DeRadicalisation
in Europe and Beyond: Detect, Resolve, Reintegrate

Deradicalization and Integration Legal and Policy Framework

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List of Abbreviations

AKP	Adalet ve Kalkınma Partisi (Justice and Development Party)
CHP	Cumhuriyet Halk Partisi (Republican People’s Party)
CTE	Ceza ve Tevkifevleri Genel Müdürlüğü (General Directorate of Prisons and Detention Houses)
DİSK-AR	Devrimci İşçi Sendikaları Konfederasyonu Araştırma Merkezi (Research Center of Confederation of Progressive Trade Unions)
DİTİB	Diyanet İşleri Türk İslam Birliği (Turkish-Islamic Union for Religious Affairs)
ECtHR	European Court of Human Rights
ECHR	European Convention of Human Rights
EU	European Union
FETÖ	Fettullahçı Terör Örgütü (Fethullahçı Terrorist Organization)
HDP	Halkların Demokratik Partisi (Peoples’ Democratic Party)
ILO	International Labor Organization
KDRP	Köye Dönüş ve Rehabilitasyon Projesi (Return to Village and Rehabilitation Project)
OECD	Organisation for Economic Cooperation and Development
PKK	Partîya Karkerên Kurdistanê (Kurdish Workers’ Party)
R2PRIS	Radicalisation Prevention in Prisons
TÜİK	Türkiye İstatistik Kurumu (Turkish Statistical Institute)

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About the Project

D.Rad is a comparative study of radicalization and polarization in Europe and beyond. It aims to identify the actors, networks, and wider social contexts driving radicalization, particularly among young people in urban and peri-urban areas. D.Rad conceptualizes this through the I-GAP spectrum (injustice-grievance-alienation-polarization) with the goal of moving towards measurable evaluations of deradicalization programs. Our intention is to identify the building blocks of radicalization, which include a sense of being victimized; a sense of being thwarted or lacking agency in established legal and political structures; and coming under the influence of "us vs them" identity formulations.

D.Rad benefits from an exceptional breadth of backgrounds. The project spans national contexts including the UK, France, Italy, Germany, Poland, Hungary, Finland, Slovenia, Bosnia, Serbia, Kosovo, Israel, Iraq, Jordan, Turkey, Georgia, Austria, and several minority nationalisms. It bridges academic disciplines ranging from political science and cultural studies to social psychology and artificial intelligence. Dissemination methods include D.Rad labs, D.Rad hubs, policy papers, academic workshops, visual outputs, and digital galleries. As such, D.Rad establishes a rigorous foundation to test practical interventions geared to prevention, inclusion, and deradicalization.

With the possibility of capturing the trajectories of seventeen nations and several minority nations, the project will provide a unique evidence base for the comparative analysis of law and policy as nation-states adapt to new security challenges. The process of mapping these varieties and their link to national contexts will be crucial in uncovering strengths and weaknesses in existing interventions. Furthermore, D.Rad accounts for the problem that processes of radicalization often occur in circumstances that escape the control and scrutiny of traditional national frameworks of justice. The participation of AI professionals in modelling, analyzing, and devising solutions to online radicalization will be central to the project's aims.

Executive Summary

This country report focuses on the legal and institutional framework with respect to radicalization in Turkey. Both desk research and interviews with experts show that the constitutional organization of the state with respect to fundamental rights and values, the relevant legislative and institutional framework and deradicalization policies carry the legacy of historical ethnic and religious conflicts and sensitivities and a limited approach to minorities adopted in the Lausanne Peace Treaty. As the definition of the minorities is confined to the boundaries of the Lausanne Peace Treaty which only acknowledges the non-Muslims, and, a further minority regulation regime was not introduced in the later years, the political space does not provide adequate space for the recognition of ethnic and religious demands. The constitutional framework has maintained a similar perspective despite different constitutions were enacted across time. Secularism and a notion of civic nationalism comprise the two main founding principles. Article 3 provides that the integrity and indivisibility of the unitary state and its nation is an irrevocable provision and thus ethnic or religious diversity claims have been perceived as threats to the national unity. Despite the constitution also emphasizes the importance of fundamental rights and liberties and equality before law, the fact that Articles 13 and 14 allow suspension of the fundamental rights and liberties in case of the violation of Article 3 indicates the priorities of the political regime.

The relevant legislative framework beyond the constitutional context with respect to radicalization has a similar security-based approach in which there is not a specific conceptualization of radicalization: discourses outside the constitution and official ideology are treated as threats to national integrity and evaluated under the context of counter-terrorism. The legislation is punitive, limited in scope regarding the hate crimes and applied in a biased way to protect the majority ethnic and religious groups. As a more salient pattern, Article 301 regulating insulting Turkish nation is used to frame ethnic demands as anti-constitutional and terrorist activities. Recent Internet law also gives the state the right to acquire communication data without any court permission and is instrumentalized to incriminate the opposition. The available legislative context with respect to radicalization doesn't encompass the online contexts and any effort to detect radical contents on online platforms targets the minorities and dissident groups rather than hate speeches and discriminatory attitudes targeting the minorities. The only paradigmatic case law is Selendi case in which the perpetrators of the attacks on the Roma community are sentenced at the maximum prison term provided by the relevant provisions of the Turkish Penal code, and it forms the only case, that we are aware of, used to rule on the attacks against the minorities. While carrying the potential of being an exemplary case, the evidence shows that it didn't have a dramatic impact on legislative framework for later crimes.

The institutional and policy framework reflects the approach in the legal framework in that policies ignore the ethnic and religious diversity, downplay the crimes against

minorities with a security approach on radicalization and deradicalization and protect the dominant groups rather than minorities and dissidents. The Islamization policies of the AKP and its further closing down the political space with a super-presidential system also exacerbates the situation and feelings of insecurity among non-Muslim and heterodox Muslim groups such as the Alevis.

Concomitant with the counter-terrorism approach and the lack of a framework for radicalization, de-radicalisation projects are majorly composed of prison programs. One of them is called "Multi-level in-prison Radicalization Prevention Approach" (R2PRIS) enacted between 2015 and 2018 jointly funded by the Erasmus+ program. The program focused on training the frontline personnel in terms of assessing the indicators of radicalization and developing measures to alleviate the potential factors for radicalization. Its comparative aspect also paved the way to exchange best practices via bilateral visits. The other deradicalization project targets jihadist inmates in prison in which the Ministry of Justice and Ministry of Religious Affairs cooperate. The latter relies on the clerical personnel in prisons who are charged of disseminating the tolerant messages of Islam. However, the low participation rate in program shows the necessity of adopting a radicalization approach at state level, involvement of experts and practitioners of diverse backgrounds to decrease the categorical rejection by inmates, and devising a training program which equips the clerical personnel with specialized training about radicalization and deradicalization going beyond the tolerant religious narratives.

1. Introduction

The country report D4.1 focuses on the existing policies and legal framework that address radicalization. It begins with a brief historical background on radicalization in Turkey with a specific focus on the main characteristics of the society and its constitutive groups and the geography of radicalization. The report continues with the constitutional organization of the state and the values and rights pertaining to the religious, political, ethno-national and separatist issues. In this section, we emphasize that the weaknesses and loopholes in the constitution with respect to radicalization is the main cause of the absence of a constitutional case-law.

The report, then, delves into the other relevant legislative framework. It points out that the Turkish Penal Code and the Turkish Counter Terrorism Law articles are invoked in the crimes against the minorities and disadvantaged groups without any specific content pertaining to the element of hate. It focuses on the Selendi case as a case-law, in which the Roma residents, were attacked. In the next section, the report discusses the relevant policy and institutional framework in the field of radicalization underlining the fact that the policy framework prioritizes counter terrorism rather than radicalization. This leads to an absence of effective policy development for deradicalization. It takes two well-known examples of deradicalization policies and draws conclusions for the lessons to be learnt.

2. The Socio-Economic, Political and Cultural Context

Turkey ranks as the 54th country in the Human Development Report (HDR) of the United Nations Development Programme (UNDP) by 2021 (UNDP 2021), falling behind the European Union (EU) and the Organization for Economic Co-operation and Development (OECD) countries. Poverty and unemployment continue to be a severe problem especially for the young people. According to the International Labour Organization (ILO), youth unemployment rate reached to 27.1% by November 2020 (ILO 2021). The Turkish Statistical Institute (TÜİK) and the Research Center of Confederation of Progressive Trade Unions of Turkey (DİSK-AR) diverge about the general unemployment statistics. While the official unemployment rate was declared as 13.9% as of April 2021 (TÜİK 2021), the trade unions claim that the official figures exclude those unemployed out of seasonal work and those stopped looking for a job because of not being able to find a job for a long time; and when these groups are added, the unemployment rate reaches to 27.4% (DİSK-AR 2021) for the same period. Furthermore, Turkey has the highest inequality rate in comparison to the European countries, with the widest gap between the incomes of the top 20% and the bottom 20% of the society (BİA News Desk 2021).

