



## PRESS RELEASE

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### **Turkey: Article 301 Reforms Pallid - It Should Be Abolished**

**ARTICLE 19 condemns as wholly insufficient recent moves by the Turkish government to amend the infamous Article 301 of the Turkish Penal Code. The article, which still criminalises denigration of the Turkish Nation, has been grossly abused in the past, including to convict leading Turkish writers such as Nobel laureate Orhan Pamuk, and leading journalist and editor Hrant Dink, who was murdered in January 2007.**

*“Article 301 is inherently offensive to the right to freedom of expression and should simply be repealed in its entirety,”* said Dr. Agnès Callamard, Executive Director, ARTICLE 19. *“It seems clear that the recent tinkering with Article 310 is aimed at improving Turkey’s image abroad, particularly with the European Union, rather than addressing the real problems with this provision.*”

On 30 April 2008, the Turkish Parliament approved changes to Article 301 of the Turkish Penal Code, which had criminalised “Denigration of Turkishness, the Republic, the institutions and organs of the State”. After all-night deliberations, Turkish MPs finally agreed to substitute ‘Turkish Nation’ for ‘Turkishness’ and ‘The State of Turkish Republic’ for ‘Turkish Republic’. The maximum sanction was also reduced from three to two years’ imprisonment, with the possibility of a suspended sentence for the first time offenders.

ARTICLE 19 welcomes this demonstration of some commitment on the part of the Turkish Government to reform. At the same time, we stress that the whole article represents an illegitimate restriction on freedom of expression, as guaranteed under international law, and that it should be repealed in full. Free and open criticism of the State and its organs is central to democracy and criminal proscriptions on such criticism cannot be justified.

The problem is far from theoretical and the evidence shows that Article 301 is applied frequently. According to the Independent Communication Network (BIA), cases against journalists, publishers and activists under Article 301 rose from 29 in 2005 to 72 in 2006. Many others were charged under a variety of criminal laws, ranging from Article 216 of the Penal Code, prohibiting “inflaming hatred and hostility among people”, to Law 5816, which criminalises ‘insulting the memory of Atatürk’. Between July and September 2007, 22 charges were laid under Article 301, mostly against journalists.

ARTICLE 19 joins its voice to those of the numerous other human rights groups and intellectuals who have called on the Turkish government to repeal Article 301 entirely. We also call for the repeal of other provisions that inhibit open criticism of government or the State.

#### **NOTES TO EDITORS:**

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.