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LAW

LAW ON THE HUMAN RIGHTS INSTITUTION OF TURKEY

Law No: 6332

Date: 21/6/2012

Aim and scope

ARTICLE 1- (1) The aim of this Law is to lay down the principles pertaining to the organization, duties and powers of the Human Rights Institution of Turkey as well as its establishment for the purpose of carrying out activities to protect and improve human rights.

Definitions

ARTICLE 2- (1) The following definitions shall be applicable during the implementation of this Law:

- a) Institution: the Human Rights Institution of Turkey,
- b) Board: the Human Rights Board of Turkey,
- c) President: the President of the Institution and the Board,

Establishment and status

ARTICLE 3- (1) The Human Rights Institution of Turkey, having a public legal personality, administrative and financial autonomy as well as a special budget, is established with the aim of undertaking the duties assigned and authorities vested under this Law and other relevant legislation.

(2) The Institution is linked to the Prime Ministry.

(3) The headquarters of the Institution is in Ankara. The Institution may open offices at home and maximum two offices abroad.

(4) The Institution shall independently undertake and exercise the duties and powers vested under this Law and other legislation under its sole responsibility. No other organs, authorities, offices or persons can instruct or give orders to the Board with respect to matters falling under its purview, nor can they make any recommendations and suggestions.

(5) The Institution shall inform the public of its activities.

Duties and powers

ARTICLE 4- (1) The Institution is designated and authorized to carry out activities for protection and development of human rights as well as for prevention of violations; to fight against torture and ill-treatment; to review the complaints and applications and to follow up the results thereof; to take initiatives with a view to solving issues; and to conduct researches and studies for monitoring and evaluation of the developments in the field of human rights.

(2) The Institution can denounce or place complaints when necessary for taking action in line with the general provisions, if it finds out that a crime has been committed during the performance of its duty to carry out inspections, research, visits or review of the applications.

Human Rights Board of Turkey

ARTICLE 5- (1) The Human Rights Board is the decision making body of the Institution. The Board is composed of eleven members, including one President and one Vice-President.

(2) The President and the members of the Board should:

- a) be a citizen of the Republic of Turkey;
- b) not be deprived of public rights;
- c) not be have been sentenced with imprisonment for a year or longer for deliberate crimes or for crimes against the state security even if these are pardoned, for crimes against the Constitutional order or the functioning of this order; for crimes of embezzlement, extortion, bribery, fraud, counterfeiting, misappropriation, fraudulent bankruptcy, scamming, laundering proceeds of crime or smuggling, even if the time periods stipulated in article 53 of the Turkish Penal Code no. 5237 dated 26/9/2004;
- ç) not have any military obligations;
- d) not have any mental illnesses likely to prevent the continuous performance of his/her duty, reserving the provisions of the Article 53 of the Law on Public Servants with No: 657 dated 14/7/1965;
- e) not have assumed any position in the management and inspection organs of any political party as of the date of application for membership;
- f) have at least a bachelor's degree.

(3) Of those who satisfy the requirements in the second paragraph, those who wish to become a member of the Board will make a written application to the Board. The non-governmental organizations, trade unions, social and professional organizations, academics, lawyers, physicians, members of the visual or printed media and experts of the field can make written recommendations about the eligible candidates for Board membership. The Institution shall submit the names of the eligible candidates respectively to the Office of The President, the Prime Ministry for submission of the names to the Council of Ministers, the Higher Board of Education or the Bar Associations

Union of Turkey for the member to be elected by the presidents of the bar associations.

(4) a) Two members shall be elected by the President of the Republic from among those who have come to the fore in the field of human rights.

b) Seven members shall be elected by the Council of Ministers from among those who have come to the fore in the field of human rights.

c) One member shall be elected by the Board of Higher Education from among the academics at the faculties of law and political sciences who have come to the fore in the field of human rights.

ç) One member shall be elected by the presidents of the bar associations from among the lawyers with a minimum of 10 years legal practice who have come to the fore in the field of human rights. The election shall be made by the presidents of the bar associations at the time and place designated by the Bar Associations Union of Turkey within ten days following the notification of the candidates by the Institution. Each bar association president can cast a single vote and the candidate having the highest number of votes shall be elected.

