then obtained will be communicated to the Public Prosecutors' Offices or related administrative bodies, depending on their nature, and
- Their consequences shall be monitored and followed up.

Due to its nature of being a body legally authorized to review and resolve right infringement claims directed against law enforcement forces, the boards assumes an important role in improvement of civilian oversight of the internal security sector.

Law enforcement forces have been devised with special powers due to their duty of protecting the safety, fundamental rights and freedoms of individuals, in addition to upholding public trust, serving public order and safeguarding and sustaining peace and prosperity among the society. On the other hand, it is one of the main characteristics of a democratic civil state to have its law enforcement functions respect and protect the fundamental rights and freedoms of the citizens, when safeguarding and serving public trust, freedom and prosperity. For this reason, law enforcement forces exercising their special powers have to give account of their actions and inactions to legally defined authorities and institutions, in exercise thereof. The power of civilian oversight of law enforcement offices is also vested upon the boards, in addition to administrative and judicial bodies. The boards, in addition to serving for the protection and improvement of fundamental rights and freedoms, may also contribute to public trust among citizens upon themselves concomitant with increased quality of services performed by law enforcers, due to this oversight.

a. Rules and Procedures for Reception of Applications

The overall responsibility for the reception of applications rests with the Human Rights Desks, which are expected to work according to the following rules and procedures:

- As mentioned earlier, it is possible to apply personally (whether verbal or in writing), via phone, through e-mail or in letters put in Human Rights Application Public Boxes.
- Electronic mail deliveries and public box deliveries should be checked as immediately as possible.
- Any and all information and documents available should be obtained in relation to the claims of the applicant.
- In cases of applications made personally in writing, an official receipt showing the actual date and time of receipt of application should be generated and handed to the applicant in person.

- All applications received by the desk should be put in appropriate folders with corresponding entries on the follow-up register. A number should be assigned for each application to make future reference easy for follow-up purposes, which should be sent to the president of the boards. From this point forward, the boards may instigate investigations with regard to the claim of infringement but should make a decision about the application in the subsequent period.

b. Rules and Procedures for Evaluation of Applications

Nothing in the Regulations mentions the sanction power and binding nature of decisions adopted by boards concerning right infringements. Therefore, board decisions lack sanction power and thus are only in an advisory nature. Although the board decisions lack sanction power, their enforceability by related public entities and organisations is ascertained with the respectable status and public trust bestowed upon them, by nature and structuring.

The boards should carry out its receiving and resolving tasks with regard to any given application, according to the following rules and procedures:

- Applications filed at desks should be submitted to the boards' agenda by means of officials attending thereto.
- Each and every application reaching at desks should be discussed by the boards to work out and define the set of action coming next.

The requirement for the board to adopt its decisions all within thirty days after receipt of initial application is a demonstration of the fast response mechanism it has managed to develop in itself. In addition, applications filed with the board are not subject to any charges or fees.

- In order for applications to be evaluated by the boards, the statute of limitations as specified in the applicable laws should strictly be observed. Therefore, there is the need for identifying a time limitation for each and every application and only those fulfilling the temporal requirements should be taken under evaluation.
- All decisions taken and procedures performed by the boards should be notified in writing no later than thirty days of their taking effect / actual performance, to the applicants with interim informational feedbacks made to the same, if the conditions so require.
- The boards has the right to summon the applicant or his or her representative for a hearing, if requested by the applicant or ex officio, acting as a court, if it deems so appropriate, convenient or necessary.
- If shortages or discrepancies are found in the information or arguments submitted which would hinder or impede the awarding of a decision about the application, an interim decision needs to be taken for complementation thereof.

- Issues communicated by the Ministry and the president of the boards should be given top priority and finalized as such, providing informational feedback to the Ministry or President, at the end of the process.
- As part of the response to be provided to the applicants, possible legal avenues and options of remedy or relief that the applicant may take and exploit should clearly be identified in detail.
- Boards' decisions are enforced and finalized immediately and without delay by related public entities and organisations.

