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**PERMANENT MISSION OF TURKEY  
TO THE UNITED NATIONS  
GENEVA**

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The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, Mr. Fabian Omar Salvioli's letter dated 28 April 2014, has to honour to transmit the informative note including additional information submitted by the Government of Turkey on the issues specified in paragraphs 10, 13 and 23 of the concluding observations of the Human Rights Committee on the initial report of Turkey (CCPR/C/TUR/1).

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 22 July 2014

Encl: As stated



Office of the High Commissioner for Human Rights  
Palais Wilson  
Geneva

**ADDITIONAL INFORMATION SUBMITTED BY THE GOVERNMENT OF  
TURKEY ON THE ISSUES SPECIFIED IN PARAGRAPHS 10, 13 AND 23 OF THE  
CONCLUDING OBSERVATIONS OF THE HUMAN RIGHTS COMMITTEE ON  
THE INITIAL REPORT OF TURKEY (CCPR/C/TUR/1)**

**“10. The Committee is concerned about the discrimination and alleged acts of violence against people on the basis of their gender identity and sexual orientation, and about the social stigmatization and social exclusion of lesbian, gay, bisexual, and transgender (LGBT) persons in terms of their access to health services, education, or to their treatment in the context of the regulations concerning compulsory military service and while serving in the military (arts. 2 and 26).**

**While acknowledging the diversity of morality and cultures internationally, the Committee recalls that all cultures are always subject to the principles of universality of human rights and non-discrimination (general comment No. 34, para. 32). The State party should therefore state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or harassment of or discrimination or violence against persons because of their sexual orientation or gender identity. It should ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim’s sexual orientation or gender identity.”**

The Government of Turkey would like to underline that the constitutional system of Turkey is based on the equality of all individuals without discrimination before the law, irrespective of language, race, colour, gender, political opinion, philosophical belief, religion and sect, or any such consideration.

Article 3 § 2 of the Turkish Penal Code provides:

**“In the application of penal provisions no discrimination can be made on the basis of race, language, religion, sect, nationality, color, sex, political or other opinions, philosophical beliefs, national or social origin, birth, economic or other social status, and no one can be treated in privilege.”**

Moreover, Article 160 § 2 of the Code of Criminal Procedure reads:

**“The public prosecutor is under the obligation to collect and protect all the evidence in favor of or against the suspect and to protect the rights of the suspect, through the judicial law enforcement officers under his or her authority, for the investigation of the material truth and for the administration of a fair trial.”**

Social stigmatization or exclusion of LGBT persons are not tolerated. Turkey promptly investigates all allegations and reports of human rights violations based on sexual orientation or gender identity, including acts of hate crimes against LGBT, and bring the perpetrators to justice.

In addition, there are five associations working for the protection and advancement of the rights of LGBT persons in Turkey.

**“13. While noting the abolition of the de facto reduction of sentences for perpetrators of “honour killings”, the Committee is concerned at the prevalence of high rates of such crimes (arts. 6 and 7).**

**The State party should under no circumstances tolerate “honour killings”. In this perspective, the State party should ensure the inclusion of such killings within the scope of article 82 of the Penal Code to classify them as aggravated homicides. It should pursue its efforts to guarantee the effective investigation and sanction of all allegations of “honour killings” and widely disseminate information on the gravity of such crimes.”**

The Turkish Penal Code which entered into force in 2005, abolished the de facto reductions of sentences for perpetrators involved in “honour killings” and ensured that they shall be given the highest sentences.

Article 29 of the Penal Code, defines a reason which reduces criminal liability, namely “unjust provocation”. The article reads:

“A person who commits an offence in a state of anger or severe distress caused by an unjust act shall be sentenced to an imprisonment for a term of eighteen to twenty four years where the offence committed requires a penalty of aggravated life imprisonment and to an imprisonment for a term of twelve to eighteen years where the offence committed requires a penalty of life imprisonment. Other prison sentences shall be reduced by one-fourth to three-fourth.”

However, the following statements are contained in the grounds for the bill in respect of the provision cited above, which reveal that criminal acts carried out as a result of custom or honor motive may not be considered within this category:

“For an unjust act to qualify as unjust provocation, it has to cause anger or severe distress on the perpetrator and the perpetrator must be under the influence of the act at the time when he/she has committed the offence. Therefore, the Article has been drafted in a manner which reveals the psychological states in question. In fact, wrath means a state of anger. Although severe distress is a state of mind which typically leads the person to inaction and passiveness, the distress here leads to anger. On that account, the word ‘anger’ would be sufficient to describe this state. However, including both words in the text has been deemed appropriate to avoid any hesitations in application.

Anger or severe distress has to be the result of an unjust act. The reason why this phrase has been added to the Article is to prevent the wrong application of the reduction on the basis of unjust provocation in the murder of relatives in our country, which is called ‘custom or honor killings’.

Thanks to this arrangement, a perpetrator cannot benefit from the ‘unjust provocation reduction’ as a result of acts which had been carried out against the victim. For instance, a reduction of sentence shall not be made on the basis of unjust provocation in a case where a woman, who had been subjected to sexual assault was subsequently killed by her father or brother. Within the meaning of the Article, ‘unjust act’ is an action which is not approved by the law. Therefore, the provision may only apply when a criminal act targets a person who had carried out an unjust act.”

Moreover, the offense of intentional killing has been laid down in Article 81 of the Penal Code, and qualified cases have been listed in the following Article 82, one of which is "custom-motivated killing". This offense is punishable by a life-term imprisonment.

Furthermore, Article 42 of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) which will enter into force on 1 August 2014 and to which Turkey is party, imposes the parties to the Convention to take the necessary legal and other measures to ensure that; culture, custom, religion, tradition or so-called "honour" shall not be considered as justification in the criminal proceedings instituted upon the commission of an act of violence covered by the scope of the Convention.

**23. The Committee is concerned that conscientious objection to military service has not been recognized by the State party. The Committee regrets that conscientious objectors or persons supporting conscientious objection are still at risk of being sentenced to imprisonment and that, as they maintain their refusal to undertake military service, they are practically deprived of some of their civil and political rights such as freedom of movement and right to vote (arts. 12, 18 and 25).**

**The State party should adopt legislation recognizing and regulating conscientious objection to military service, so as to provide the option of alternative service, without the choice of that option entailing punitive or discriminatory effects and, in the meantime, suspend all proceedings against conscientious objectors and suspend all sentences already imposed.**

Article 72 of the Turkish Constitution entitled "National Service" states: "National service is the right and duty of every Turk. The manner in which this service shall be performed, or considered as performed, either in the armed forces or in public service, shall be regulated by law". Within this context, compulsory military service has been obligated for male Turkish citizens under Article 1 of the Law no. 1111 which reads: "Every male Turkish citizen is obliged to perform military service in accordance with this Law".

At present, there is no work regarding introduction of a civilian alternative for military service.