(5) The President and Vice President shall be elected by the members of the Board.

(6) During the election process, a pluralist representation of the non-governmental organizations, trade unions, social and professional organizations, academics, lawyers, physicians, members of the visual or printed media and experts of the field shall be taken into consideration.

(7) The term of office for the President and members shall be four years. They can be elected for maximum one more term upon expiry of their term of office.

(8) The institution shall publicly announce through proper means of communication on the latest two months before the end of the terms of office of the President and members. Within the month following the announcement, the applications of those who satisfy the conditions set forth in paragraph 2 are submitted to the Office of the President, the Prime Ministry for submission of the names to the Council of Ministers, the Higher Board of Education or the Bar Associations Union of Turkey for the member to be elected by the presidents of the bar associations. Those who are elected as members by the Office of the President, the Council of Ministers, the Higher Board of Education and the presidents of the bar associations shall take office following the end of the memberships of their predecessors.

(9) In case the President and members leave the office before the end of their term for whatsoever reason, this is publicly announced within a week latest and the applications of those who satisfy the conditions set forth in paragraph 2 are sent to the Office of the President, the Prime Ministry for submission of the names to the Council of Ministers, the Higher Board of Education or the Bar Associations Union of Turkey for the member to be elected by the presidents of the bar associations. by the Institution within fifteen days, following the announcement. Those who are appointed as such will complete the remaining terms of their predecessors and if such an assignment lasts for two years or less, it will not be considered as an election term.

(10) Those selected as President or Vice President of the Board during their public service shall relinquish connections with their former institutions and designations. Upon expiry of their term of office or upon their application to their previous institutions within thirty days following their resignation, they -including judges and prosecutors- shall be appointed by the competent authorities to an

appropriate post compatible with their acquired rights and entitlements within latest one month from the date of application, provided that they still meet the requirements to enter into public service. From the date of expiry of their term until their appointment, the Institution shall continue to pay their salaries, social benefits and premiums. The term served in the Institution shall be considered as part of their tenure in their former institution or organization in terms of their privileges and other rights.

Guarantee of membership

ARTICLE 6- (1) The term of office of the President, Vice President or members of the Board shall not be terminated before it expires. However the term of office of the President and members may be terminated by the Council of Ministers, if it is proven by the Board that they fail or cease to meet the necessary requirements. The membership of the President and members who do not sign the Board decisions within given periods or do not submit in writing the reasoning for counter vote shall be terminated within the framework of the same procedure.

(2) Other than the case of flagrant offence falling under the jurisdiction of the Heavy Penal Courts; the President, Vice President and members alleged to have committed crime regarding their exclusive duties on the protection and development of human rights cannot be apprehended; cannot be subjected to body search or house search and cannot be interrogated. However the Prime Ministry should be promptly notified of such allegations. The law enforcement executives and officers who act against the provisions of this paragraph shall be directly investigated and prosecuted by the authorized Office of the Public Prosecutor in line with the general provisions.

(3) The membership of those who were absent in a total of three Board meetings in a calendar year without any satisfactory excuse acceptable by the Board; who cannot perform due to severe illness or disability verified by a medical board report; have been sentenced to imprisonment for crimes regarding their duties; who have been in a state

of temporary incapacitation for more than three months or who have been sentenced to punishments restricting freedom and started to serve the sentence, shall be ceased.

Duties and powers of the Board

ARTICLE 7- (1) The Board shall perform the following duties and exercise the powers listed below, in addition to those stipulated in this Law as well as in other legislation:

- a) To identify the purview and priorities of the Institution within the scope of duties designated by law;
- b) To take decisions on making regulations about the Institution and its purview;
- c) To monitor the implementation of international human rights conventions that Turkey is a party to. To report its opinion by also benefiting from the relevant civil society organizations, during the preparatory process of the reports that Turkey is obliged to submit to the review, monitoring and inspection mechanisms established through these conventions; to participate in international meetings where these reports will be presented by way of sending a representative;
- ç) To decide on the establishment of bilateral and multilateral relations between the Institution and similar institutions in other countries operating at national or international level. To cooperate with the United Nations and the regional human rights organizations, and to decide on joint activities;
- d) To decide on the membership of the Institution to the international organizations working in the same field or on representing Turkey at these institutions;
- e) To prepare, publish and disseminate to the relevant persons and institutions the annual reports assessing the problems and developments in the field of human rights as well as the relevant performances of the public institutions and organizations. In addition to the regular annual reports, to publish ad hoc reports on human rights, when necessary;