Example: Erzurum Provincial Human Rights Board has conducted the necessary set of investigations, drawn up a report and sent it together with its annexes to the Provincial Police Department, for due legal action to be taken, in response to an application of maltreatment by police officers.

Suggestion: You may contribute to the improvement of civilian oversight of law enforcement functions by communicating your advisory decisions upon thoroughly examining applications filed against law enforcement agents and conducting the necessary set of investigation and then following up the consequences.

V. RULES APPLICABLE TO BOARDS MEETINGS AND SETTING UP OF COMMISSIONS AND DESKS

1. Venue, Rules and Procedures for Boards Meetings

Since the boards may convene with participation of more than one member, a set of requirements should be fulfilled in time of place of decision-making. These requirements are explicitly laid down in the regulations and compliance with them are mandatory. (Reg. Art. 14).

- **Time for Meetings:** The boards convenes monthly.
- **Venue/location:** There is not any arrangement provided under the regulations as to venue or location of meetings, which means that they can be convened anywhere including the offices of province or district governors, university premises, schools, at attorney bars and professional chambers.
- **Chairperson of the Meeting:** The meetings of the boards shall be led and presided by the governor or district governor.
- **Quorum for Meetings:** The boards convenes upon simple majority of its members present at the place and time of a meeting and adopts its decisions based on simple majority of affirmative votes cast in a duly organized poll. Regular attendance to all meetings of the boards is a must for so long as the boards are to remain able to carry out its work without delays and consequently pass decisions.
- **Counter Votes:** Any counter votes received in a poll against the consensus of votes cast by simple majority shall be duly entered on record with necessary justification and / or dissenting opinion(s) of the voter(s).
- **Objectivity:** Any member shall not attend any meeting where matters concerning him or herself or his or her family, predecessors, heirs and / or successors are to be discussed, as they may not decide objectively.
- **Non-Attendance to Meetings:** Any plausible non-attendance by a particular or group of members to a particular meeting shall be excused if and to the extent that such non-attendance is notified at a suitably prior time before the scheduled date and time of meeting. Members failing to attend any meeting without showing any reason or giving notification thereof at a suitably prior time shall receive a warning, while those failing to show up in at least three

consecutive meetings without a good excuse or reason shall be discharged from office and cease to be a boards member.

- **Agenda of Meetings:** The meeting agendas shall be determined by the president of the boards having due regard to various propositions and requests of the members.
- **Emoluments:** No member of the boards shall be entitled to any emoluments or be remunerated for participating in any particular or group of or all boards meetings.

2. Information and Application Desks

Example: İstanbul Provincial Human Rights Board gave a training on fundamental human rights to personnel of the information and application desks at districts.

Suggestion: Your provision of training sessions to be given to personnel assuming full time duties at information and application desks on fundamental human rights and general modus operandi of the board will add on to the overall productivity of these desks and thus the board.

An information and application desk shall be setup within the editorial department of district governorates in districts or governorates in province, to receive and provide guidance in response to individual applications and inquiries concerning right infringements (Reg. Art. 7). These desks should be placed at suitable locations easily accessible by anyone. For the purpose, the necessary set of actions should be taken in the field to let the people know about these mechanisms and the application desks sufficiently introduced and promoted to the general public. The desks should be manned by officials having background in law or expertise in public relations, to receive applications and provide guidance and consulting services.

3. Setting up and Working Procedures of Commissions

The setting up of certain commissions is anticipated in the regulations in order to ensure more effective functioning of boards (Reg. Art. 8).

Boards should setup commissions of not less than 3 individuals to attend each of the following areas:

- a. Public relations and communication activities
- b. Conduct of training sessions on human rights and raising community awareness on human rights issues.
- c. Investigate, examine and review the incidents of human rights infringements

The boards are devised with necessary powers to setup and implement commissions on a variety of matters not expressly noted in the regulations, in cases of requirement. In areas requiring specialty or majoring expertise or

special research or investigations, commissions would be set up to help boards fulfil their functions more effectively and accurately. In order for boards to draw clear judgements and reach at more accurate solutions, reports drawn by commissions as a result of detailed investigations, research and reviews will provide a basis and serve as a guide.

