



Our recommendations for a legislative framework to effectively combat hate speech and hate crimes in Turkey:

Turkish Penal Code:

- Amend the Turkish penal code to include ethnicity and sexual orientation in prohibited hate-motivated behaviour;
- Define hate crimes in the definitions' section of the penal code;
- Provide for aggravating circumstances in case of hate crimes or hate speech;

More specifically¹:

- Include the grounds of ethnic origin, colour, language, citizenship, sexual orientation and gender identity among the prohibited grounds in Articles 122, 125 and 216 and all other provisions of the Penal Code aimed at combating racism and homo/transphobia;
- Abolish the restriction in Article 216 that there must be a threat to public order;
- Explicitly provide that racist and homo/transphobic motivation constitutes an aggravating circumstance for any ordinary offence.

Ratification of international treaties:

- Ratify Protocol No. 12 to the European Convention on Human Rights, which generally prohibits all forms of discrimination (including discrimination against national minorities);
- Ratify the Convention against Discrimination in Education²;
- Ratify the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems;
- Recognize the individual complaint procedure provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

Other:

- Give relevant NGOs the right to lodge complaints in the field of hate speech and hate crimes;

¹ Id.

² Article 5 stipulates that "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace... It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language".



- Give independence to the Human Rights and Equality Authority and the institution of the Ombudsman.
- The media: independently establish self-regulatory mechanisms and draw up ethical charters;
- Parliament and government: adopt codes of conduct prohibiting hate speech and encourage political parties to do the same. These codes of conduct should provide for complaints mechanisms and adequate sanctions for breaches of the codes, including suspension from office and unambiguous condemnation of hate speech³.

Our recommendations for combating State racism in Turkey:

- End the secret coding of minorities in State registries; Open up civil service positions that are forbidden to minorities;
- Repeal Article 301 of the Penal Code ("Insulting the Turkish nation");
- Repeal Law 5816 on the memory of Atatürk;
- Recognize the right to the truth of minorities living in Turkey;
- Return all confiscated property to minorities;
- Establish a system to collect and make public data on racist and homophobic violence; Give an independent body the power to investigate alleged misconduct by members of the police or other security forces, including ill-treatment of members of vulnerable groups⁴; publish statistics on disciplinary measures and judicial investigations concerning law enforcement officials;
- Eliminate racism from schoolbooks.

³ <https://rm.coe.int/fifth-report-on-turkey/16808b5c81>

⁴ <https://rm.coe.int/fifth-report-on-turkey/16808b5c81>