- f) To pay visits to places where persons deprived of their liberty or persons under protection are being kept, when necessary, with delegations composed of three members;
- g) To carry out campaigns and programs aiming at encouraging the development of human rights and elimination of violations together with public institutions and organizations as well as nongovernmental institutions;
- ğ) To finalize studies, researches, reports and similar documents on human rights carried out by the Institution;
- h) To discuss and decide on the budget proposal prepared in line with the strategic plan as well as the goals and objectives of the Institution.
- ı) To approve the reports indicating the performance and financial status of the Institution;
- ı) To discuss and decide on the suggestions for purchase, sale and rental of real estate.

Operational principles of the Board

ARTICLE 8- (1) The Board shall convene when necessary, provided that it is not less than once a month. The meetings shall be chaired by the President. The President shall summon the Board for an extraordinary meeting to be convened within five days upon the request of minimum five members other than the President.

(2) The meeting agenda shall be prepared and notified to the members minimum three days before the meeting by the President or the Vice President upon his absence. In order for adding a new item in the agenda, one of the members should make a proposal and the proposed item should be accepted by the Board.

(3) The Board shall convene with the presence of at least seven members and shall take decisions with the assenting votes of at least six members. No abstaining votes shall be cast during the decisions.

(4) The decisions of the Board shall be recorded in writing and the decision report shall be signed by all attending members during the meeting or within maximum five days following the meeting. The decisions of the Board shall be finalized within maximum fifteen days following the date of the meeting together with its grounds and the grounds for the counter votes, if there are. When necessary, this period can be extended by the Board.

(5) The President and the members shall not participate in negotiations and voting sessions on matters related to themselves, their spouses, their adopted children, their blood relatives up to and including third degree and marital relatives up to and including second degree, or on issues where they have personal interests. This should also be emphasized in the decision.

(6) The Board meetings shall be confidential unless otherwise is agreed.

(7) The relevant persons may be invited to the Board meeting to benefit from their views in case of need. However, Board decisions shall not be taken in the presence of external participants.

(8) The decisions of the Board shall be sent to the relevant persons, institutions and organizations within maximum five working days of their finalization.

(9) When necessary, the Board may make its decisions public through proper means and pursuant to the principle on the confidentiality of personal data.

(10) The Vice President shall stand in as proxy for the President in cases of leave of absence, sick leave and other instances of absence as well as the cessation of term for whatsoever reason.

(11) The principles of professional conduct and ethics to be observed by the Board members and the personnel of the Institution as well as the other issues regarding the operational procedures and principles of the Institution shall be arranged by regulations.

Organisation

ARTICLE 9- (1) The organization of the Institution shall consist of the Board and the Presidency. The Presidency shall be comprised of the Deputy President, service units and working groups. The Presidency shall have the duty of implementing the Board decisions and assisting the President and the Board on other matters.

(2) The essential and continual services required as part of the Institution's duties shall be executed by the President, Vice President, Deputy President as well as human rights experts and assistant experts.

President

ARTICLE 10- (1) The President, who is the highest administrator of the Institution, shall regulate and conduct the services of the Institution in accordance with the legislation, the goals and policies of the Institution, its strategic plan, performance programme and service quality standards, and shall ensure coordination between the service units. The President shall be responsible for the general management and representation of the Institution. This responsibility shall comprise the duty and power to regulate, execute, supervise, evaluate and, when necessary, make public the activities of the Institution.