Example: İstanbul Provincial Human Rights Boards has decided to setup and implement a commission that will consist of experts capable of preparing reports or submitting opinions after identifying through discussions what causes entail to infringements of women's human rights and elaborating solution proposals for the prevention and elimination of these incidents, and that will act under the supervision of provincial Human Rights Boards.

Suggestion: You may consider setting up commissions relevant to this matter, whenever a problem raised to cognition of the boards requires a special and comprehensive work.

Example: İstanbul Provincial Human Rights Board has observed, during the visits paid by its members to Kumkapı guest house, that irregular immigrants, asylum-seekers, incognitos, refugees and victims of human trafficking were totally deprived from any access to legal assistance, living under extremely harsh conditions and incapable of meeting even their most vital humanitarian needs and subsequently decided that the matter has to be handled in a wider sense and more comprehensive detail by a commission to be formed ad hoc for the purpose. Accordingly it has made a number of talks with related entities at the end of which it has reached at the conclusion that a permanent commission should be setup and implemented to handle the problem, which will cooperate with related entities in all matters of requirement. As a result, the Standing Commission on Struggle with Human Trafficking, Immigration and Refugees was formed.

The regulations do not contain any provisions relating to the exact number of times at which meetings are to be conducted in a month's time. However, they provide that meetings be convened at such frequencies as to be determined according to the actual working conditions. The commission may have recourse to the knowledge and opinions of other members of the boards in cases where it may deem necessary or desirable. The commission will present the activities it has performed, research and studies it has conducted and investigations it has made, together with evaluation reports compiling the findings thereof, to the president of the boards for due inclusion in official agenda of the boards (Art. 16).

VI. APPENDIXES

1. Regulations on the Establishment, Duty and Reference Frames and Working Procedures of Human Rights Boards in Provinces and Districts

OFFICIAL JOURNAL OF THE TURKISH REPUBLIC Issue of Sunday, November 23rd 2003 No. 25298, as approved by the Office of Prime Minister:

PART ONE

Preamble, Scope, Legal Grounds and Definitions

Preamble

Article 1- The preamble with these regulations is to set out and govern the rules applicable to establishment, duty and reference frames and working procedures and principles of Provincial and District Human Rights Boards to be established and implemented at provinces and districts to raise and improve awareness on human rights among the society and public servants, protect and safeguard the human rights, review and investigate claims of infringement and review and investigate the underlying causes and make out proposals for the solution of infringements.

Scope

Article 2- These regulations cover all matters relating to establishment, duty and reference frames and working procedures and principles of Human Rights Boards to serve in cities and administrative districts.

Legal Grounds

Article 3- The present regulations were prepared with particular reference to additional clause 6 of the 3056 Numbered Law on the Adoption After Amendment of the Decree-law on the Organisation of the Prime Ministry.

Definitions

Article 4- For purposes intended herein, the following terms shall have the meanings assigned to them in the nearby:

a) "Ministry" shall mean the State Ministry or the position deputy Prime Minister

in charge of human rights to be designated and appointed by the Prime Minister of the Turkish Republic.

b)“Minister” shall mean the Minister of State or deputy Prime Minister as designated and appointed by the Prime Minister of the Turkish Republic to be in charge of human rights.

c)“Department”, shall mean the Human Rights Presidency of the Prime Ministry.

d)“Provincial Boards” shall mean any Provincial Boards on Human Rights,

e)“Provincial Desk” shall mean a Human Rights Information and Application Desk,

f)“District boards” shall mean any Boards on Human rights established to serve a particular district,

g)“District Desk” shall mean a Human Rights Information and Application Desk setup and implemented at district level, and

h)“NGO” or non-governmental organisation shall term any organisation constituted as a legal entity, such as an association or foundation, the primary work or duties of which relates to or involves human rights, based on voluntary contributions, as evident in its by-laws, statutes and work programs.