The economic landscape is accompanied by a complex social structure. Multiple forms of radicalization with violent outcomes have prevailed in Turkey since the inception of the republican period in 1923.[1] The country emerged out of the World War I as the successor of the Ottoman Empire with its socio-economic and political legacies. The young republic's vision of the new nation entailed a secular public sphere in which the religious authority would be

[1] This part of the report also takes place in Turkey Country Report D3.2 in a slightly revised form.

subjugated to the state control and the ethnic minorities would be relegated to the cultural sphere under the umbrella identity of Turkishness. The Lausanne Peace Treaty of 1923, as the founding agreement of the republic, recognized only the non-Muslim communities as the minorities, but did not create a minority regulation regime that would respond to the cultural or religious claims. Through the course of the years, several divisive issues consolidated into politicized cleavages around ethnic and religious identities and the permissible visibility of the religion in the public sphere. These conflicts attained violent character at certain historical junctures, sometimes through the intervention of the state institutions, particularly the military establishment, such as the September 12, 1980 coup[2]. A quick glance at the Turkish political history reveals two aspects. All four types of radicalization with violent character, namely the jihadist, right-wing, left-wing and separatist, have existed in Turkey since the beginning of the republican era. Moreover, Turkey witnessed violent events related to all four types nearly in every decade, especially jihadist and right-wing radicalization.

The forms of radicalization based on religious or right-wing notions indeed precede the republican period. The westernization reforms initiated in the 18th century marked the beginning of the traditionalist-reformist division which consolidated further with the *Tanzimat*[3] period of the 19th century. Reactions against the secularism principle which laid out the foundations of the new republic led to several uprisings motivated by overtly religious concerns (Berkes 1964). The *Tanzimat* reforms aimed to reform the dysfunctional state institutions along with proposing a new inclusive citizenship following the ethnic uprisings in the Ottoman Empire (Stamatopoulos 2006; Dressler 2015; Davison 2015; Inalcık 2019). The search for creating a nation as homogenous as possible against the background of the ethnic uprisings of the 19th century and the World War I during the early republican period did not leave any space for ethnic and religious claims. It also created a minority discourse, in which any ethnic demand would be denoted as suspicious and divisive. The absence of any official recognition of the cultural specificities of different ethnic or religious groups other than the general clauses of the Lausanne Peace Treaty which stipulate that the non-Muslim nationals would be under equal protection with all citizens (Lausanne Peace Treaty 1923) led to an obscure social setting of which right-wing groups justified their attacks on the minorities, claiming that they attacked the separatists and internationally funded groups as they could not be considered as minorities in the legal sense.

3. The Constitutional Organization of the State and Constitutional Principles on D.Rad Field of Analysis

Constitution-making in Turkey dates back to the Ottoman Empire. The first constitutional movement came in 1808 with *Sened-I İttifak* (Deed of Alliance), which regulated the division of powers between the monarchy and the local rulers. It was followed by the *Tanzimat Fermanı* (Decree of Reforms) in 1839 and *Islahat Fermanı* (Decree of Improvements) in 1856. The

[2] The 1980 coup resulted in the exile, imprisonment and torture of tens of thousands of people, mostly from left-leaning and Kurdish groups. For further information, please see (Orhon 2015). The coup was made within the chain-of-command led by General Kenan Evren. It was supported by the ultra-nationalist groups actively and the Islamists tacitly.

[3] The Tanzimat period refers to the legal and policy reforms in the 19th century to rehabilitate the failing state institutions in the Ottoman Empire.

Tanzimat reforms initiated secularization of the legal framework and provided rights to all citizens regardless of their ethnicity or religion, while the *Islahat* decrees specified the rights and the liberties that were extended to the non-Muslims (Grigoriadis 2013). The first constitution of the Empire followed these movements and was enacted in 1876 titled *Kanun-I Esasi* (The Basic Law). Although it provided constitutional equality of representation for the entire population, it failed to create a powerful parliament able to limit the powers of the government effectively (Atar 2001). It should be kept in mind that the constitutional movements in this period aimed to re-empower the Empire in turmoil and prevent foreign intervention by extending recognition and the rights to the non-Muslim population (Grigoriadis 2013, 282). This aspect of the Ottoman constitutional framework sheds light on the dynamics of the citizenship and minority regime in the republican period. As ethnic nationalism found appeal in the Ottoman territories overwhelmingly populated by the non-Muslim groups leading to the emergence of separatist uprisings and the political regime became more autocratic under Abdulhamid II, the reform process was reversed, and ethnic tensions rose.

The first republican constitution was made in 1921 establishing a parliamentary government and making Islam as the state religion. It was made by the revolutionary elite who led the independence struggle against occupation in the post-World War I period and aimed to lay down the foundations of the new regime in general terms. In 1923, Lausanne Peace Treaty was signed bringing the conflict between the Allied powers and the Ottoman Empire. It also recognized the new regime in Turkey as the legitimate and sovereign successor of the Ottoman Empire and the representative of the population living in Anatolia and Eastern Thrace. The citizenship regime defined in the Lausanne Peace Treaty laid out the foundations of the minority policy and legal framework throughout the republican period to this day. The treaty was progressive in the sense of providing equal rights and liberties to all citizens regardless of their ethnicity, language, race and religion (*Lausanne Peace Treaty* 1923); however, only non-Muslims were acknowledged as minorities. In other words, religious diversity within Islam (as in the case of the Alevis[4]) and ethnic diversity were ignored. As mentioned earlier, the policy and legal framework bore the legacy of the ethnic tensions preceding the World War I. An annex of the treaty, titled Declaration of Amnesty gave immunity to all crimes connected to political events in the period of 1914 to 1922. In the same year, the 1921 constitution was amended by declaring Turkey a republic following the international recognition of the sovereignty of the Turkish republic as the successor of the Ottoman Empire. A new constitution took effect in 1924, which declared secularism as an irrevocable provision along with other fundamental principles, installed a majoritarian parliamentarism. Ironically, a more progressive constitution was made in 1961 following the military coup of May 27, 1960.[5] 1961 Constitution introduced clear separation of powers between the branches of government and a checks and balances system, designed a consensus vision of parliamentarism, reformed the electoral law with proportional representation system, established a bicameral parliament, brought the principle of the social state as another irrevocable provision and expanded the constitutional guarantee of the political rights and civil liberties.

The 1982 Constitution made after the September 12, 1980 coup reversed this process dramatically. Although the parliamentary system was retained, the checks on the executive

[4] The Alevism is a heterodox group who has been persecuted by the Islamists since the Ottoman period. For details, please see the Turkey report 3.2.

[5] The 1960 coup was staged by a heterogenous group of low and middle rank officers led by General Cemal Madanoğlu and against the Democratic Party (DP) government of Adnan Menderes. The coup had popular support from the emerging urban middle classes (Daldal 2004).

branch were weakened, parliament became unicameral, and representation was curtailed with a 10% electoral threshold. This Constitution is still in effect however went through several amendments. Some of the democratic reforms in the form of constitutional amendments were made in the EU harmonization process following the 1999 Helsinki Summit as Turkey was granted the candidacy status. 2001 and 2004 reforms brought improvements regarding individual liberty, privacy, freedom of expression, freedom of the press, freedom of association and assembly, the right to a fair trial, the right to work and form labor unions. The reforms abolished the state security courts, empowered the Constitutional Court's (CC) review capacity, curtailed the institutional powers of the military establishment (Özbudun 2007). In 2007, the constitution was further amended enabling the election of the president by direct popular vote, which can be considered as the beginning of the transition to presidentialism. Although Gül was the president and Erdoğan the prime minister, Erdoğan started to sideline Gül and increasingly held the control of the state apparatus and the media. In other words, this de facto transition, came first in the form of presidentialization, a term coined by some scholars to refer to the increasing domination of the prime ministers in some parliamentary systems (Poguntke and Webb 2005). When Erdoğan was elected as the new president by direct popular vote in 2014, a reverse trend emerged; and Erdoğan tried to sideline the new Prime Minister, Davutoğlu. Davutoğlu's resistance led to his removal from office by Erdoğan in search of a more compliant one (Letsch 2016). Finally, in 2017, presidentialism was introduced. The new system grants extensive powers to the president by uniting the executive powers under the presidency and giving little role to the cabinet (Article 104), transfers the majority of the powers of the cabinet to the presidency (Article 106), weakens the supervisionary powers of the parliament over the executive (Article 87), empowers the president over the appointment of the CC judges (Article 146) and enables mutual dissolvement of the government and the parliament (Article 116) (*Constitution of the Republic of Turkey* 1982).

