

## Contributions to the report of Ms. E. Tendayi Achiume, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related

### Turkish National Police

- 1) “*Equality before the law*” titled Article 10 of the Constitution of the Republic of Turkey shall prevail as below;

*“Everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds.*

*Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality.*

*Measures to be taken for children, the elderly, disabled people, widows and orphans of martyrs as well as for the invalid and veterans shall not be considered as violation of the principle of equality.*

*No privilege shall be granted to any individual, family, group or class.*

*State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings.”*

- 2) According to the Law Nr. 5237 of Turkish Penal Code;

– “*Equal treatment before justice and law*” titled Article 3 shall prevail as below;

*“(1) Any penalty and security measure imposed upon an offender should be proportionate to the gravity of the crime.*

*(2) In the implementation of the Criminal Code no one shall receive any privilege and there shall be no discrimination against any individual on the basis of their race, language, religion, sect, nationality, color, gender, political (or other) ideas and thought, philosophical beliefs, ethnic and social background, birth, economic and other social positions.”*

– “*Genocide*” titled Article 76 shall prevail as below;

*“(1) The commission of any of the following acts against any member of any national, ethnic, racial, or religious group with the intent to destroy such group, in whole or in part, through the execution of a plan shall constitute Genocide:*

*a) Intentional killing;*

*b) Causing serious physical, or mental, harm to persons;*

*c) Deliberately inflicting on the group living conditions calculated to bring about its physical destruction in whole or in part;*

*d) Imposing measures intended to prevent births within the group;*

*e) Forcibly transporting children of the group to another group.*

*(2) Any person who commits genocide shall be sentenced to a penalty of aggravated life imprisonment. However, where the offences of intentional killing and intentional injury are committed in the course of genocide, there shall be an actual aggregation of such offences, in accordance with the number of victims identified.*

*(3) Legal entities shall be subject to security measures for these offences.*

*(4) There shall be no limitation period in respect of these offences.”*

– *“Offences against humanity”* titled Article 77 shall prevail as below;

*“(1) The systematic performance of an act, described below, against a part of society and in accordance with a plan with a political, philosophical, racial or religious motive shall constitute a crime against humanity:*

*a) Intentional killing;*

*b) Intentional injury;*

*c) Torture or inhuman treatment or slavery;*

*d) Depriving one from his/her liberty;*

*e) The subjecting of persons to biological experiments;*

*f) Sexual assault; sexual abuse of children;*

*g) Impregnation by force;*

*h) Forced prostitution.*

*(2) Where the act described in paragraph one subparagraph (a) is committed the offender shall be sentenced to a penalty of aggravated life imprisonment. Where an act described in any other paragraph is committed then a penalty of imprisonment for a term of not less than eight years shall be imposed. However, for the acts of intentional killing and intentional injury defined in paragraph one, subparagraph (a) and (b) respectively there shall be an actual aggregation of the offences, in accordance with the number of victims identified.*

*(3) Legal entities shall be subject to security measures in respect of these offences.*

*(4) There shall be no limitation period in respect of these offences.”*

– *“Hatred and Discrimination”* titled Article 122 shall prevail as below;

*“(1) Any person who*

*(a) Prevents the sale, transfer or rental of a movable or immovable property offered to the public,*

*(b) Prevents a person from enjoying services offered to the public,*

*(c) Prevents a person from being recruited for a job,*

*(d) Prevents a person from undertaking an ordinary economic activity*

*On the ground of hatred based on differences of language, race, nationality, color, gender, disability, political view, philosophical belief, religion or sect shall be sentenced to a penalty of imprisonment for a term of one year to three years.”*

– *“Recording of Personal Data”* titled Article 135 shall prevail as below;

*(1) Any person who illegally records personal data shall be sentenced to a penalty of imprisonment for a term of one to three years.*

*(2) Any person who illegally records personal data on another person’s political, philosophical or religious opinions, their racial origins; their illegal moral tendencies, sex lives, health or relations to trade unions shall be sentenced to a penalty of imprisonment in accordance with the above paragraph.”*

– “Provoking the Public to Hatred, Hostility or Degrading” titled Article 216 shall prevail as below;

*“(1) A person who publicly provokes hatred or hostility in one section of the public against another section which has a different characteristic based on social class, race, religion, sect or regional difference, which creates an explicit and imminent danger to public security shall be sentenced to a penalty of imprisonment for a term of one to three years.*

*(2) A person who publicly degrades a section of the public on grounds of social class, race, religion, sect, gender or regional differences shall be sentenced to a penalty of imprisonment for a term of six months to one year.*

*(3) A person who publicly degrades the religious values of a section of the public shall be sentenced to a penalty of imprisonment for a term of six months to one year, where the act is capable of disturbing public peace.”*

### **Turkish National Police Academy;**

#### *Training Against Hate Crimes for Law Enforcement*

As a result of bilateral meetings with the Organization for Security and Cooperation in Europe (OSCE), "The Memorandum of Understanding on the Implementation of the Training Program Against Hate Crimes for Law Enforcement" between our Directorate and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) regarding the TAHCLE program to be held in our country was signed on 22.01.2016.

In accordance with the Memorandum of Understanding, a total of 370 personnel, including 55 in 2016 and 315 in 2018, were trained at "The Trainers' Training against Hate Crimes for law enforcement" by our Directorate, in order to train the trainers who will provide education in both central and provincial organizations.

Through these trainers raised, in 2016, a total of 1369 personnel, including 1146 personnel working at 17 PMYO (Police Vocational School for Higher Education) and POMEM (Police Vocational Training Center), and 223 personnel working at our Directorate, were provided "Information Seminar against Hate Crimes for Law Enforcement”.

Additionally in the coordination of our Directorate, from the date of 19 November 2018 until the end of 2023, all the personnel, who have not taken this training so far, and working in the Security Services Class both in central and provincial organizations (2019, 2020, 2021, 2022 and 2023 year-end targets to be at least 20% of the personnel on yearly basis), are to be given "Information Seminar against Hate Crimes for Law Enforcement” with the approval of Directorate General dated on 13/11/2018.

It is planned to held "Information Seminar against Hate Crimes for Law Enforcement” for the personnel working in Security Service Class at our Directorate and at private secretary of Directorate General of Turkish National Police in order to inform and raise awareness regarding to hate crimes and moreover to held “The Trainers' Training against Hate Crimes for law enforcement" for 480 (in total)

personnel working both at central and provincial organization in order to meet the need of trainers in 2019.

Furthermore, pursuant to the Memorandum of Understanding, the TAHCLE seminar was organized for the senior executives of the General Directorate with the participation of OSCE trainers in the workshop hall of our Directorate on 16 October 2019.

In any criminal investigation, within the scope of the competencies given to them by the legislation without making any distinction between the citizens; the law enforcement authority is obliged to determine all aspects of the incident and to refer the incident to the judicial authorities.

### **Directorate General for Relations with Civil Society**

Associations operate in many fields in accordance with the working subjects and forms specified in their regulations. As of 25.01.2019, there are 115.384 associations in our country. Also, there are many associations in the field of combating racism, racial discrimination, xenophobia and similar intolerance.