PART TWO

Establishment of Provincial and District Boards on Human Rights

Provincial Boards

Article 5- Provincial boards will be established to attend and fulfill the duties specified in these regulations under leadership of the governors or their designated deputies, with participation of:

- a. The metropolitan mayors or their deputies in cities that are declared with the status of metropolitan cities due to their large populations and the mayors or deputy mayors of other cities,
- b. A representative to be selected by the province councils from among their members,
- c. The provincial leaders of political parties which hold seats thus find representation in the Turkish Grand National Assembly, or a representative to be appointed by them,
- d. Presidents of universities or a scholar they will appoint for this purpose,
- e. A law attorney or other public official with BA degree in law, attending regular duties at public agencies and organisations who will be designated by the governors,

- f. A representative of bar of attorneys,
- g. A representative of the Medical Chamber,
- h. A representative to be designated by the governor of the Chamber of Commerce or Industry,
- i. A representative of other professional chambers or unions to be designated by the governor,
- j. A representative to be designated by the governor from among applicants from local TV networks, newspapers, radios etc.
- k. The president of the association of reeves and headmen for the province or, where there is no such association in practice, a representative to be designated by the governor from among applications filed by reeves.
- l. A representative to be named and nominated from among applicants from parent - teacher associations,
- m. At least three names to be designated and appointed by governors from among applicants representing non-governmental organisations to hold office at boards.

If and when required by the president, the boards may invite through an official call made in writing, those representatives of public or private organisations and people, who may be of relevance to the matters being or to be discussed.

District Boards

Article 6- District boards will be established to attend and fulfill the duties specified in these regulations under leadership of the district governors or their designated deputies, to consist of:

- a. District mayors or their deputies,
- b. A representative to be selected by the province councils from among their members,
- c. The district managers of political parties which hold seats thus find representation as groups in the Turkish Grand National Assembly, or a representative to be appointed by them,
- d. A scholar or lecturer to be appointed by universities for this purpose,
- e. A law attorney or other public official with BA degree in law, attending regular duties at public agencies and organisations who will be designated by the governors,
- f. A representative to be designated by governor from among applicant law attorneys assuming various roles in the district,

- g. A representative to be designated by the district governor from among applicant health physicians attending duties at the district,
- h. A representative to be designated by the district governor from designated local professional chambers or trade unions,
- i. A representative to be designated by the governor from among applicants from local TV networks, newspapers, radios etc.
- j. The president of the association of reeves and headmen for the province or, where there is no such association in practice, a representative to be designated by the district governor from among applications filed by reeves.
- k. A representative to be named and nominated from among applicants from parent - teacher associations,
- l. At least two names to be designated and appointed by district governors from among applicants representing non-governmental organisations to hold office at boards.

If and when required by the president, the boards may invite through an official call made in writing, those representatives of public or private organisations and people, who may be of relevance to the matters being or to be discussed.

Information and Application Desks

Article 7- An information and application desk shall be setup within the editorial department of district governorates in districts or province governorates in cities, to receive and provide guidance in response to individual applications and inquiries concerning right infringements. The desks will be manned by officials to be elected and appointed by province or district governors to hold permanent positions thereat from among candidates having background in law or expertise in public relations, to receive applications and provide guidance and consulting services.

Commissions

Article 8 - Commissions will be set up and implemented within the bodies of Provincial and District Human Rights Boards to consist of not less than three members, to:

- a. Attend public relations and communication activities,
- b. Give trainings on human rights and raise community awareness on human rights issues, and
- c. Investigate, examine and review the incidents of human rights infringements.

Additional commissions may be setup as many as needed, in case of requirement.