We have so far outlined the historical course of constitution-making in Turkey as the evolution of the constitution into its contemporary form provides a better understanding of its overarching principles and provisions relevant to the D.Rad policy fields in its political-historical context. The first principle of the contemporary constitution is republicanism as the new regime aimed to break with its past and prevent any kind of return to monarchy (Article 1). The second article defines the characteristics of the republic as respecting to human rights, committed to Atatürk nationalism, democratic, secular and social and governed by the rule of law.[6] The third article emphasizes the integrity and indivisibility of the unitary state and its nation and recognizes Turkish as its official language. These three articles reflect the historical legacy and the impact of the approach adopted in the Lausanne Peace Treaty. Secularism principle separates the state affairs from the religious affairs and with Article 136 it establishes a Presidency of Religious Affairs (*Diyanet İşleri Başkanlığı, Diyanet*) to work according to the principles of secularism. In this way, the religious authority is subjugated to the political authority. Article 24 provides freedom of religion and conscience; however, the constitution does not recognize religious diversity beyond the scope of the Lausanne Peace Treaty. In practice, this brought Sunni Islam as the dominant interpretation of Islam and does not grant the Alevis political and public recognition (Dressler 2015). The Alevi worshipping places named as *cemevi* does not have legal status of a religious center, hence do not have the

[6] The constiutional model is based on the Kemalist framework which sought to create the new state and its socio-economic order with a secular, nationalist, pro-Western Outlook. For a discussion of its practical implications on the Turkish politics, see (Ciddi 2008).

access to the public resources unlike the mosques dominated by the Sunni clerics (Borovalı and Boyraz 2016). Overall, although the principle of secularism is a progressive principle vital for a democratic system, its application in Turkey fails to resolve the secular-Islamist divide and recognize the diversities within the Muslim community. Crimes against the Alevi minority in this legal framework are handled without constitutional support beyond the Article 10 establishing equality before the law.

The emphasis on the loyalty to Atatürk nationalism in Article 2 identifies Turkishness as a supra identity with a civic interpretation of nationalism. On the other hand, ethnic identities remain unrecognized. The demands of the Kurdish minority in this context face the emphasis on the indivisibility of the unitary state and nation in Article 3. In other words, ethnic demands for recognition cannot be contained in the constitutional framework and interpreted only within the context of separatist activity. This emphasis overarches all other principles as Article 13 and 14 enables the constitution to curtail the fundamental rights and freedoms in case of threats to the national unity and territorial integrity (İçduygu and Ali Soner 2006, 456). Articles 25, 26, 33, 34, 68 regulate the fundamental rights and liberties pertaining to the freedom of expression, association, assembly and political party activity along with the Article 10 which provides equality before the law. Article 20 and 22 provide protection of the individual privacy. However, as mentioned earlier, the Constitution allows curtailment of the fundamental rights and liberties in the cases deemed to pose threat to the fundamental principles defined in Articles 2 and 3, particularly secularism, nationalism and national integrity. In practice, this means that ethnic or religious demands can be interpreted as acts endangering the irrevocable principles of the Constitution. In a similar fashion, the constitution's emphasis on the national unity and territorial integrity does not allow formation of the local governments that can play role in democratic representation and local politics remain limited to the municipality services (Köker 1995; Güney and Çelenk 2010).

The CC's decision on the closure of the HDP forms a case law in this regard.[7] In the case of the closure of the pro-Kurdish HDP (Halkların Demokratik Partisi, Peoples' Democratic Party) in 2003, the activities and the discourse of the party were ruled as violation of the Turkish constitution. The court ruled that the party's chairs and organization members had acts which violate the indivisible integrity of the unitary state and its nation, invoking the preamble and Articles 3, 5, 14, 28, 30, 58, 81, 103, 130 and 143, all of which emphasize the indivisibility of the integrity of the unitary state and its nation (Anayasa Mahkemesi 2003). The court also invoked Articles 68 and 69 declaring that the closure of HDP was constitutional as the articles enable the closure of the political parties on the basis of the violation of the fundamental principles. HDP was further accused of affiliation with the PKK (Partîya Karkerên Kurdistanê). In conclusion, the party was closed in accordance with Articles 68 and 69 of the Constitution and Article 101/b of the Law on political parties, its top leadership was banned from political activity for five years, and the party's properties were transferred to the national treasury.

[7] There is also the case pertaining to the closure of the Refah Party in 1998 again on the ground of violating the constitutional order, however with the accusation that the party members aimed to establish a teocratic state which would endanger the religious freedoms and the democratic system.

4. The Relevant Legislative Framework in the Field of Radicalization

We have conducted desk research on the broader legislative framework regulating the issues pertaining to radicalization and deradicalization beyond the constitutional context. We also made interviews on June 9, 2021, in a virtual format with two legal experts, one a human rights lawyer, the other a law scholar and a lawyer working in the fields of constitutional law and anti-discrimination. We also interviewed a political science scholar working in the field of radicalization and extremism on June 10, 2021, again in a virtual meeting. As we informed our three participants, we did not record the meetings and rather took notes in handwriting. The respondents were given written consent forms explaining the scope of the project and how the interview data will be used. We did not need to make further interviews as both legal experts provided similar information.

The respondents emphasized that the policy and legal framework in Turkey does not conceptualize radicalization and approaches discourses outside the constitutional framework and official ideology within the context of counter terrorism and as acts and discourses against the indivisibility of the unitary state and its nation. In other words, the legislation is guided by national security and public order concerns rather than a principle of balancing the security regulations with the fundamental freedoms. The legislation on radicalization has a punitive approach and is applied in a biased way. The main legal provisions which regulate the cases related to radicalization are Articles 216 and 122 of the Turkish Penal Code. According to Article 216:

(1) A person who openly incites groups of the population to breed enmity or hatred towards one another based on social class, race, religion, sect or regional difference in a manner which might constitute a clear and imminent danger to public order shall be sentenced to imprisonment for a term of one to three years.

(2) A person who openly denigrates part of the population on grounds of social class, race, religion, sect, gender or regional differences shall be sentenced to imprisonment for a term of six months to one year.

(3) A person who openly denigrates the religious values of a part of the population shall be sentenced to imprisonment for a term of six months to one year in case the act is likely to distort public peace.

Article 122 which was amended in 2014 to include a clause about hatred, provides that discrimination among people due to difference of language, race, colour, sex, political view, philosophical belief, religion, religious sect etc. shall be considered a crime and punished. However, the Article specifies only four certain crimes within the scope of hate crime: preventing the sale or rent of a property, preventing access to a service, preventing employment, and preventing ordinary economic activity due to discrimination and hatred against a certain group.

The legal experts emphasized that the letter of the two provisions is not problematic in general. They claimed that the way Articles 216 and 122 are used by the political authority poses the core problem. Instead of protecting the minorities and disadvantaged groups, as can be seen in the court decisions, the public prosecutors and judges invoke these articles to protect Turkishness and Sunni Muslim values. For instance, during the student protests at Boğaziçi

University against the presidential appointment, government officials denigrated the LGBTQ individuals as “perverts” and terrorists, however, Article 216 was instead invoked against the protestors (2021).

Article 122’s scope of crimes is very narrow, for example excluding psychological and physical violence against women and the LGBTQ individuals. Discrimination and hate crimes encompass a wider scope than defined in the law and the crimes specified are very difficult to be proved that they are committed because of hatred and discriminatory attitudes. Moreover, even if it is ruled that there is an element of hatred and discrimination, it does not aggravate the punishment. Experts recommend aggravating the punishment in such cases, expand the scope of the crimes, taking hate crimes out of the scope of freedom of expression. Moreover, they emphasize that unless the independence of judiciary is improved and a new justice system introduced in a way that people with different ideological and political tendencies can become judges. In its current condition, the presidency controls the judicial organs with partisan appointments and pressing charges against the judges who give unfavorable decisions. Otherwise, they warn that these unilateral and political interpretations dominant in the judicial system will continue to prevail. In the current situation, insults and discriminatory acts against minorities such as the Alevis, Kurds and Armenians, as the legal experts warn, are ruled as part of freedom of expression while any speech or act critical of the dominant social groups are punished. The respondents also recommend mediation in criminal matters with alternative dispute resolution. They underline the fact that use of the Penal Code to protect the majority religious and ethnic population leads to feelings of injustice, grievance and alienation which polarizes the society into those who are protected by the law and who are punished by the law. They argue that mediation in criminal matters can bring the perpetrator and the victim together and create a mechanism in which the encounter may convince the perpetrator about the consequences of their wrongful action.

