

# ASSOCIATION OF ELDERLY RIGHTS AND MENTAL HEALTH CONSTITUTION

As Amended by the General Assembly Decisions dated 06/12/2019 and 09/10/2021

## ARTICLE 1:

- **Name and Short Name of the Association:**  
Association of Elderly Rights and Mental Health (Yaşlı Hakları ve Ruh Sağlığı Derneği)
- **Address and Contact Information of the Association:** Levent Sitesi, Cemal Togan Sokak, Daire 1, Blok 7, Famagusta. Tel: 0533 8574392, email: info@yaslihaklariveruhsagligi.org

## ARTICLE 2:

- **Care Problems of Elderly and Mentally ill Individuals in TRNC**

The respect shown towards the elderly in our country as a part of our culture is transferred from generation to generation, however, the changing family structure and economically difficult living conditions have negatively affected the elderly community in recent years.

In the past, elderly people were looked after by their own children or close relatives. However, due to the changing socio-economic conditions, families can no longer find time to take care of their elders. The elderly is either left alone in their own homes or spend the last years of their lives in deprivation in unregulated nursing homes.

Likewise, the family members of individuals whose mental health is not sufficient to take care of themselves are almost left in a vulnerable position when their parents get old and unable to take care of them. There are no private or state facilities in our country where individuals with mental health problems can stay, have medical treatment and lead a normal life. Therefore, the only alternative in our country for families is private facilities for the elderly, that is, care homes. Therefore, it is not surprising that there are many patients of neurotic, psychiatric, Alzheimer's and dementia conditions, living in care homes. Unfortunately, the rights and needs of these patients are often ignored in care homes, and they are cared for by untrained caregivers, with contempt or ostracism.

- **Aim of the Association**

The Association of Elderly Rights and Mental Health is a non-governmental organization operating for the formation of legal regulations, institutional infrastructure and social awareness necessary for the care of the elderly and individuals with mental health conditions in a manner that protects their human dignity. The aim of this association is to increase the quality of life of elderly and mentally ill individuals in our country. The activities to be carried out by the association in order to achieve this aim are listed below.

### **ARTICLE 3: Activities to be carried out by the Association to Fulfil its aim**

- a) Spearhead the necessary legal arrangements for care of elderly and mental health patients, infrastructure of care home facilities, trained staff and necessary staff-patient ratios, all according to European Union standards,
- b) Ensure that elderly care homes are systematically inspected by state bodies and penal sanctions are imposed on those whose activities are found to be improper,
- c) Carry out various studies, hold seminars, develop projects to raise the awareness of society in order to increase sensitivity towards the elderly and individuals with mental health conditions,
- d) Develop projects for the implementation of internationally developed policies to contribute to the improvement and diversification of social services provided to the elderly and mentally ill individuals in our country,
- e) Develop projects with the relevant state institutions for the construction of separate non-profit nursing homes within the scope of social assistance for individuals with mental health problems,
- f) Carry out legislation work related to the aims of the Association and/or contribute to legislation and/or prepare suggestions on these issues and convey these suggestions to the relevant institutions and organizations, and reflect the developments to the public,
- g) Organize competitions, carry out activities and/or research, present awards or plaques, reflect these activities to the public,
- h) Organize fundraising activities such as concerts, excursions, balls, bazaars, in line with the purposes of the association,
- i) Carry out joint projects with relative public institutions and organizations, if necessary, in order to reach the aim,
- j) Renting, leasing, selling and purchasing movable and/or immovable property needed for the activities of the association,
- k) In line with the objectives of the association, create a foundation/trust, open branches and representative offices abroad, create a platform and collaborate with associations and organizations with similar purposes, engage in international activities, become a member of international associations and organizations, participate in activities and projects in cooperation with them,
- l) In order to realize the objective of the association, obtain all kinds of necessary information, documents and publications; establish a documentation centre, and in order to share the Association's work, publish newspapers, magazines, books and bulletins and create a website,
- m) In order to achieve the objectives of the Association, carry out fundraising activities, accept local and international donations, provided that the necessary permissions are obtained,
- n) Carry out international activities in relation to the objectives of the Association, become a member of associations or organizations abroad and to cooperate with or support these organizations.