PART THREE

Duties of Provincial and District Boards on Human Rights

General

Article 9 - The Provincial and District Boards will be responsible for:

- a) Reviewing matters brought to the boards' agenda by the Ministry, the Department, Governorates, Provincial Desks, Members of Provincial Boards and District Boards in cities or by the Ministry, Department, District Governorates, District Desks and members of the District boards,
- b) Investigating and reviewing claims of human rights infringements,
- c) Examining, conducting research and proposing solutions to the Province Governor's or District Governor's position, as appropriate, for the elimination of obstacles against protection of human rights and exercise of fundamental human rights and freedoms and the social, political, legal and administrative causes that underly or entail to right infringements,
- d) Carrying out all work necessary for the prevention of discrimination in all forms,
- e) Carrying out all work necessary for ensuring insightful and kind approach to citizens in all practices of the administration, and
- f) Generating summarized statements of all the activities performed in a month and submitting them to provincial boards at districts or the department at cities.

Public Relations and Communications

Article 10- The provincial and district boards will be responsible for:

- a) Setting up provincial and district desks,
- b) Placing "Human Rights Application Public Boxes" at major locations of the province or district as well as in all public entities and organisations to provide easy access by the general public to means for filing their applications and referrals with the human rights boards including their notifications, wishes, requests and complaints in the area of human rights and arranging for the opening of these boxes by and through personnel to be appointed and seconded by the province and district governorates for the purpose and delivery of their contents at the recipient desks as intended, against a certificate of delivery or receipt,
- c) Taking such measures as necessary to provide opportunities for notifications via phone and electronic mail and for the purpose, making public through press and visual broadcast media organisations the relevant phone numbers and e-mail addresses by which citizens can gain access to information and application desks,

- d) Informing the public on work and functions of the boards and for the purpose, establishing and maintaining cooperation with mass media and visual press and exploiting the internet means,
- e) Developing cooperation with non governmental organisations for duties and activities of the boards,
- f) Encouraging and supporting activities and work to be performed by NGOs on human rights.

Information, Awareness-raising and Training

Article 11- The provincial and district boards will be responsible for:

- a) Carrying out all kinds of studies and work in the areas of human rights included in the European Convention on Human Rights and the Constitution of the Turkish Republic and holding events with a view to raise awareness among boards members, enforcers of rights and citizens,
- b) Disseminating copies of texts of UN Universal Declaration of Human Rights and all other international conventions and treaties to which Turkey is a party and signatory, among boards members, public entities and organisations and citizens,
- c) Generating or obtaining books, brochures and legislative texts governing, covering or related with human rights for further dissemination among boards members, related public entities and organisations and interested citizens,
- d) Preparing signboards, flip-charts, posters, brochures and flyers on human rights and hang, distribute or otherwise expose them at locations where they can easily be noticed by the general public,
- e) Organizing such events as panels, conferences, seminars, concerts, theatrical performances, slide and movie shows on human rights,
- f) Ensuring the transfer of clarifying information to the general public on the subject of human rights, on local radio and TV shows performed with participation of experts,
- g) Encouraging elementary and secondary schools to form a student branch on human rights and organize various activities and events for accommodating respect for and awareness on human rights.
- h) Supporting activities of faculties and high schools in the area of human rights,
- i) Pursuing activities dedicated to information and awareness-raising for the spreading of environmental awareness, and
- j) Obtaining various materials such as books, magazines, brochures and etc on human rights and arranging for the presentation of such materials at public libraries for use of the general public, as reference materials.

Research and Follow-up

Article 12- The provincial and district boards will be responsible for:

- a) Assuring the conduct of research and generation of reports in cooperation with universities, public entities and institutions, NGOs and other interested bodies and entities on matters relating to human rights,
- b) Encourage research on and development of solutions for women's, children's rights as well as rights of people with handicaps and disabilities.
- c) Encouraging research on and development of solutions for environmental and traffic problems which cause or entail to infringements of human rights.
- d) Ensuring the conduct of studies on elementary school children who cannot get access to education for various reasons.
- e) Fostering efforts aimed at or concentrated around prevention of child labor and child beggars and solution of problems of homeless children living on streets.
- f) Paying visits to related entities and organisations with a view to personally monitor and testify practical implementation of human rights on site.
- g) Arranging for the identification and rewarding of exemplary institutions, organisations and public servants, in an effort to encourage good practices in the area of human rights.
- h) Reviewing the check-in forms at police stations and detention centres to see if any delays or imperfections exist and if so, make recommendations to related personnel on potential ways for their elimination.
- i) Make recommendations for the improvement of detention centre conditions and ascertaining their compliance with the applicable legislative arrangements.
- j) Conducting research and studies to ensure enforcement of rights of the accused in an effective manner.