(2) The duties and powers of the President are listed below:

- a) To determine the agenda, date and time of the Board meetings and to chair these meetings;
- b) To notify the decisions of the Board, to publicly announce the decisions as agreed by the Board and to monitor implementation;
- c) To appoint the personnel of the Institution;

- ç) To finalize the suggestions of the service units and to submit these to the Board;
- d) To identify the strategic plan, performance programme, goals and objectives and service quality standards of the Institution and to develop its policies on human resources and operation;
- e) To prepare the annual budget and financial tables of the Institution in line with the strategies and annual goals and objectives;
- f) To prepare guidelines on the elimination of practices against human rights for the public institutions and organizations and to monitor whether these are implemented;
- g) To coordinate between the Board, the Institution and its service units for coherent, efficient, disciplined and organized operation and to settle potential problems of duty and mandate between these;
- ğ) To prepare annual activity reports, to assess the activities against the annual goals and objectives and the performance criteria, and to submit these to the Board;
- h) To conduct relations with other institutions and to represent the Institution;
- ı) To decide on the duties and mandate of the personnel authorized to append signature on behalf of the President of the Institution;
- ı) To perform other duties regarding the management and functioning of the Institution.

(3) The President may appoint a Deputy President to assist her/him in her/his duties regarding the Institution. Those to be appointed as Deputy President should:

- a) be graduates of faculties providing minimum four years of bachelor's level education in the fields of law, political sciences, economics, business administration and international relations or of the faculties listed in the regulations or the higher education institutions accepted by the Higher Board of Education as equivalent to these;
- b) have at least a ten year professional experience in civil service;
- c) satisfy the requirements in sub-paragraphs (1), (4), (5), (6) and (7) of paragraph (A) under Article 48 of the Law No: 657.

The term of office for the Deputy President is four years. Those whose terms have expired can be reappointed. The term of office of the Deputy President shall cease in case of the expiry of the term of the President. In case of expiry of their term, those appointed as Deputy President, including judges and prosecutors, shall be appointed by the competent authorities to an appropriate post compatible with their acquired rights within one month at the latest, provided that they apply to their former organization or institution; they shall continue to benefit from their financial, social and personnel rights in the Institution and to receive their salary from the date on which they filed the application until their appointment. The term served in the Institution shall be considered as part of their tenure in their former institution or organization in terms of their privileges and other rights.

(4) The President may delegate some of her/his duties and powers that are not related to the Board, provided that the limitations of such power assignment are explicitly specified in writing. The delegation of powers should be notified to those who are concerned through proper means.

Service Units

ARTICLE 11- (1) The service units of the Institution and their duties and powers are listed below:

a) Investigation Unit for Violation Allegations:

1) To investigate, inquire and assess all kinds of allegations on human rights violations upon the receipt of an application or ex-officio; to notify the relevant persons, institutions and organizations of the results and to follow up those results; to take initiative to launch legal proceedings against those responsible.

b) Unit for Combating Torture and Ill-treatment:

1) To carry out activities aimed at preventing torture and other cruel, inhumane or degrading treatments or penalties;

2) To pay informed or uninformed regular visits to places where people deprived of their liberty or persons under protection are being kept; to disseminate the reports related to such visits to the relevant institutions and organizations and make these public, where deemed necessary by the Board; to examine and evaluate the reports on the aforementioned visits by the monitoring boards for penal enforcement institutions and detention houses, the provincial and sub-provincial human rights boards as well as other persons, institutions and organizations. The public institutions and organizations and their personnel should be providing necessary support and facilitation for such visits.

c) Legal Unit:

1) To give opinion or make recommendations to relevant persons, institutions and organizations or to the public on human rights-related draft legislation, legislation, practices and other legal matters upon request or ex-officio;

2) To perform the duties given to the legal units in line with the provisions of the Decree in Force of Law on the Performance of the Legal Services in the Special Budget Administrations and the Public Administrations within the scope of the General Budget, with number 659 dated 26/09/2011;

3) To cooperate with the local and foreign institutions and organizations on the matters within its purview;

4) To follow up that the judicial rulings finding human rights violations are duly implemented by the administration.