**ARTICLE 4: Founding Members** (Founding Members' Names, Addresses, Occupation, ID Numbers, Telephone Numbers, Signatures)

**1. Hatice Jenkins**

Address : Aykent Sokak, no:4, Bahceler, Iskele  
Occupation : Professor of Finance  
ID No. : 2410061322  
Tel. : (0533) 857 4392  
Signature :

**2. Semral Erel**

Address : Halken Yasam Sitesi, No: 32, Tuzla, Famagusta  
Occupation : Businesswoman  
ID No. : 042573  
Tel. : (0548) 855 5555  
Signature :

**3. Emete Baylan**

Address : Mehmet Ahmet Koccino Sok. No:6 Kucuk Kaymakli, Nicosia  
Occupation : Civil Servant  
ID No. : 2050118940  
Tel. : (0533) 864 9955  
Signature :

**4. Emine Esen**

Address : Onlar Insaat Evleri No: 21 Kirlangic Sok. Tuzla, Famagusta  
Occupation : Civil Servant  
ID No. : 122044  
Tel. : (0533) 864 6143  
Signature :

**5. Elif Senyücel**

Address : Kentplus Sitesi No: 47 Da:6 Guvercinlik Kavssagi, Famagusta  
Occupation : Academician  
ID No. : 1470308288  
Tel. : (0542) 885 1452  
Signature :

**6. Fatma Özgöker**

Address : Icel Sokak, No: 5A, Maras, Famagusta  
Occupation : Physiotherapist  
ID No. : 5320317264  
Tel. : (0533) 884 1810  
Signature :

**7. Ayşe Özgöker**

Address : Icel Sokak, No: 5A, Maras, Famagusta  
Occupation : Dietician  
ID No. : 271732  
Tel. : (0533) 886 0795

Signature :

**8. İbrahim Çiçekseven**

Address : Mehmet Akif Cad. No. 9, Yenibogazici, Famagusta

Occupation : Lawyer

ID No. : 3000243477

Tel. : (0533) 873 3033

Signature :

**ARTICLE 5: Procedures and Principles of Opening Association Branches**

The decision to establish an association branch in addition to the association headquarters lies with the Board of Directors. Decisions regarding the location to be used as a branch, the renting and/or purchasing of the designated location and ensuring its continuity will be determined by the Board of Directors before the branch is established. The general decision-making and voting principles and procedures of the Board of Directors will be applied regarding the decisions on this matter.

**ARTICLE 6: Conditions for Becoming an Association Member, Exiting Membership and Removal**

**a) Conditions for Accepting Members of the Association:**

Real or legal persons who want to become a member of the association fill out the Association Membership Application Form and submit it to the Secretary General of the association, together with the membership fee. Applications are decided by the Board of Directors within 30 days at the latest and the decision is conveyed to the addressee via telephone message, Whatsapp message or e-mail. The accepted applicant is recorded in the membership registry. Applications without membership fees will not be evaluated and cannot be accepted as members.

Foreign nationals who have provided significant financial and moral support to the association may be accepted as honorary members by the decision of the Board of Directors.

**b) Unsubscription to Membership**

the association, provided that he or she provides written notification. As soon as the resignation letter of the member reaches the Board of Directors, the exit procedures are deemed to be completed.

**c) Dismissal from Membership:**

Circumstances requiring removal from membership of the association are the following:

- Acting against the association's by-laws
- Continuously avoiding the assigned duties
- Not complying with the decisions made by the bodies of the association
- Losing the qualifications of being a member
- Causing financial damage to the association
- Not paying the membership fee for two consecutive years

In case of one of the above-mentioned situations, the member can be removed from membership by the decision of the Board of Directors. Those who leave or are removed from

the association are deleted from the member registry. The real or legal person about whom such a decision has been taken is notified of this decision by phone and/or e-mail and/or message and/or a written notice within 10 days. Real and legal persons whose memberships have been terminated by the association in this way are obliged to pay outstanding debts to the association within one week following the notification of the decision.

