



PERMANENT MISSION OF THE REPUBLIC OF TURKEY
TO THE UNITED NATIONS OFFICE IN GENEVA

2020/62441669/31748850

The Permanent Mission of the Republic of Turkey to the United Nations Office in 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 joint communication from Special Procedures, dated 22 July 2020 (Ref: AL TUR 10/2020), has the honour to enclose herewith an information note, comprising the response of the Government of the Republic of Turkey.

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, 21 September 2020



Encl. A/S

Office of the High Commissioner for Human Rights
Special Procedures Branch
Geneva

**OBSERVATIONS OF THE GOVERNMENT OF THE REPUBLIC OF
TURKEY IN REPLY TO THE JOINT COMMUNICATION FROM SPECIAL
PROCEDURES**

(AL TUR 10/2020)

1. With reference to the joint communication dated 22 July 2020, sent by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on freedom of religion and belief, the Government of the Republic of Turkey (hereinafter “the Government”) would like to submit its observations herein below.

2. Turkey’s constitutional system is based on the equality of all individuals without discrimination. Article 10 of the **Constitution of Turkey** guarantees equality before the law irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect or **any such considerations**. The phrase “*any such considerations*” ensures that the **grounds for the prohibition of discrimination are not limited to those listed**.

3. Turkey has an **extensive legal framework against discrimination**. In addition to the Constitution, variety of laws, including the Turkish Criminal Code (TCC) (Law no. 5237), Civil Servants Law (Law no. 657), the Law on Political Parties (Law no. 2820), the Labour Code (Law no. 4857), and the Basic Law of National Education (Law no. 1739), specifically recognize the equality of all persons before the law and prohibit discrimination on all grounds. Furthermore, Article 122 of TCC entitled “hatred and discrimination” provides a penalty for hate crime.

4. In addition to this legal framework, Turkey has achieved significant progress with regard to **institutionalization** in the field of combating discrimination. The establishment of Ombudsman Institution in 2012 and the Human Rights and Equality Institution of Turkey (HREIT) in 2016 is a testament to the Government's firm commitment to strengthen institutional safeguards in order to effectively combat discrimination on all grounds. Accordingly, persons claiming to have faced discrimination can lodge an application before these institutions in addition to seeking remedies before the judiciary.

5. Combatting all forms of discrimination and achievement of equality **in practice** for all citizens have been at the heart of the Government's reform process. Turkey has made important progress to ensure that every individual, be it a woman, member of a religious minority, a person with a different background or lifestyle, enjoys his or her rights without discrimination. The Government's commitment to further promoting and protecting the human rights of all citizens remains firm.

6. In line with these explanations, the Government argues that the allegations subject to the Joint Communication are unfounded and therefore should be dismissed.