ç) Training Unit;

1) To promote awareness on human rights; to cooperate with, give opinion and make recommendations to the relevant persons, institutions and organizations to this aim;

2) To make contributions to the preparation of the human rights related chapters used in the curriculum of the Ministry of National Education, establishment of the human

rights departments in coordination with the Board of Higher Education and identification of their curriculum;

3) To make efforts for the delivery of the pre-service and in-service human rights trainings to the public institutions and organizations;

4) To organize training programs on human rights for the public institutions and organization as well as private institutions.

d) Foreign Relations and Project Unit;

1) To organize and conduct foreign relations activities of the Institution;

2) To develop and carry out projects on human rights.

e) Media and Public Relations Unit;

1) To organize media relations and to monitor the media;

2) To organize and implement the public relations policy;

3) To disseminate the results of the activities with the aim of performing all duties of the Institution conferred by this law and other legislation to the relevant institutions and organizations and to make these public if deemed necessary by the President.

f) Information and Documentation Unit:

1) To set up a database and documentation centre on human rights;

2) To perform IT related activities.

g) Strategy Development Unit:

1) To perform the duties given to the strategy development and financial services units by the Law on Management and Control of Public Finance No. 5018 dated 10/12/2003, the Article 15 of Law no. 5436 dated 22/12/2005 and other legislation.

ğ) Human Resources and Support Unit:

- 1) To develop the personnel policy of the Institution, to carry out personnel training and to perform the requirements related to the employment rights;
- 2) To perform the administrative, financial and social services of the Institution;
- 3) To perform civil defence and mobilization tasks.

(2) The units listed in paragraph 1 shall function under the coordination of the human rights experts. The human rights expert responsible for the coordination of the Legal Unit should have completed law apprenticeship.

(3) Working Groups composed of the personnel of the Institution can be established with the approval of the President. These groups shall function under the coordination of the personnel appointed by the President.

(4) The Institution may set up ad hoc or permanent boards with the participation of the public institutions and organisations, nongovernmental organisations and relevant experts in order to carry out activities within the purview of the Institution.

(5) The Council of Ministers shall be authorized for the establishment or dissolution of the bureaus upon the proposal of the Institution. The procedures and principles regarding duties and powers of the bureaus and other related matters shall be defined by the Board.

Applications

ARTICLE 12- (1) All natural and legal persons who claim to have suffered human rights violations can make applications to the Institution. The effective exercise of this right cannot be prohibited in any manner whatsoever.

(2) The procedures and principles regarding the applications shall be arranged by the regulations to be issued by the Institution.

Investigation, inquiries and visits

ARTICLE 13- (1) The duties of investigation, inquiry, visits and reporting assigned to the Institution by this Law and other legislation as well as the other tasks shall be carried out by human rights experts and assistant experts as well as other functionaries. Where the President authorizes, they shall be authorized to request, examine and take copies of the relevant information and documents from all public institutions and organizations as well as other real and legal persons; to obtain written and verbal information from the relevant [parties]; and to pay visits to, inspect and keep records of their findings in the places where people deprived of their liberty or persons under protection are being kept. The public institutions and organisations and other real or legal persons should fulfil the requests of the Institution without any delay.

(2) In order to carry out investigations and inquiries on the matters within the mandate of the Institution, a visiting delegation led by the personnel appointed by the President may be set up with the participation of the representatives of relevant institutions and organisations and persons. The representatives of public institutions and organisations shall be identified by their own institutions and organisations, and the others who will be part of the delegation shall be identified by the President. The results of the investigation and inquiry carried out by the delegation shall be reported. The expenditures of such delegations shall be covered by the budget of the Institution.

Regular consultations

ARTICLE 14- (1) The Institution shall conduct regular consultations to discuss human rights issues and to exchange information and views on matters related to human rights minimum every three months together with the public institutions and organisations, nongovernmental organisations, trade unions, social and professional organisations, higher education institutions, media organisations, researchers and other relevant persons, institutions and organisations.

(2) The Institution shall inform the Human Rights Inquiry Committee of Grand National Assembly of Turkey at least once a year regarding the duties and powers listed in Article 4.

Provisions on personnel and employment related entitlements

ARTICLE 15- (1) The personnel of the institution shall be subject to Law no. 657. The human rights experts appointed by the President for the coordination of the units shall be paid a contract wage with a ten percent increase.