The decision of the General Assembly is required to terminate the membership of the founding members. In order to remove these persons from membership, one and/or more of the above-mentioned conditions must be determined by the decision of the Board of Directors, and this issue must be brought to the agenda of the General Assembly by the Board of Directors, and a decision and dismissal decision must be taken in accordance with the decision-making principles of the General Assembly. Likewise, if the Disciplinary Board considers that a founding member has committed a disciplinary offense requiring removal from membership, it must be reported to the Board of Directors and a General Assembly Decision must be taken in this regard in accordance with the above principles.

### **ARTICLE 7: Association Membership Fees**

The annual fee to be paid to the association by the members will be determined by the decision of the Board of Directors within the first two weeks of each year, and this amount will be paid to the association by April at the latest.

Unless a contrary decision is taken by the Board of Directors, individuals who become members of the Association afterwards will be obliged to pay in advance the full annual subscription fee determined by the Board of Directors for the year, regardless of the date and/or month they were registered as members.

If the Board of Directors so wishes, it may decide to make the determined subscription fee valid for a period of more than one year.

### **ARTICLE 8: The General Assembly Meeting Method and Time, Duties, Authorities, Voting and Decision Making Procedures and Methods, and General Assembly Invitation Procedure**

The ordinary general assembly of the association is held every 2 years in October upon the invitation of the Board of Directors. The meeting place, day, time and agenda are announced in a daily newspaper published in the TRNC at least 10 days before the meeting date. This situation is notified in a letter to the District Office where the Headquarters is located, at least one week before the general assembly.

General Assembly; it is made with the participation of the members registered to the association who have fulfilled their obligations and decisions are taken on the basis of majority of votes. Guest members and those who owe dues for the past year are not included in the quorum. In case of equality of votes, the chairperson shall have the decisive vote.

Only the issues that are on the agenda are discussed in the general assembly. However, upon the request of at least one third of the members present at the meeting, issues that were not on the agenda may be included in the agenda later and discussed in the General Assembly.

The General Assembly meetings are opened by the Chairperson of the Board of Directors, and in the absence of the Chairperson the Vice Chairperson; in the absence of the Vice Chairperson the most senior member of the Board of Directors present. Subsequently, this person elects a chairperson and two clerks to manage the general assembly meeting.

### **Duties and Powers of the General Assembly**

- a) Review and approval of the Executive Board's and Inspection Committee's annual reports.
- b) Discussion and acceptance of the prepared budget, as it is or by changing it if necessary,
- c) Changing the constitution of the association,
- d) Election of the bodies of the association,
- e) Sale of existing immovable properties and/or authorization to the board of directors in this regard,
- f) Dissolution of the Association,
- g) Selection of international association delegates,
- h) Determining the mode of documents to be used to collect income for the Association, determining the printing of these, and determining and/or changing approval procedures and rules,
- i) Other duties specified in the legislation and association charter to be performed by the general assembly.

### **ARTICLE 9: Extraordinary General Assembly Meeting, Invitation, Quorum and Decision-Making Procedure**

The Extraordinary General Assembly meeting takes place with the decision of the Board of Directors, or in the event that more than half of the members of the association with the right to vote send their written request to the Board of Directors, or in case of the resignation of more than half of the Board of Directors, or upon the detection of irregularities by the Board of Auditors'. The meeting is carried out within the framework of the rules specified in Article 6 and in accordance with the same procedures and principles.

### **ARTICLE 10: Duties and Authorities of the Representative Body and Auditing Body of the Association, the Election and Formation Methods:**

The Board of Directors is the representative body of the Association.

The Chairperson and members of the Board of Directors will be elected by the members attending the General Assembly, by open votes and for a period of 2 years. Members attending the General Assembly will vote separately for the chairpersonship of the Board of Directors and separately for the members of the Board of Directors. The Chairperson candidate of the Board of Directors who receives the most votes will be elected. Among the candidates for the membership of the Board of Directors, 7 people who receive the most votes become the main members of the Board of Directors, and 7 people become alternate members. In case of temporary and/or permanent absence of any of the main members, the Board of Directors appoints one of the alternate members as a main member and this member shall have all the rights and authorities of the main member within the relevant period.

Candidates for the Chairperson of the Board of Directors may also be candidates for the membership of the Board of Directors. In the event that such a person is elected as the

chairperson, their votes will not be considered in the election of members of the Board of Directors.