Article 301 which regulates insulting Turkey, the Turkish nation, Turkish government institutions, or Turkish national heroes was interpreted particularly problematic, and, identifies ethnic demands as anti-constitutional and terrorist activities. In 2011, the European Court of Human Rights ruled that this provision was too widely and vaguely interpreted by the judiciary on the basis of the case *Altuğ Tamer Akçam vs Turkey* and that the provisions violate the Article 10 of the ECHR (European Court of Human Rights 2011). The legal experts also concur that the Article 301 is used against the minorities rather than protecting the social peace.

Two further issues emerged during our desk search and interviews. The legal framework fails to respond to the on-line contexts. Articles 116 and 132 of the Turkish Penal Code regulates violation of the immunity of residence. Article 132 of the Turkish Penal Code, titled “Violation of Confidentiality of Communication” defines the violation of the confidentiality of communication between persons as an offence. Data protection law No. 6698 enacted in 2016 secures the data privacy of the individuals as a fundamental right and liberty. The companies or collective personalities which provides goods and services to the EU countries and their citizens are subject to General Data Protection Regulation (GDPR) and the data transfer from Turkey to the EU countries are GDPR compliant. However, these laws fail to protect the fundamental rights and liberties in practice (Rodriguez and Temel 2020). Furthermore, the Internet Law No. 5651 dated 2007 authorizes the punishment and limitation of the online content and forces the international news and social media platforms to appoint a local representative, localize their data, and speed up the removal of content if demanded by the

government. Finally, emergency decrees no. 667-676[8] took effect after the abortive July 15, 2016 coup[9] enables the government to access communications data without a court order. Overall, the legal framework empowers the state institutions rather than the individual privacy and liberty. From another dimension, there is no legal or political framework against the social media accounts which spread hatred and discriminatory discourse against the minorities, and, the law enforcement either does not track the radical online content or tracks but does not take any precaution if it does not belong to separatist or left-wing groups. A repercussion of this policy was illustrated by the attack on the Izmir district branch of the HDP on June 27, 2021 (Kepenek 2021). After the perpetrator was apprehended, it was revealed that one day before the incident he tweeted hateful comments and threats to the minorities and posted photos showing him as a possibly foreign fighter in Syria (*İleri Haber* 2021).

There is only one case that we could find in our research that can be considered as a paradigmatic case-law on radicalization. It is the Selendi case. The court decisions other than those of the Constitutional Court are closed to public.[10] Therefore, we did not have any access to the official documents. However, we collected news coverage, statements of the lawyers of the victims and reports of the civil society organizations.

On December 31, 2009, a quarrel at a coffee house in Manisa's Selendi district between members of the Roma and non-Roma residents exacerbated into lynching. The attacks on the property and the personality of Roma people continued for days. On January 5, 2010, the mob flooded the streets chanting "The Gypsies out", "Selendi is ours". The Roma witnesses claimed that the discriminatory behavior started after the local elections in 2009 with actions to prevent the Roma to enter some coffee houses or denying service (İnsan Hakları Derneği & Çağdaş Hukuçular Derneği 2010). The element of hatred in the public behavior was clear. The police failed to establish the public order and provide security of the Roma. The mob was later dispersed by the gendarmerie, and, the Roma residents were relocated to another district. It took three years for the Ministry of Family and Social Policies to settle the displaced Roma to permanent public housing. The report published by the Roman Hakları Derneği (Roma Rights Association) reveals the extent of psychological and financial damage. The displaced Roma mostly lost their jobs, could not adapt to their new neighborhoods, eventually moved to other places. The report also points out to the feelings of insecurity and fear that the state institutions would not protect them, and feel alienated as they thought that the perpetrators would not be persecuted at an extent that they deserve (Özbek 2015). The trial took 20 hearings and 5 years. In 2015, Uşak 2. Civil Court of First Instance ruled that the perpetrators should be punished in accordance with Articles 216, 151 and 152 of Turkish Penal Code. The Article 216 provides that the offense of inciting the population to breed enmity or hatred or denigration based on social class, race, religion, sect or regional difference in a manner which might constitute a clear and imminent danger to public order shall be sentenced to imprisonment for a term of one to three years. It also rules that a person who openly denigrates the religious values of a part of the population shall be sentenced to imprisonment

[8] These decrees took effect after the abortive coup of 2016, granting the president the authority to dismiss public servants and removed the controls over the trial processes.
[9] On July 15, 2016, a factional coup was attempted led by officers with ties to the Gülenists to the best of our knowledge. The coup was aborted in a short time as the high ranking officers did not back up the putschists and the government succeeded in mobilizing popular support (Çalışkan 2017).
[10] The court decisions as well as the reports of the horizontal accountability institutions such as the Court of Accounts have been gradually closed to the public access increasingly since 2011 as the regime continued to close up and attain an increasingly authoritarian character.

for a term of six months to one year in case the act is likely to distort public peace. To the best of our knowledge, based on our desk research and interviews, the Selendi case is the only case in which Article 216 was used in favor of a minority group. Articles 151 and 152 on the other hand regulates the offences against the private property. As a result, the court ruled that 38 perpetrators should be imprisoned for a term between 8 months to 45 years. The legal experts we interviewed explained the case as an attempt of the judge and the public prosecutors to compensate for the deficiencies of the legal framework. First, the punishments were given at the maximum terms. Secondly, as the element of hatred does not aggravate the prison term, additionally Articles 151 and 152 were invoked. The case forms an important precedent for similar events and shows that Turkish legal system needs specific legal framework for the hate crimes. Turkish legal system does not leave much space for case-law and jurisprudence in general as stated by the legal experts I interviewed for the report; however, the Selendi court decision discourages similar crimes showing that the outcome might be severe for the perpetrators. Unfortunately, we did not find any evidence that the Selendi case had a dramatic impact on the policy and legal frameworks as later crimes against the minorities and refugees did not produce similar results.

5. The Relevant Policy and Institutional Framework in the Field of Radicalization

The policy and institutional framework in Turkey in the field of radicalization partly reflects the legal framework. The official discourse follows the Constitution about the equality of all citizens before the law and that any act which denigrates a social group is subject to a criminal prosecution. However, we observe two tendencies: the policies ignore the religious and ethnic diversity, downplay the crimes against the minorities; and radicalization and deradicalization policies are mostly shaped by a security approach. Counter terrorism rather than radicalization informs the policies, and the priority resides with protection of the dominant groups rather than the minorities and dissidents. We also observe that the groups targeted by the regime changed across the time, however, the tendency of the state institutions to punish the subjectively defined enemies continues.

The official discourse regarding religious freedoms conventionally emphasized the secularism principles guarantees religious freedoms until 2000s. Despite the equality of citizenship and rights provided to the Muslims and non-Muslims, there is a general suspicious attitude towards the non-Muslims citizens, particularly the Jews and Armenians. The establishment of the Turkish republic brought a process of religious harmonization by population exchange agreements between Turkey and Greece so that the non-Muslim population would move and the Muslim Turks abroad could be relocated (Gürsoy 2008). The discriminatory policies of the public institutions and hate crimes targeting the non-Muslim population which went unpunished further resulted in the migration of the non-Muslim population abroad (Içduygu, Toktas, and Soner 2008). The Armenians have been particularly vilified for cooperating with the occupiers and their alleged atrocities during the World War I and identified as an ethnic threat which was corroborated by the vilifying media discourse (Koldas 2013). The feelings of alienation and insecurity appear to be exacerbated with the Islamization policies in the last two decades as illustrated by the renewed emigration of non-Muslims (Pinto and David 2019). To the best of our knowledge, the non-Muslims did not occupy top level positions in law enforcement or bureaucracy. The policy framework also discriminates against the heterodox

Muslim groups such as the Alevis. The religious institutions have been designed according to the Sunni Islamic values and Alevism has not been officially recognized. The Alevi students have to attend the compulsory religious education courses with a Sunni Islamic curricula despite the ECtHR decisions (Özalp 2015). However, the policy framework has responded to the secular-Islamist cleavage, as shown by the ruling which led to the closure of the parties with an Islamist pedigree by the Constitutional Court (Boyle 2004). The quasi-coup of February 28, 1997[11] brought a process in which the female students with headscarves were deprived of their right to education (Cizre and Çınar 2003). On the other hand, the military-bureaucratic establishment dominated the post-1980 period until mid-2000s, adopted the Turkish-Islamic synthesis to counter the challenges from the pro-Kurdish and leftist politics (Kurt 2010; Kaya 2020). Ascendance of the *Adalet ve Kalkınma Partisi* (Justice and Development Party, AKP) to power in 2002 brought an Islamization process (Oprea 2014; Yesilada and Rubin 2013; Kaya 2015). This process provided a wider space for the Sunni Muslim population and religious orders while the desecularization led to feelings of injustice and alienation among the non-Muslims and the Alevi population.