Reviews and Resolution of Right Infringement claims

Article 13- The provincial and district boards shall be responsible for investigating all claims of right infringements, assessing the findings of such investigations and reviews, communication of these to the Public Prosecutors' Offices or related administrative bodies, depending on their nature, and monitoring and follow-ups of their consequences.

PART FOUR

Working Rules and Procedures of Provincial and District Boards on Human Rights

Rules Applicable to Boards Meetings

Article 14. The boards shall conduct work according to the following rules and procedures:

- a) The boards will convene monthly. However multiple gatherings may take place in any given month, if so requested and on call of boards' presidents, in case of urgency or requirement.
- b) The meetings of boards shall be led and presided by the governor or district governor.
- c) The boards will convene with simple majority of its members present at the place and time of a meeting and adopt their decisions based on simple majority of affirmative votes cast in a duly organized poll.
- d) Any counter votes received in a poll against the consensus of votes cast by simple majority shall be duly entered on record with necessary justification and / or dissenting opinion(s) of the voter(s).
- e) Neither the president nor any members of the boards may attend any meeting where matters concerning him or herself or his or her family, predecessors, heirs and / or successors in bloodline are to be discussed.
- f) Any plausible non-attendance by a particular or group of members to a particular meeting shall be excused if and to the extent that such non-attendance is notified at a suitably prior time before the scheduled date and time of meeting with acceptable reasoning. Members failing to attend any meeting without showing any reason or giving notification thereof at a suitably prior time shall receive a warning, while those failing to show up in at least three consecutive meetings without a good excuse or reason shall be discharged from office and cease to be a boards member.
- g) The meeting agendas shall be determined by the president of the boards having due regard to various propositions and requests of the members.
- h) No member of the boards shall be entitled to any emoluments or be remunerated for participating in any particular or group of or all boards meetings.

Secretarial Post

Article 15- The secretarial post and position of boards shall be carried out by the editorial departments at cities and districts. Compulsory expenses will be covered by the governorates or district governorates, as appropriate.

Working Rules and Procedures of Commissions

Article 16 - Commissions may hold meetings at such times and frequencies as they shall determine according to their actual working conditions. Commissions may have recourse to knowledge and opinions of other boards' members when performing their works. The commissions will submit all the work they would be performing and research, investigations and reviews to be conducted by them to the boards presidents for due inclusion in the boards agendas.

Reception of Applications

Article 17- The desks will observe the following rules and procedures when receiving applications:

- a) Applications will be made personally (whether verbal or in writing), via phone, through e-mail or in letters put in Human Rights Application Public Boxes.
- b) Electronic mail deliveries and public box deliveries shall be checked as immediately as possible.
- c) Any and all information and documents available shall be obtained in relation to the claims of the applicant.
- d) In cases of applications made personally in writing, an official receipt showing the actual date and time of receipt of application will be generated and handed to the applicant in person.
- e) All applications received by the desk will be put in appropriate folders with corresponding entries on the follow-up register. A unique number will be assigned to each application to make future reference easy for follow-up purposes, which should be sent to the president of the boards on creation.

Evaluation and Conclusion of Applications

Article 18- The following rules and procedures shall apply to evaluation and finalization of applications:

- a) Applications filed at desks will be submitted to the boards' agenda by means of officials attending thereto.
- b) Each and every application reaching at desks will be discussed by the boards to work out and define the set of action coming next.
- c) In order for applications to be evaluated by the boards, the statute of limitations as specified in the applicable laws will strictly be observed.
- d) All decisions taken and procedures performed by the boards will be notified in writing no later than thirty days of their taking effect / actual performance, to the applicants with interim informational feedbacks made to the same, if the conditions require so.
- e) The boards has the right to summon the applicant or his or her agent or representative for a hearing, if so requested by the applicant or ex officio, acting as a court, if it deems so appropriate, convenient or necessary.