Those elected to the Board of Directors will appoint a vice chairperson, an assistant vice chairperson, a treasurer, and a secretary, by consensus and/or by secret ballot in case of lack of agreement.

### **Duties and Authorities of the Chairperson of the Board of Directors;**

1. Chairs the Board of Directors meeting,
2. Leads the association to achieve its goals coherently,
3. Ensures the delegation of activities among members,
4. Calls the boards to meetings and presides when they deem necessary, and chairs the meeting,
5. Represents and manages the association in line with the rules of the Board of Directors.
6. In the event of the resignation of the Chairperson for any reason, or if the quorum of the members of the Board of Directors cannot be reached, or if the Chairperson dies, an Extraordinary General Assembly is held within a maximum of 30 days.

### **Duties and Authorities of Vice Chairperson:**

The vice chairperson fulfills the duties and powers of the chairperson in the absence of the chairperson. They coordinate the members of the board of directors for the implementation of the decisions of the Board of Directors. Develops collaborations with other institutions and businesses in line with the objectives of the association. In the absence of the vice chairperson, the duties and powers of the vice chairperson are carried out by the Secretary General.

### **Duties and Authorities of the Secretary General:**

1. Determines the dates, places and times of all association meetings in coordination with the members, announces the meetings to members, and organizes the reservation of the meeting room.
2. It records the decisions taken at the meetings in the decision book/meeting minutes and carries out all kinds of correspondence for the association.
3. Arranges and holds the documents and seal of the Association. Edits and processes the member registration list.
4. In line with the cash needs of the association, they are authorized to withdraw cash from the bank account of the association in return of a double signature from any of these three association officials: Chairperson, Vice Chairperson, Treasurer.

### **Duties and Authorities of the Treasurer:**

1. Carries out the financial affairs of the Association and transactions related to banks,
2. Regularly records the income and expenses of the association in the books and stores the documents,
3. Makes payments in line with the decisions of the Board of Directors and its chairperson, examines and signs the receipts for the payments, deposits the collected membership fees and donations to the bank account of the association,
4. No payment can be made without the signature of the Treasurer,

5. In line with the cash needs of the Association, the Treasurer has the authority to withdraw cash from the Association bank account, only together with either the Association's Chairperson, or Vice Chairperson, or General Secretary. The bank withdrawal papers has to be signed by two authorized individuals as mentioned above.
6. If requested, submits the accounting records to the members of the Board of Directors and Board of Auditors for review.

#### **Duties and Authorities of the Board of Directors:**

- a) Represents the association, or designates one or several of its members for this purpose,
- b) Makes transactions regarding the income and expense accounts of the association and prepares the budget for the next period,
- c) Is obliged to carry out other works and to use the authorities given by the constitution and legislation of the association,
- d) Makes decisions on matters according to the temporary and/or permanent authority delegated by the General Assembly,
- e) Makes decisions on matters of the participation or removal of the association to international associations,
- f) Can sell the existing immovables of the Association based on the authorization given by the General Assembly,
- g) Can purchase immovable property to generate income and/or for investment purposes for the Association,
- h) Renting and/or using immovable property in line with the sustainability and/or needs of the Association,
- i) In case the number of members of the Board of Directors drops to less than half of the total number of members due to vacancies, the current Board of Directors calls for a General Assembly within a maximum of one month.

#### **Formation and Duties of the Board of Auditors:**

The General Assembly elects 2 full and 1 alternate members among its members to the Board of Auditors. These elected members elect one of them as chairperson by secret ballot. This board conducts an audit twice a year in accordance with the principles and procedures determined in the Association's statute and presents the results to the General Assembly in a report.

#### **Formation and Authorities of Disciplinary Board:**

The General Assembly elects 3 full and 1 alternate members among its members to the Disciplinary Board. These elected members elect one of them as chairperson by secret ballot. The Disciplinary Board investigates and decides on any disputes and/or disciplinary issues that may arise between the members of the association, upon the written applications of one of the parties or the board of directors.