The closing of the political space since the second term of AKP in power and with the transition to a presidential system in the form of superpresidentialism increased human rights violations and violations pertaining to the freedom of speech, expression and the press. The current political landscape provides very little space to the local municipalities, the third sector and the NGOs. Recently, the Court of Cassation prosecution opened a closure case against the pro-Kurdish HDP[12] (*BBC News Türkçe* 2021).

The main opposition party, CHP's (Republican Peoples Party) members, are accused by the government for having alleged affiliation with left-wing radicalization (*Deutsche Welle* 2021). Interpreting the treatment of the secular and pro-Kurdish opposition by the incumbent party, the policies on radicalization appear to be punitive rather than integrative, and the security discourse dominates the policy framework on radicalization and deradicalization. As far as the Kurdish issue is concerned, AKP had initially started a reconciliation process known as the Peace Process in the 2012-2015 period. However, the process failed in the polarized political environment (Yeğen, 2015; Pusane, 2014). In the context of separatist radicalization, the most important deradicalization program was the "Return to Village and Rehabilitation Project" which was initiated in 1999.[13] The program accelerated under the AKP government's National Unity and Brotherhood program, commonly known as the Peace Process, which was terminated in 2015. Although the process was claimed to be officially initiated in 2013, initial efforts for putting a permanent end to armed conflict and beginning of the talks between the PKK and the state officials can be traced back to 2009, when more than 30 PKK members were permitted to enter Turkey legally from the Habur border gate with the promise of non-prosecution. In this context, the project was renewed on June 23, 2010, with an additional budget,[14] with an effort to sustain the peaceful return of the habitants of the villages evacuated and destroyed during the height of the armed conflict in the mid-1990s, providing occupational

[11] The February 28 process refers to the non-violent military intervention which removed the government in which the Islamist Refah Party was a partner; and, increased the institutional powers of the military over the parliament and the government.
[12] The report gives place to the closure of several Kurdish parties as the closure of the Kurdish parties have been cyclical since 1990s. A new party was formed after the closure of its predecessor to closed by a new verdict and succeeded by a new party.
[13] This part also takes place in the country report D3.1 in a slighlty revised version.
[14] https://www.icisleri.gov.tr/koye-donus-ve-rehabilitasyon-projesi-kdrp

training and employment to the returnees, re-construction of the infrastructure, repairing the basic education and health care facilities, and providing logistical support for the reconstruction of the damaged houses. The policy was consistent with EU legal framework with regards to the protection of the fundamental rights.

To the best of our knowledge, there is no deradicalization program targeting left-wing and right-wing radicalization. Prison programs appear as the most common deradicalization initiatives against jihadist radicalization. The Presidency of Religious Affairs[15] in coordination with the Ministry of Justice (particularly, General Directorate of Prisons and Detention Houses) and the police force conducts some programs in the field of jihadist radicalization. These programs aim to disseminate "peaceful and tolerant messages of Islam" among the inmates in Turkish prisons, cultural centers in Central Asia, and the Balkans; to raise awareness among the refugees under temporary protection in Turkey on the dangers of religious radicalization, to provide training programs in the child protection units against radical narratives, to raise imams who can disseminate tolerant messages. There is also a program of twin sister cities with the African countries to develop a counter-narrative (OHCHR, 2015, p.15). Turkish national police hold conferences at schools for awareness-raising; and contact families designated as at-risk by the police force. There are also programs funded by the EU and the General Directorate of Prisons and Detention Houses functions as a project partner (R2pris, 2015).

As it comes to the use of technology for detecting radicalization, the Information and Communication Technologies Authority tracks radicalization, but mostly for the purposes of intimidating and prosecuting the opposition (Rodriguez and Temel 2020). In addition to this institution, Counter-Terrorism and Operations Department under the Ministry of Internal Affairs and General Directorate of Prisons and Detention Houses under the Ministry of Justice deal with radicalization and deradicalization especially through the international projects funded and supported by the EU and the Erasmus Plus programs. The centralized administration and the closing of the political space does not allow independent actions by the local municipalities or the third sector and the NGOs. The Police Academy publishes reports about radicalization and deradicalization without any concrete deradicalization projects.[16]

6. Two in Depth Case Studies

The policy approach which prioritizes counter terrorism over the conceptualization of radicalization and deradicalization and the absence of a specific legal framework pertaining to radicalization shape the counter radicalization measures in the form of imprisonment and investigation. Turkey has not yet developed a policy framework on deradicalization which would be designed taking the specific characteristics of different types of radicalization into consideration (International Crisis Group 2020, 21). The most important project we found in this regard adopting a deradicalization approach like the European countries is “Multi-level In-

[15] The Presidency of Religious Affairs was established in the early years of the republic. However, in the AKP period, its staff and budget expanded enormously and it became a critical and visible actor in the decision-making mechanism.

[16] One report I could access is (Gunn and Demirden 2019). I could not get access to the others despite I formally contacted the Academy. The knowledge about the lack of concrete deradicalization projects is based on this report; and, the brief interviews I made with the people I could reach in the institution.

prison Radicalisation Prevention Approach" (R2PRIS) in the 2015-2018 period. The project was implemented in six countries: Norway, Portugal, Belgium, the Netherlands, Romania and Turkey. Turkish Prison Administration (Ceza ve Tevkifevleri Genel Müdürlüğü) under the Ministry of Justice was the official partner from Turkey. The project approaches the prisons as both places of detention for people committed radical crimes and as a facility of radical milieu given that especially young inmates vulnerable to radicalization are recruited to radical groups during their terms in prison even if they have no prior affiliation. The frontline personnel, specifically the correctional officers, educational staff, psychologists, and social workers play a key role in detecting indicators of radicalization, raising awareness, and eliminating the potential factors that may lead to radicalization. The project focused on training of the frontline personnel in prisons on the conditions in prisons that may lead to radicalization and the recruitment strategies of the organizations. In terms of the outcomes, the project provided a methodological framework and radicalization screening tool to detect the indicators of radicalization. The screening tool is used to train the prison staff regarding the prison environment and inmate related factors. It also involves a mutual learning process. At first, a general instrument of radicalization screening is convened to the participating prison staff, then it is modified for each country with the feedback from the participants. At the third stage, individual radicalization screening tool is developed based on a large questionnaire on 10 dimensions (emotional uncertainty, self-esteem, radicalism, distance, and societal disconnection, need to belong, legitimization of terrorism, perceived in-group superiority, identity fusion and identification, and activism) to identify the inmate specific radicalization process. The project further gave trainings to the prison staff for developing response strategies for the vulnerable individuals. It also provided a platform between country teams for on-site best practice exchanges through the facility visits. With the finalization of the project, partners published a handbook and online repository of best practices on radicalization prevention in prisons that can be used by future prison staff trainings (Radicalisation Prevention in Prisons 2015-1-PT01-KA204-013062 (R2PRIS) 2015).

Turkey has the highest number of inmates across Europe after Russia according to the report of the Council of Europe (Alan 2020); and the prison conditions have been subject to severe criticisms from the ECHR. Accordingly, Turkey ranks first in terms of prison density in the sense of prison population rate per 100,000 inhabitants (Aebi and Tiago 2020). There were nearly 300,000 inmates in the Turkish prisons, over 37,000 of them serving for crimes related to terrorism in 2020 (*T24* 2020). A substantial majority of the inmates were convicted in relation to having ties with FETÖ, followed by PKK and ISIS (Armutçu 2018). This places Turkey as the country with the highest number of convicts affiliated with radicalization (*Amerika'nin Sesi* 2021). We need a caveat here. The closing of the political space and the systematic intimidation and repression of the opposition brought an incrimination strategy in Turkey. Several journalists, academics and activists have been imprisoned throughout the last decade for their alleged affiliation with terrorist organizations as the ECtHR decision in Osman Kavala case suggests (ECtHR 2019). On this note, it is still evident that Turkish prisons inhabit the highest number of prisoners convicted on crimes related to radicalization per number of inhabitants and the prison density remains extremely high in comparison to the European correctional facilities. The complex social cleavage structure and the fact that the political landscape remains vulnerable to radicalization due to the increased level of polarization makes it extremely important to raise awareness regarding radicalization and train the staff in the prisons. In this respect, the project provides valuable lessons and insights. The training programs which have been developed in a comparative framework and tailored according to

the country context and individual inmate characteristics provide a tool for the frontline prison staff that can be used in specific contexts. The Ministry of Justice bureaucracy appears to have noted down this aspect. Following the R2PRIS project, other projects have been developed and currently carried out in the prisons. In cooperation with Spain, Turkey is implementing another deradicalization project in the prisons (*Adalet.tv* 2021).