(2) The social security entitlements and obligations of the President, Vice President and Deputy President shall be determined according to the provisions of the Law on Social Security and General Health Insurance no. 5510 dated 31/5/2006 without prejudice to the provisions of Provisional Article 4 of the Law no. 5510. However, in the calculation of the monthly wage and pension to be considered as basis for the insurance premium or the retirement contribution, the additional indicator and executive compensation as well as representation or duty allowance and other payment elements of the Prime Ministry general directors for the President and Vice President, and of the deputy general directors for the Deputy President. The tenure in these posts shall be deemed as accrued in posts requiring the payment of executive compensation or senior judge compensation.

(3) The President shall be paid a monthly wage equivalent to the total of all actual payments made to a Prime Ministry general director within the scope of the financial entitlements. The Vice President shall be paid ninety-five percent of the wage determined for the President in line with the same procedures and principles. Of the payments made to the Prime Ministry general directors, those that are exempt from tax and other legal deductions shall also be exempt from tax and other legal deductions in the payments to be made in line with this article. According to the Law no. 657 and

other relevant legislation the social entitlements and benefits of the Prime Ministry general directors shall be applicable for the President and Vice President within the framework of the same procedures and principles. The Board members shall be paid honoraria equivalent to multiplication of the monthly coefficient of civil servants and the indicator figure of 6000 for those who have public duty and 7000 for those who do not have public duty for every actual working day without prejudice to the provisions of the Law on Subsistence Fees no. 6245, dated 10/2/1954. No deductions other than the stamp duty shall be made on such payments. If the number of actual working days in a month exceeds three, no honorarium shall be paid for the excess days.

(4) For the assignments of the Institution requiring expertise or specialization, contractual personnel may be recruited among those who have a minimum of ten year professional experience and those who have doctorate level titles and degrees in line with paragraph (B), article 4 of the Law no. 657. The net amount to be paid to such personnel cannot exceed the net payment to the Human Rights Experts of first grade. The number of those recruited under this paragraph cannot exceed ten percent of the total number of the human rights experts and assistant experts working at the Institution.

(5) The President and members shall be tried as the civil servants pursuant to the Turkish Criminal Law no. 5237. In line with the Law on the Prosecution of Civil Servants and Other Public Personnel no. 4483 dated 2/12/1999, the authorization for investigating the President and members shall be issued by the Prime Minister. The objections against decisions on whether an investigation should be authorized or not, shall be settled by the Council of State.

Human rights experts and assistant experts

ARTICLE 16- (1) For appointment as assistant human rights expert in addition to the requirements listed in Article 48 of the Law no. 657, the candidate should be a graduate

of faculties providing minimum four years of bachelor's level education or the higher education institutions accepted by the Higher Board of Education as equivalent to these.

(2) The provisions of the annex article 41 of the Law no. 657 shall be applicable for the recruitment, training, competitive examination, dissertation and competency examination of the assistant human rights experts as well as their appointment and other matters.

(3) The assistant human rights experts and human rights experts to be assigned to the Legal Unit should have completed the law apprenticeship.

Secondment of personnel from public institutions and organizations

ARTICLE 17- (1) Those who are working in the public departments of the central administration, the social security institutions, the local administrations, the subsidiary agencies of the local administrations, the unions of local administrations, the revolving fund organisations, the funds established by law, the institutions with public legal entity, the organisations owned by a rate of over fifty percent by the public sector, the state economic enterprises public and their subsidiary partnerships and establishments with the approval of their respective institutions; and the judges and prosecutors with their own consent may be seconded to the Institution provided that their wages, entitlements, all increments and compensations and other financial and social entitlements and benefits are paid by their respective institutions. Such requests of the Institution shall be decided by the relevant institutions and organisations as a matter of priority.

Prohibitions and liabilities

ARTICLE 18- (1) The President and members shall be subject to the Law on Disclosure of Assets, Anti-Bribery and Anti Corruption no. 3628, dated 19/4/1990. The President and members shall disclose their assets within one-month of the date of taking office and the end date of their terms.

(2) The President, members and personnel of the Institution shall not disclose the confidential information on the public sector, relevant bodies and third persons, personal data, classified institutional data, commercial secrets and related documents obtained during the fulfilment of their duties except for the legally authorized bodies for this matter.

Responsibilities of the Administrators and regulatory power

ARTICLE 19- (1) The administrators of the Institution at all levels shall be responsible to their superiors for performing their duties in line with the legislation, the strategic plan and programs, the performance criteria and the service quality standards.