In the event of any inappropriate behavior and/or actions between members of the association and towards the management of the association, and/or actions contrary to the association aims and/or field of activity, and any behaviour that threatens the health and harmony and/or order and/or assets of the association, and if the association is harmed in any way, the Disciplinary Board is authorized to remove the member in question from the association and/or to decide



on any other sanction deemed appropriate. The expulsion of the founding members from membership is based on a decision by the General Assembly. Decisions made by the Disciplinary Committee are final.

Members of the above three bodies are elected by secret ballot and by voting only for the number of full members. In the voting order from those who received most votes to those who received the least, the main members are determined first from the ones who receive the most votes, and then the alternate members are determined according to the ranking. In case of an equal number of votes in the ranking for the primary membership, lots are drawn. The winner becomes the primary member, and the other is elected as an alternate member.

#### **ARTICLE 11: Rules Regarding the Form of Documents to be Used in Collecting the Association's Revenues, their Printing and Approval**

The association collects membership fees and donations by issuing a "Fees and Donation Receipt". These receipts are printed in an approved printing house. The form of the documents and other rules regarding their printing and approval are determined by the General Assembly.

#### **Association Income and Expenses;**

1. Association revenues; consists of membership fees, participation and contributions, donations and grants, income from the activities of the association, income from the assets of the association, aid received from public institutions and organizations through banks, and other legal incomes.
2. Association; may spend to establish and transmit branches and representative offices, to acquire, maintain and develop movable and immovable property, to pay salaries and other allowances of employees, and in general to realize and develop its objectives.
3. Revenues of the association are collected with a "receipt"; expenses are made with expenditure documents such an invoice, retail sales receipt, self-employment receipt. In the case where the income of the association is collected through banks, the account document or account statement issued by the bank can be used as a receipt. However, it is compulsory that each donation receipt is stamped by the District Office.
4. The association's fundraising activities that require visiting homes, businesses or on the streets are carried on in accordance with the rules of the aid collection law.
5. The persons who will collect the income of the association are determined by the decision of the Board of Directors, and are issued a certificate of authority on their behalf.

#### **ARTICLE 12: Procedures and Rules Regarding the Dissolution of the Association and the Liquidation of Assets in Case of Dissolution**

The dissolution of the association is only possible with a General Assembly decision and with the affirmative vote of two thirds of the members. In the event of the dissolution of the association, all its wealth will be transferred equally to a charity and/or charities to be determined in the General Assembly following the liquidation procedures. Following the decision of dissolution by the General Assembly, it is published in a local TRNC newspaper and brought to the public's attention. A financial report showing the financial status of the association is submitted to the District Office within 15 days of decision of the General Assembly.

### **ARTICLE 13: Procedures and Rules Regarding the Amendment of the Association's Constitution**

- a) Matters related to the amendment and termination of the constitution can only be discussed if they are included in the agenda announced in the General Assembly, and in the call for the General Assembly.
- b) In order to take a decision on dissolution, more than half of the registered members who have fulfilled their obligations must be present at the first meeting. Decisions are taken with the approval of two thirds of the existing members.
- c) If the required majority is not achieved in the first meeting, the second meeting is opened with the existing members. However, the decision of termination is taken with the approval of two thirds of those present.
- d) The decision regarding the amendment of the constitution is taken with the approval of at least one more than half of the registered members at the meeting who have fulfilled their obligations.

### **ARTICLE 14: Procedures and Methods for the Internal Audit of the Association**

- a) The expenses of the association are regulated by the Board of Directors. Payments up to 2,500 Turkish Lira are made under the joint signatures and responsibilities of the chairperson and the Treasurer. Expenditures of higher amounts are made by the decision of the Board of Directors.
- b) All the money of the association is deposited in the bank and payments are made by bank transfer, cash or cheque, against a receipt and invoice.
- c) The income of the association is received with the receipts with the stub and serial number.
- d) The below documents are kept by the Association:
  - 1. Membership registry book
  - 2. General Assembly and the Board of Directors Book of Decisions
  - 3. Incoming and outgoing correspondence Book
  - 4. Income and Expenses Book
  - 5. Budget, Final Accounts and Balance Sheets
  - 6. Fixture ledger

All or some of these notebooks can also be kept electronically on computers.

### **ARTICLE 15: Other Matters**

For any matters not written in this constitution, the TRNC Associations Law 23/2016, shall be followed.