Another deradicalization project involves the Presidency of Religious Affairs with respect to its activities of deradicalization of the jihadists in prisons. The presidency was established in accordance with the Article 136 of the Constitution with a specific emphasis that it would function in line with the secularism principle. In this way, it functioned as an ideological apparatus of the state in an Althusserian interpretation (Althusser 2006). It has conveyed the official interpretation of Islam as the religious authority has been subjugated to the state authority. Despite the official discourse of hardline secularism, religious values have been seen as legitimation elements by the subsequent governments and even by the military establishment during the coups. What has changed with the AKP period is not the function of the presidency as an ideological state apparatus but rather the centrality of the institution in the governmental practices and its discourse. In other words, the AKP's Islamization policies empowered the institution, however within the confines of the party-state. In a way, it has been maintained as an institution regulating the religious affairs in accordance with the government policies rather than becoming an autonomous entity. Its budget and personnel increased tremendously, and after the loss of the Istanbul municipality to the main secular opposition party, it was used to fill the void of the incumbent power in the most important city of Turkey (Karakaş 2021). Di*yanet* became an institutional agent of desecularization policies starting with its activities in the field of gender and family issues with a role of pioneering familialism in the transformation of the socio-economic order (Adak 2021). Its role further expanded as the Islamization policies consolidated (Ozzano and Maritato 2019). It further evolved into a foreign policy tool through its activities among the Turkish diaspora in Europe nourishing a pro-government political stance (Öztürk 2016; Öztürk and Sözeri 2018). The scope of the activities of the *Diyanet* currently encompass almost all social and economic policy fields (Öztürk 2016). Hence, it is not surprising that the D*iyanet* assumed a critical role in deradicalization and counter-terrorism programs. Imams have been attributed a central role in deradicalization programs targeting jihadist radicalization in the European countries as well. A moderate and tolerant interpretation of Islam with an emphasis on the inter-cultural dialogue and Islam as the religion of peace occupies a significant place especially in the German deradicalization schemes, although the prison authorities display a general suspicion against imams in other countries (Ronco, Sbraccia, and Torrente 2019). Even in these other countries, imams have the ability to counter balance the securitization policy of the states (Vellenga and De Groot 2019). In this context, the main issue appears as recruiting non-radical imams. The EU and the individual European countries recently focused on establishing centers for training "homegrown" imams who are familiar with the European values and have a non-radical approach to the religious matters (*Politico* 2020). These developments should be interpreted in relation to the development that the Turkish-Islamic Union for Religious Affairs (DITIB) has been increasingly perceived as a foreign policy tool acting on behalf of the Turkish foreign policy in Europe (*Deutsche Welle* 2019). Germany illustrates particular concerns over the activities of the Diyanet sanctioned imams, especially in terms of their alleged involvement in the detection of anti-Turkish government tendencies (*Deutsche Welle* 2017).

The Diyanet already has resident clerical personnel in the prisons. According to the latest report published by the institution, 9915 chaplains are working in the prisons across Turkey

by 2019 (*Din Hizmetleri Raporu 2019* 2020, 32). Diyanet staff organizes visits to the prisons in Turkey and abroad on a regular basis. Diversity of the content of these visits reveals the larger role Diyanet has assumed in the AKP period. For instance, it organized a seminar on the importance of Çanakkale Wars[17] during World War I at Sincan Prison in 2019. The legal basis of the Diyanet activities was amended in 2010 to expand the scope of the roles and the activities of the institution and later a regulation was released in 2014. According to the Article 7 of the law, the institution can provide moral counseling and religious services in the prisons (*Diyanet İşleri Başkanliği Kuruluş Ve Görevleri Hakkinda Kanun* 1965). As the role and budget of the Diyanet expanded, a new division, titled *Göç ve Manevi Destek Hizmetleri Daire Başkanlığı* (The Directorate of Migration and Moral Support Services) was established in 2017. The activities and projects at the prisons are carried out by this division in line with a protocol made with the Ministry of Justice. In addition to the regular religious services held by the resident chaplains, the Directorate organizes Quran courses, holds conservations in the wards with the inmates, and develops theater plays and knowledge contests about religion. The chaplains also hold individual meetings with the inmates convicted for jihadist activities and try to reform their religious thinking and help them disengage (Akbaş 2020, 94). The project included a series of seminars which aim to raise awareness about the "terrorist organizations exploiting religion" (*Din Hizmetleri Raporu 2018* 2019). According to the 2018 activity report of the Diyanet, the division organized 299 programs in 267 prisons and a total of 27,377 prison personnel and inmates attended these seminars (*Din Hizmetleri Raporu 2018* 2019, 78). They also distributed booklets and information sheets about the jihadist organizations free of charge. However, participation of the inmates remained low, only 10% of the inmates volunteered to attend these programs (Akbaş 2020, 90).

The limited success of the program might be due to the absence of professional training specifically for radicalization and deradicalization and also because the jihadists, especially the ISIS members refuse religious counseling provided by a state whose regime they see as non-Islamic (International Crisis Group 2020, 22). This shows that the Turkish government needs to adopt a radicalization perspective at the state level with the involvement of multiple ministries, universities, and civil society organizations to be able develop a training system. It also reveals that the deradicalization programs should be developed jointly by religious staff, psychologists, and social workers to decrease the possibility of categorical rejection by the jihadist inmates.

7. Conclusion

This report focused on existing legislative and institutional framework with respect to radicalization in Turkey. The research shows that constitutional organization of the state and articles pertaining to the rights and values carry the legacy of ethnic sensitivities and citizenship regime adopted in the Lausanne Treaty, being also the constitutive treaty of the republic. Lausanne Treaty defines only non-Muslims as minorities and there is not a specific minority regulation regime apart from the guarantee of equal treatment before the law. This restricted approach leaves no space for ethnic and religious demands which is also visible in founding principles of the Constitution. Article 2 highlights secularism as a characteristic of

[17] Çanakkale Wars have a special place in the Turkish historical narrative with high number of casualties and an important example of mass çivil mobilization during the occupation. The war was led by Britain, France and Russia against the Ottoman Empire.

the republic but only recognizes the Ministry of Religious Affairs, embracing a Sunni interpretation of Islam, excluding the demands of heterodox Muslim groups such as Alevis. Such interpretation of Islam is controversial with Article 24 which guarantees freedom of religion and conscience. Again, in Article 2, Atatürk nationalism which is also mentioned as civic nationalism recognizes the Turkishness as a supra identity and ethnic demands such as those of Kurds beyond that aren't recognized. Furthermore, Article 3 which highlights the integrity and indivisibility of the unitary state is interpreted in a way to encompass any ethnic or religious claims as a divisive threat to nation. Furthermore, Articles 13 and 14 claim that the fundamental rights would be curtailed in case of violating the first principles of the Constitution increases the difficulty of protecting the fundamental values and rights.

The relevant legislative framework with respect to radicalization also reflects the security-based approach. The desk research and interviews with experts show that the existing framework doesn't conceptualize radicalization and approaches discourses outside the constitutional framework and official ideology under the context of counter-terrorism and treats them as threats to the integrity of the nation state. The legislation also has a punitive approach and applied in a biased way. The main legal provisions regulating the cases related to radicalization such as Articles 216 and 122 are limited in scope, making a restrictive definition of hate even in their revised forms and neglect the crimes targeting certain groups such as women and LGBTQ individuals. Instead, they are frequently raised to protect majority ethnic and religious groups. Article 301 regulating insulting Turkey, the Turkish nation, Turkish government institutions, or Turkish national heroes is also problematic as it frames ethnic demands as anti-constitutional and terrorist activities and used against minorities rather than protecting the social peace.

Internet Laws are also controversial with respect to the protection of fundamental rights. The Internet Law No. 5651 dated 2007 authorizes the punishment and limitation of the online content and forces the international news and social media platforms to appoint a local representative, localize their data, and speed up the removal of content if demanded by the government. Finally, emergency decrees no. 667-676 took effect after the abortive July 15, 2016 coup enables the government to access communications data without a court order. On the other hand, the legislative framework fails to respond to the online contexts which spread hatred and discriminatory discourse against the minorities and if there is ever an attempt to track radicalized contents, it is only employed for separatists or left-wing groups.