(2) The Institution can issue administrative regulations on the matters within the scope of its duty, purview and responsibility that are previously regulated by law.

Cadres and outsourcing

ARTICLE 20- (1) The identification, setting up, use and cancellation of the institutional cadres as well as other issues on the cadres shall be arranged in accordance with the provisions of the decree in force of law on the General Cadres and Procedures no. 190 dated 13.12.1983.

(2) The Institution can outsource services on a temporary basis or services requiring a specialization.

Proceeds of the Institution

ARTICLE 21- (1) The proceeds of the institution are listed below:

- a) Allocations from the general budget;
- b) All donations, grants and bequeathing to the Institution;
- c) Revenues generated by the proceeds of the Institution;
- ç) Other proceeds.

Legislation amended and annulled, cancellation and formation of cadres ARTICLE 22-

(1) The wordings below are added to the Law on Civil Servants no. 657:

a) In the sub-paragraph (11), paragraph (A), Section "Joint Provisions" of Article 36; "Assistant Human Rights Experts" following the wording of "Assistant Experts on Family and Social Policies" and "Human Rights Experts" following the wording of "Experts on Family and Social Policies",

b) In the sub-section (ğ), sub-paragraph (A) "Special Service Indemnity", paragraph "II- Indemnities" of Article 152; "Human Rights Experts" following the wording of "Experts on Export Development",

c) In the paragraph (g) of the Section "I- General Administrative Services" of Annexed Indicator Chart no.1; "Human Rights Experts" following the wording of "Experts on Family and Social Policies",

(2) The wording "Human Rights Institution of Turkey" is added following "social security institutions" to paragraph (1) of annex article 10 of the Decree in force of Law no. 375 dated 27/6/1989.

(3) The wording "45) Human Rights Institution of Turkey" is added to section "B) Other Administrations with Special Budget" paragraph (1) of annex chart (II) of the Law no. 5018 .

(4) In the Law on the Adoption of the amended Decree in force of Law on the Organisation of the Prime Ministry no. 3056, dated 10/10/1984, the sub-paragraph (m), paragraph one, article 7; article 17/A; Annex Articles 4, 5 and 6; and the section (13) on the main service units in the chart annexed to the said Law are repealed.

(5) The cadre listed in Annex (1) is cancelled and omitted from the charts annexed to the Decree in Force of Law no. 190 and the cadres in Annex (2) are developed and added as

the section on Human Rights Institution to the chart in Annex (1) of the Decree in Force of Law no. 190.

Transitory provisions

PROVISIONAL ARTICLE 1- (1) The initial term of office for those who will be selected to the posts of President and Vice President of the Institution for the first time shall be six years. According to the results of drawing lots, the initial term of office shall be six years for first four of the members, four years for three members and two years for two members.

(2) a) For board memberships, the candidates who will be elected for the first time by the President shall make their applications to the Office of the President ; the candidates who will be elected for the first time by the Council of Ministers shall make their applications to the Prime Ministry; the candidates who will be elected for the first time by the Board of Higher Education shall make their applications to the Board of Higher Education and the candidates who will be elected for the first time by the presidents of the bar associations shall make their applications to the Bar Associations Union of Turkey Prime Ministry within thirty days of the effective date of this Law or the candidates are suggested by those listed in article 5, paragraph 3.

b). Within ten days following the application deadline, the election shall be made by the presidents of the bar associations at the time and place designated by the Bar Associations Union of Turkey. Each bar association president can cast a single vote in this election and the candidate having the highest number of votes shall be elected.

(3) The movable assets, appliances, tools, equipments, fixed assets and vehicles belonging to the Prime Ministry and used by the Human Rights Presidency as of the

effective date of this law shall be transferred to the Institution by a protocol with the Prime Ministry.

(4) All entitlements and liabilities of the Prime Ministry that are relevant for the Human Rights Presidency shall be deemed as transferred or, if these are immovables allocated to the Institution without the need for any transaction.

(5) The personnel of the Human Rights Presidency, including those temporarily seconded, who would like to be temporarily seconded to the Institution may do so upon their request in line with article 17.

