

“OMBUDSMAN IN TURKEY” WAS DISCUSSED

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The last of brainstorming meetings at the Institute of Strategic Thinking (SDE) was about “Ombudsman and Discussions on Ombudsman in Turkey”. The meeting was chaired by Dr. Murat Yılmaz on December 22, 2010 in the Institute of Strategic Thinking and Prof. Dr. Hasan Tahsin Fendoğlu participated in as a speaker.

The topic of the meeting as indicated on SDE’s invitation letter is below:

The Ombudsman Institution, whose fundamental functions are to arbitrate between individuals and public authorities in case of a conflict, to receive complaints from the affected ones about injustices in public services, to do research about these issues, and to solve the problems, was a hot issue in Turkey owing to the law overruled by the Constitutional Court in 2006. Its law (no 5548) was outlawed by the High Court and it had a constitutional order with the referendum after 12th September, 2010; therefore the barrier of legal regulation was surpassed. Now there is a serious and exciting expectation in the public opinion in terms of the formation of the Institution and its future functions. We, as the Institution of Strategic Thinking, thought a meeting would fit for the legal regulations in order to make a contribution to decision makers.”

At the meeting the subject of ombudsman was handled under these titles: historical background, the duties of ombudsman, ombudsman practices, ombudsman and similar institutionalizations, relations with national and international institutions,

ombudsman in accordance with Ombudsman Institution Law of 2006 (KDKK-the analysis of 2006).

Focusing on negotiation culture, Fendođlu said:

“After the World War II, there was a change in the mentality of public administration and human rights in the world; and ombudsman in the light of Swedish model became widespread. Turkey adapted to this change slowly; when the law of 2006 was overruled by the Constitutional Court, this institution became under the authority of Constitution as Ombudsman by a Constitutional change. Ombudsman is the one that has the authority to investigate and search broadly upon a complaint of individuals who are victimized by the administration. Ombudsman is an independent public authority that displays injustices, prevents the misuse of judicial discretion, insures regard to legislation and proper behaviors, advises justice, suggests proper reforms for better public services, and assigned by the Parliamentary.”

“Those adopting this institution, found the ombudsman control obligatory by not finding legislator control, administrative control, parliamentary control (political control), media control, public opinion control, and international control enough.”

“Because the fundamental function of ombudsman is to take applications and do a research, giving it an authority for international human rights applications may cause a conflict of duty and authority. Although there are some institution similar to ombudsman in Turkey, they are under the authority of the administration and do not have the attributes of ombudsman.”

Who is Prof. Dr. Hasan Tahsin Fendođlu?

Born in 1954 in Elazığ, Prof. Dr. Hasan Tahsin Fendođlu is a Professor of Constitutional Law. He graduated from the Department of Law at Istanbul University (in 1978). For a while, he was a self-employed lawyer. He finished his doctoral thesis on fundamental rights and freedoms at Istanbul University in 1992 and had “PhD in Public Law”. Considering his doctoral thesis on judicial independence on 3rd October, 1995 and his other works, he was endowed with the title of associate professor by the jury members unanimously. He became successful for two foreign languages in examinations. Considering his professorship thesis “*The Development of Democracy in Turkey and the European Union*” and his other works, he became the Professor of Constitutional Law. His positions: the Ministry of Justice Counselor, Cultural and Natural Properties Regional Board President, Cultural and Natural Properties High Commission Member, Vice President of TRT Board, Human Rights National Committee President, President’s Principal Consultant, Presidency Human Rights Chairman. He published Turkey Human Rights Report (2007 and 2008), Missing Children Report, and Effective Fight with Torture and Cruel Treatment Report (2003-2007) for the first time in Turkey. He became the project president of “The Application of Human Rights Reforms in Turkey Project” which was carried out by the cooperation of the European Council and the Ministry of Justice and the Ministry of Internal Affairs. Fendođlu is married and has three children.

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