The only paradigmatic case-law with respect to radicalization is the Selendi case in which the lynching against Roma community in the aftermath of the quarrel at a café in 2009 resulted in the penalization of perpetrators with maximum sentences and in which laws pertaining to cases of radicalization are used for the defense of a minority group. The court's decision could be emblematic as it showed that outcome might be severe for perpetrators. However, the research shows that the Selendi case didn't have a dramatic impact as later crimes against minorities and refugees didn't produce the same results.

The policy and institutional framework in Turkey reflects the legal framework in the sense that policies ignore the ethnic and religious diversity, downplay the crimes against minorities with a security approach on radicalization and deradicalization and protect the dominant groups rather than minorities and dissidents. The Islamization policies of AKP and its further closing down the political space with a super-presidential system exacerbates the situation and

augments the feelings of insecurity among non-Muslim and heterodox Muslim groups such as Alevis.

Given the counter-terrorism approach and the absence of a specific framework for radicalization, counter-radicalization measures are generally limited to imprisonment and investigation and there is not a policy framework on deradicalization taking into consideration the different forms of radicalization. In that sense, apart from the Return to Villages and Rehabilitation Project targeting separatist radicalization which may be considered in consistent with the EU rules, deradicalization programs are mostly composed of prison programs targeting jihadist radicalization. One deradicalization program which may be considered relatively multi-dimensional is the one called 'Multi-level in-prison radicalization prevention approach (r2pris)' enacted between 2015 and 2018 in cooperation with EU. Approaching prisons not only as places of detention for radicalized individuals but also a facilitator for composing a radical milieu and attracting the vulnerable young people, it enabled the front personnel to train in terms of detecting indicator of radicalization, raising awareness about recruitment strategies and eliminating the potential factors that may lead to radicalization. The visits during the project also enabled a mutual learning of the best practices for deradicalization.

The other deradicalization programs targeting jihadists in prisons are majorly ones in which the Ministry of Justice cooperates with the Presidency of Religious Affairs. Giving the latter a crucial role, these programs aim to disseminate peaceful and tolerant messages of Islam among inmates by maintaining clerical personnel within prisons. However, it has limited success as the participation rate among inmates is very low showing that the Turkish government needs to adopt a radicalization perspective at the state level with the involvement of multiple ministries, universities, and civil society organizations to develop a training system and decrease the categorical rejection by the jihadist inmates.

Annexes

ANNEX I: OVERVIEW OF THE LEGAL FRAMEWORK ON RADICALIZATION & DERADICALIZATION

Legislation title (original and English) and number	**Date**	**Type of law** (i.e. statute, regulation, rule, etc…)	**Object/summary of legal issues related to radicalization**	**Link/PDF**
Kanun Önünde Eşitlik (Equality before Law), *Türkiye Cumhuriyeti Anayasası* (Constitution of the Republic of Turkey), Article 10, (No. 2709)	18.10.1982	Constitutional provision	"all individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. Men and women have equal rights. The State shall have the obligation to ensure that this equality exists in practice. No privilege shall be granted to any individual, family, group or class. State organs and administrative authorities shall act in compliance with the principle of equality before the law in all their proceedings."	https://global.tbmm.gov.tr/docs/constitution_en.pdf.
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237)	26.09.2004	Statute	hatred crimes, incitement to violence, and war propaganda as well as relevant crimes and sentences	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf.

Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 76	26.09.2004	Statute	the commission of any of the acts against the members of any national, ethnic, racial, religious or other group determined by any features other than those with intent to destroy it in whole or in part through the execution of a plan shall constitute genocide and there shall be no limitation period pertaining to these offences	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 77	26.09.2004	Statute	the performance of the acts mentioned in the provision systematically against a civilian group of the population in line with a plan with political, philosophical, racial or religious motives shall constitute the crimes against humanity and there shall be no limitation period pertaining to these offences.	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 115	26.09.2004	Statute	a person who forces another person to declare or to change his religious, political, social, philosophical belief, thoughts and convictions or who prevents him to declare or to spread them shall be sentenced to imprisonment from one year to three years. In the event that carrying out mass religious worshipping and ceremonies is prevented by force or by threatening	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf

			or by means of any other illegal action, a punishment in accordance with the preceding paragraph shall be given.	
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 122	26.09.2004	Statute	a person who discriminates among people due to difference of language, race, colour, sex, political view, philosophical belief, religion, religious sect etc. shall be considered a crime and imposed upon penal sanctions	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 125	26.09.2004	Statute	codifies the crimes and penalties concerning defamation provides (para. 3) that if the insult is committed (a) against a public officer due to the performance of his public duty (b) because of declaring, altering or disseminating his religious, political, social believes, thoughts or convictions, or practicing in accordance with the requirements and prohibitions of a religion he belongs to; or (c) if the subject matter is deemed sacred to the religion, the person belongs to the penalty to be imposed shall not be less than one year.	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 135	26.09.2004	Statute	illegal recording of personal information data on others’ political, philosophical or religious opinions, their racial origins; their illegal moral tendencies, sexual lives, health conditions and relations to trade unions shall constitute a crime	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf

			and imposed upon a penalty	
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 153	26.09.2004	Statute	arranges offenses and penalties concerning damaging places of worship and cemeteries provides that where the offenses are committed with the aim of defaming a related religious group, the penalty to be imposed shall be heavier.	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 214	26.09.2004	Statute	provides that getting a part of the public armed against another part, and inciting them to murder shall constitute an offense and imposed upon a penalty	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 216	26.09.2004	Statute	arranges the offense of inciting the population to breed enmity or hatred or denigration. In accordance with the article, a person who openly incites groups of the population to breed enmity or hatred towards one another based on social class, race, religion, sect or regional difference in a manner which might constitute a clear and imminent danger to public order shall be sentenced to imprisonment for a term of one to three years. A person who openly denigrates part of the population on grounds of social class, race, religion, sect, gender or regional differences shall be sentenced to imprisonment for a term of six months to one year. A person who openly	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf

			denigrates the religious values of a part of the population shall be sentenced to imprisonment for a term of six months to one year in case the act is likely to distort public peace.	
Türk Ceza Kanunu 5237 Sayılı Kanun, Turkish Penal Code (No. 5237), Article 301	26.09.2004	Statute	arranges the offense of denigration and humiliation of the Turkish nation, state, parliament, government and judiciary, army and police force openly. A person who commits one of these crimes shall be sentenced to imprisonment for a term of six months to two years.	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf
Terörle Mücadele Kanunu (Law on Fight Against Terrorism (No. 3713), Article 1	12.04.1991	Statute	Any criminal action conducted by one or more persons belonging to an 29rganization with the aim of changing the attributes of the Republic as specified in the Constitution, the political, legal, social, secular or economic system, damaging the indivisible unity of the State with its territory and nation, jeopardizing the existence of the Turkish State and the Republic, enfeebling, destroying or seizing the State authority, eliminating basic rights and freedoms, damaging the internal and external security of the State, the public order or general health, is defined as terrorism	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.3713.pdf.
Terörle Mücadele Kanunu (Law on Fight	12.04.1991	Statute	Any person, who, being a member of organisations formed to achieve the aims specified under Article 1, in concert with	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.3713.pdf.

Against Terrorism) (No. 3713), Article 2			others or individually, commits a crime in furtherance of these aims, or who, even though does not commit the targeted crime, is a member of the organisations, is defined as a terrorist offender. Persons who, not being a member of a terrorist 30rganization, commit a crime in the name of the 30rganization, are also considered as terrorist offenders and shall be punished as members of such organisations.	
Terörle Mücadele Kanunu (Law on Fight Against Terrorism) (No. 3713), Article 7	12.04.1991	Statute	Those who establish, lead, or are a member of a terrorist 30rganization in order to commit crimes in furtherance of aims specified under article 1 through use of force and violence, by means of coercion, intimidation, suppression or threat, shall be punished according to the provisions of article 314 of the Turkish Penal Code. Persons who 30rganiza the activities of the 30rganization shall be punished as leaders of the 30rganization. Any person making propaganda for a terrorist 30rganization shall be punished with imprisonment from one to five years. If this crime is committed through means of mass media, the penalty shall be aggravated by one half. In addition, editors-in-chief (…)2 who have not participated in the perpetration of the crime	https://www.mevzuat.gov.tr/MevzuatMetin/1.5.3713.pdf.

			shall be punished with a judicial fine from one thousand to fifteen thousand days' rates. However, the upper limit of this sentence for editors-in-chief is five thousand days' rates. The following actions and behaviours shall also be punished according to the provisions of this paragraph: a) Covering the face in part or in whole, with the intention of concealing identities, during public meetings and demonstrations that have been turned into a propaganda for a terrorist organization b) As to imply being a member or follower of a terrorist 31rganization, carrying insignia and signs belonging to the organization, shouting slogans or making announcements using audio equipment or wearing a uniform of the terrorist organization imprinted with its insignia. If the crimes indicated under paragraph 2 were committed within the buildings, locales, offices or their annexes belonging to associations, foundations, political parties, trade unions or professional organisations or their subsidiaries, within educational institutions, students' dormitories or their annexes, the penalty under this paragraph shall be doubled.	