(6) Until the rearrangement of the organisational structure of the Institution in line with this Law, the services to be rendered by the Institution shall continue to be performed by the personnel of the Human Rights Presidency.

(7) The district and provincial human rights boards shall serve as bureaus for the Institution until the bureaus of the Institution are established.

(8) The expenditures of the Institution for the financial year 2012 shall be covered by the allocations of the Human Rights Presidency in the 2012 budget of the Prime Ministry until a new arrangement is made in line with the relevant provision of the Central Administration Budget Law for 2012 no. 6260 dated 21/12/2011.

(9) All transactions of transfer, takeover, ceding and assignment as well as the protocols envisaged in this article shall be exempt from all kinds of taxes, duties, fees and fund payments.

(10) For a period of one year starting with the effective date of this law, the last paragraph in Article 9 of the Decree in force of Law no. 190 shall not be applicable for the arrangements regarding the cadre of the Institution.

(11) For once, of those who have graduated from the higher education institutions to be listed in line with paragraph 1 of article 16; have passed the professional competition examination and have been appointed through a special competency examination following a certain period of in-service training; and of judges, prosecutors and others considered to be of the same profession as well as academics who hold at least master's degrees, provided that they have worked in the fields of human rights related adjudication, investigation, inquiry, supervision, implementation and counselling for minimum three years:

a) Those who hold a minimum of C level scorecard of the Foreign Language Proficiency Examination for the Civil Servants (KPDS) or an equivalent level scorecard of an internationally recognized foreign language test;

b) Those who qualify for appointment as Assistant Human Rights Experts and are less than 45 years of age, shall be appointed as human rights experts provided that they pass the competency examination to be given within a period of one year starting with the effective date of this Law according to their success ranking in the examination. As of the effective date of this Law, the personnel seconded from the cadres of other public institutions and organisations to the Human Rights Presidency for a period of minimum five years who have the qualifications listed in this paragraph and the Prime Ministry experts who have worked at the Human Rights Presidency for a period of minimum six months may be appointed to the posts of human rights experts; and the Prime Ministry assistant experts who have worked at the said Presidency for a period of minimum six months may be appointed to the posts of assistant human rights experts upon their request and with the approval of their institutions within one year starting with the effective date of this Law. The tenure of the Prime Ministry experts and assistant experts in these posts shall be transferred to their posts of Human Rights Experts and

Assistant Human Rights Experts and such entitlements of those who are eligible under the interim article 12 of the Decree in Force of Law no. 375 shall be retained as long as they remain in the posts in question. The number of those to be appointed to the posts of Human Rights Experts according to the provisions of this article cannot exceed twenty percent of the total number of the Human Rights Experts and Assistant Experts. The principles on the examination shall be set by a regulation to be prepared by the Institution.

Effective date

ARTICLE 23- (1) This law comes into force on the date of its publication.

Enforcement

ARTICLE 24- (1) The provisions of this law shall be enforced by the Council of Ministers.

29/6/2012

LIST No. 1

Institution: Prime Ministry

Organisation: Headquarters

Of the Cadre Cancelled			
Class	Title	Cadre Grade	Total Number
GiH	Human Rights President	1	1
TOTAL			1

LIST No. 2

Institution: Human Rights Institution of Turkey

Organisation: Headquarters

Of the Cadre Formed				
Class	Title	Cadre Grade	Number Of Vacancies	Total Number
GiH	Deputy President	1	1	1
GiH	Human Rights Expert	1	6	6
GiH	Human Rights Expert	2	6	6
GiH	Human Rights Expert	3	6	6
GiH	Human Rights Expert	4	6	6
GiH	Human Rights Expert	5	6	6
GiH	Human Rights Expert	7	5	5
GiH	Assistant Human Rights Expert	9	25	25
GiH	Financial Services Expert	4	1	1
GiH	Social Worker	5	1	1
GiH	Psychologist	3	1	1
GiH	Translator - Interpreter	5	1	1
GiH	Librarian	7	1	1
GiH	Functionary	8	2	2
GiH	Functionary	9	2	2
GiH	IT Operator	7	2	2
GiH	Secretary	7	1	1
GiH	Secretary	8	1	1
GiH	Switchboard operator	9	1	1
TOTAL			75	75