- f) If shortages or discrepancies are found in the information or arguments submitted which would hinder or impede the awarding of a decision about the application, an interim decision will be taken for complementation thereof.
- g) Issues communicated by the Ministry and the president of the boards will be given top priority and finalized as such, providing informational feedback to the Ministry or president, at the end of the process.
- h) As part of the response to be provided to the applicants, possible legal avenues and options of remedy or relief that the applicant may take and exploit will clearly be identified in detail.
- i) Boards' decisions will be enforced and finalized immediately and without delay by related public entities and organisations.

Reporting

Article 19- The boards will send each and every report they draw within the first ten days of the subsequent month to the Human Rights Presidency, through the office of governors. Furthermore, the report that incorporates information on work performed by virtue of December 10 Human Rights Day shall be furnished with the department within one month advancing thereon.

PART FIVE

Miscellaneous Provisions

Repealed Provisions

Article 20- The Regulations Governing the Duties, Establishment and Working Principles of Human Rights Boards” as published on the OJ of 11-02-2000 No. 24218 have been repealed.

Enactment

Article 21- These regulations shall enter into full force and effect as of the date and time of their publication in the Official Journal.

Enforcement

Article 22- The provisions of these regulations will be enforced by the Minister in charge of human rights.

2. The Paris Principles

PRINCIPLES CONCERNING THE STATUS OF NATIONAL INSTITUTIONS ESTABLISHED FOR THE IMPROVEMENT AND PROTECTION OF HUMAN RIGHTS

(Adopted by the UNCHR Decision No. 1992/54 of March 3rd 1992 and Resolution of UN General Assembly No. 48/134 of December 20th 1993)

PRINCIPLES CONCERNING THE STATUS OF NATIONAL INSTITUTIONS

Competence and Responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:

(a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(I) Any legislative or administrative provisions, as well as provisions relating to judicial organisations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(II) Any situation of violation of human rights which it decides to take up;

(III) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

(IV) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and boards, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organisation in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

4. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organisations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organisations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

5. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

6. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

(a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;

(b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

(c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

(d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);

(g) In view of the fundamental role played by the non-governmental organisations in expanding the work of the national institutions, develop relations with the non-governmental organisations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-judicial competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organisations, associations of trade unions or any other representative organisations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

3. Website links for International Conventions and Treaties on Fundamental Rights and Freedoms

- Universal Declaration of Human Rights

<http://www.ihb.gov.tr/IcerikGoster.aspx?ID=621d87e2-9219-4014-8ad9-f3f3e1d95801>

- International Covenant on Civil and Political Rights

<http://www.ihb.gov.tr/IcerikGoster.aspx?ID=08ce472f-747a-4c33-a9aa-12a8a80c2faa>

- International Covenant on Economic, Social and Cultural Rights

<http://www.tbmm.gov.tr/komisyon/insanhaklari/pdf01/83-93.pdf>

- International Convention on the Elimination of All Forms of Racial Discrimination

<http://www.tbmm.gov.tr/kanunlar/k4750.html>

- Convention on the Rights of the Child

<http://mevzuat.meb.gov.tr/html/193.html>

- Convention on the Elimination of All Forms of Discrimination Against Women

www.ksgm.gov.tr/Pdf/cedaw.doc

- International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

<http://www.ihb.gov.tr/IcerikGoster.aspx?ID=666dbb79-55e2-434a-97da-afd64a6f3a96>

- International Convention on the Protection of the Rights of All Migrant Workers and members of Their Families

<http://www.tbmm.gov.tr/kanunlar/k4662.html>

- International Convention on the Rights of Persons with Disabilities

<http://www2.tbmm.gov.tr/d23/1/1-0567.pdf>

- European Convention for the Protection of Human Rights and Fundamental Freedoms

<http://www.ihb.gov.tr/IcerikGoster.aspx?ID=d0ca412a-a2f1-467e-b2a7-200d10ae659f>