Türk Basın Kanunu (Press Law of Turkey) (No. 5187), Article 25			In order to constitute evidence for an investigation, a maximum of three copies of any printed product may be confiscated by the public prosecutor, or, in urgent cases, by security forces. On the condition that the investigation or trial has been launched regarding any of the crimes provided in revolutionary laws specified under article 174 of the Constitution, crimes provided under article 146, paragraph 2, article 153, paragraphs 1 and 4, article 155, article 311, paragraph 1 and 2, article 312, paragraph 2 and 4, article 312/a of the Turkish Criminal Code, (Law 765), and under article 7, paragraphs 2 and 5 of the Law 3713 on Fight Against Terrorism, all copies of a printed product may be confiscated following a decision of a judge. If it is indicated by strong evidence that any periodical or non-periodical publication or newspaper printed outside of Turkey in any language contains crimes specified under paragraph 2, the distribution and sale of said publication or newspaper can be prohibited by the decision of a magistrate of peace, following the request of the office of the chief public prosecutor. In urgent cases, the	https://www.mevzuat.gov.tr › 1.5.5187.pdf

			decision of the office of chief public prosecutor is sufficient. Persons knowingly distributing or putting up for sale publications and newspapers prohibited under the above article shall be responsible for crimes committed through these publications in the capacity of the author of the publication.	

NATIONAL CASE LAW

Case number	**Date**	**Name of the court**	**Object/summary of legal issues related to radicalization**	**Link/PDF**
2003/1	13.03.2003	Anayasa Mahkemesi (Constitutional Court)		https://siyasipartikararlar.anayasa.gov.tr/SP/2003/1/1
Not available	23.12.2015	Uşak 2. Asliye Ceza Mahkemesi (Uşak 2. Civil Court of First Instance)	Turkish Penal Code Articles 216, 151 & 152. 38 people sentenced to imprisonment for a term of 8 months to 45 years	The court decisions are not publicly available. https://bianet.org/english/print/125087-finally-it-is-a-crime-to-humiliate-roma

OTHER RELEVANT ISSUES

	Constitutional provisions	Statutory law (statues, rules, regulations etc.)	Important case law	Comments/issues relevant to radicalization
Freedom of religion and belief	Article 24	Turkish Penal Code Articles 115, 216	Not available	Article 24 of the Constitution guarantees everyone has the right to freedom of conscience, religious belief and conviction; obstructing the exercise of the freedom of religion, belief and conviction constitutes an offence according to article 115 of the Turkish Penal Code; incitements to religious hatred, public denigration of any group on the basis of their religion or sect as well as denigration of religious values are penalized under article 216 of the Turkish Penal Code. However, all these laws are used in favor of

				the majority religion.
Minority rights	Article 10	Article 37-45 of the Lausanne Peace Treaty	Not available	Turkish legislation which is based on the Lausanne Peace Treaty contains the term "non-Muslim minority" only. Articles 37-45 of the Treaty regulate the rights and obligations concerning individuals belonging to non-Muslim minorities in Turkey. These provisions are recognized as fundamental laws of Turkey.
Freedom of expression	Articles 25 & 26	Article 301 of the Turkish Penal Code	Not available	Article 25 of the Constitution states that everyone has the right to freedom of thought and opinion. Article 26 provides that everyone has the right to express and disseminate his thoughts and opinion by speech, in writing or in pictures or through other media, individually or collectively. Article 301 which regulates issues concerning degrading

				speeches against the Turkish nation,the State, the Government, the judiciary, the Parliament, the military or security organizations
Freedom of assembly	Articles 33 & 34	Articles 3-11 of Law on Assemblies and Demonstratio n Marches (No. 2911)	Not available	Article 33 provides the right to form associations, Article 34 regulates the right to hold meetings and demonstration marches. Article 3 of the specific law repeats the Article 33 of the constitution, while Article 4 provides exceptions.
Freedom of association/politic al parties etc.	Articles 33, 34, 68	Articles 3-11 of Law on Assemblies and Demonstratio n Marches (No. 2911), Law on Political Parties (No. 2820)	Not available	Article 68 regulates the right to form a political party.
Hate speech/ crime	Article 10	Turkish Penal Code Article 216	Not available	No specific regulation on hat ecrime. It does not aggrevate sentence if it is a hate crime.

Church and state relations	Preamble, Articles 2, 13, 136	Turkish Penal Code Article 1	Not available	Article 2 establishes secularism as . Article 13 provides that fundamental rights and freedoms may be restricted only by law and in conformity with the reasons mentioned in the relevant articles of the Constitution without infringing upon their essence. These restrictions shall not be in conflict with the letter and spirit of the Constitution and the requirements of the democratic order of the society and the secular Republic and the principle of proportionality. Article 136 establishes the Department of Religious Affairs in line with the principle of secularism, removed from all political views and opinions, and aiming at national solidarity and integrity. Article 1 of the Turkish Penal Code defines the crimes violating the secularism

				principle as a terror act
Surveillance laws	Articles 20 & 22	Internet law No. 5651, Data protection law No. 6698, Emergency Surveillance Decrees No. 667-676, General Data Protection Regulation (if the company has an office or offers goods and services in an EU country)	Not available	The internet law requires large platforms to appoint a local representative, localize their data, and speed up the removal of content on-demand from the government. Emergence decrees after the abortive July 15, 2016 coup granted the Turkish government unrestricted access to communications data without a court order. Data protection law does not protect the fundamental rights in practice.
Right to privacy	Articles 20 & 22	Articles 116, 132 of the Turkish Penal Code	Not available	Articles 20 and 22 of the Constitution under the title "Privacy and protection of private life" provide that everyone has the right to demand respect for his/her privacy, family life and secrecy of

				communication. Article 116 of the Turkish Penal Code regulates violation of the immunity of residence. Article 132 of the Turkish Penal Code, titled “Violation of Confidentiality of Communication” defines the violation of the confidentiality of communication between persons as an offence

ANNEX II: LIST OF INSTITUTIONS DEALING WITH RADICALIZATION & COUNTER-RADICALIZATION

Authority (English and original name)	**Tier of government** (national, regional, local)	**Type of organization**	**Area of competence in the field of radicalization& deradicalization**	**Link**
Terörle Mücadele Daire Başkanlığı (Counter-Terrorism And Operations Department) under the Ministry of Internal Affairs	National	Police force department	Fight against terrorism.	https://www.egm.gov.tr/tem/misyon-vizyon
Ceza ve Tevkifevleri Genel Müdürlüğü (General Directorate of Prisons and Detention Houses) under the Ministry of Justice	national	Ministerial department	Programs for counter-terrorism	https://cte.adalet.gov.tr/

ANNEX III: BEST PRACTICES/INTERVENTIONS/PROGRAMMES

National level

	Institution(s)	Aim	Source	Evidence of effectiveness / literature
1.	Turkish Prison Administration	Radicalisation Prevention in Prisons (R2PRIS) Project seeks to reduce radicalisation and extremism inside prisons by enhancing the competences of frontline staff (correctional officers, educational staff and psychologists, social workers) to identify, report and interpret signals of radicalisation and respond appropriately	http://www.r2pris.org/r2pris-project.html	Selected as one of the best practices by the Radicalization Awareness Network (RAN) (DG Migration and Home Affairs) in 2020

2.	Presidency of Religious Affairs	Activities of awareness raising and deradicalization about the terrorists organization which exploit religion	https://dinhizmetleri.diyanet.gov.tr/sayfa/384	It failed to generate a successful outcome (International Crisis Group 2020)

ANNEX IV: POLICY RECOMMENDATIONS

- The current legislative framework should be amended with a direct focus on radicalization and de-radicalization
- The legislative framework should recognize the ethnic and religious diversities and take specific measures to protect societal peace
- The national policy context should be improved in terms of effective de-radicalization projects with a particular focus on:
    - Collaboration between the policy-making institutions and practitioners and experts in the field
    - Prioritization of non-security approaches
    - Comprehensive deradicalization projects beyond prison programs
    - Development of programs especially for the youth

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