



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

ISSUE UPDATE: BLASPHEMY CHARGES IN TURKEY

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

Charges for Blasphemy and "Insulting Religious Values"

By Keely Bakken, Supervisory Policy Analyst

Overview

The U.S. Commission on International Religious Freedom (USCIRF) has reported on conditions for freedom of religion or belief in Turkey for years, [conducting](#) its first Commissioner-level visit to the country in late 2006 and highlighting the country's severe violations of religious freedom in every subsequent Annual Report. For the last three years—and most recently in its [2022 Annual Report](#)—USCIRF has recommended Turkey for placement on the U.S. Department of State's Special Watch List (SWL), and in the five years prior to the creation of the SWL, USCIRF placed Turkey in its own "Tier 2" category. Despite this recommendation, the State Department has yet to include the country on its SWL.

As USCIRF has documented in successive reports and other [public fora](#), many of Turkey's religious freedom violations constitute long-running practices, such as its blanket denial of legal personality to religious communities, refusal to permit the reopening of the Theological School of Halki or the opening of any other seminary, and periodic [interference](#) into internal religious affairs including elections for religious leadership positions. Similarly, Turkey has for many years criminalized blasphemy or expression deemed insulting to religion or religious beliefs. Article 216(3) of the Turkish Penal Code [permits](#) a prison sentence ranging from six months to one year for an individual "who openly insults the religious values of a section of the public." Although the [existence](#) of such laws around the world is not uncommon—Turkey is one of 16 countries in Europe to maintain a criminal blasphemy law—many countries that keep such laws on the books choose not to enforce them. While the Russian Federation [leads](#) the region by a large margin in the number of blasphemy cases, Turkey respectively follows in second for its application of Article 216(3). In fact, USCIRF's 2020 report [Violating Rights: Enforcing the World's Blasphemy Laws](#) found that Turkey not only utilized the relevant article of its criminal code, but it was also among the top ten countries in the world whose cases of alleged blasphemy involved the use of social media. The government's use of this article is generally politically motivated and seeks to penalize individuals perceived to have insulted or mocked Islam or to intimidate or retaliate against critics of President Recep Tayyip Erdoğan, the ruling Justice and Development Party (AKP), or others associated with the current government. In addition to its inherent limitations on freedom of religion or belief and freedom of expression, Article 216(3) often serves as an additional tool with which the Turkish government can silence dissenting or simply different voices.

This report describes the use of Article 216(3) in Turkey and provides details on each of the following recent cases involving such charges of “insulting religious values”: the investigation into music streaming service Spotify; the complaint against singer Sezen Aksu; the ongoing trial against university students; the prosecution of a journalist and government critic; and the targeting of atheists.

Freedom of Expression and Intersections with Freedom of Religion or Belief

Turkey has regularly and increasingly failed to protect freedom of expression, often [ranking](#) in the bottom tier of international human rights reporting for its record on the issue and [counting](#) among the top jailers of journalists in the world. The State Department has [characterized](#) the country’s restrictions on freedom of expression as “severe” in its annual Human Rights Reports, and Freedom House has [described](#) Turkey as “one of the most challenging places in the European region to exercise one’s right to free speech and expression.”

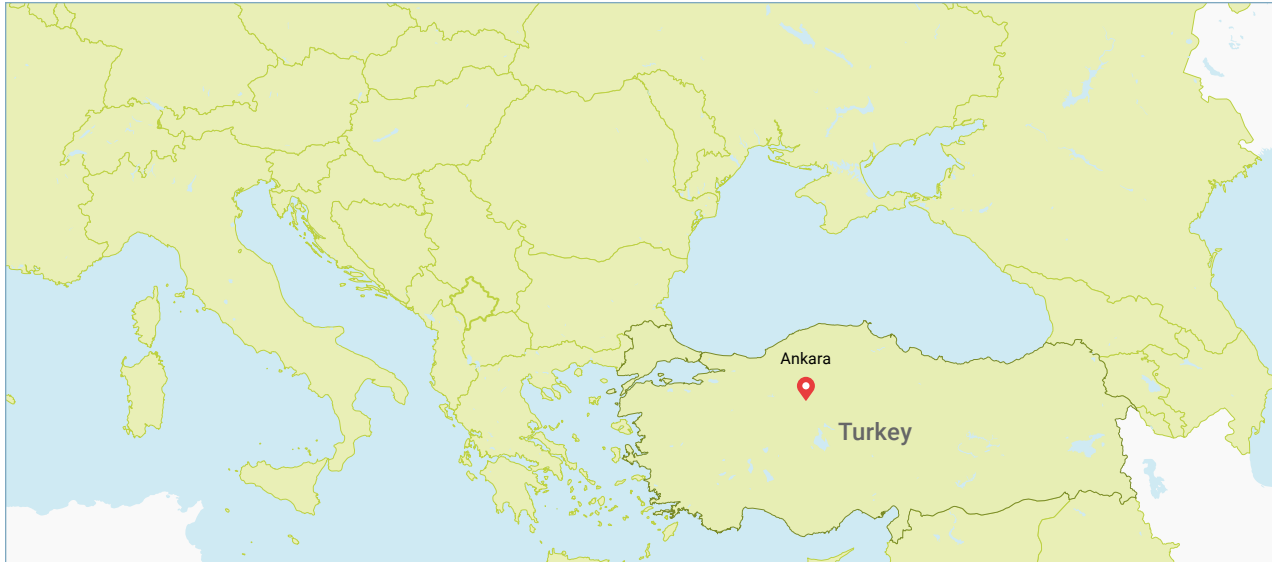
The Turkish government has frequently relied on various articles of the Penal Code to punish individuals considered critical of the state. In particular, officials have used Articles 299 and 301—which respectively criminalize insulting the president and insulting the Turkish nation, the state of the Republic of Turkey, and various official state bodies—in violation of freedom of expression. The government’s investigation and prosecution of cases brought under Article 299 has [skyrocketed](#) in the years since President Recep Tayyip Erdoğan assumed the presidency in 2014. Moreover, such cases have at times converged with concerns regarding the status and perception of religious minority groups in Turkey. In November 2021, a local court in the city of Bursa [found](#) a man guilty of insulting the president for calling President Erdoğan “a Jew” on his Facebook account. The president’s lawyer argued that the comment was “humiliating [and] damaging to [Erdoğan’s] honor and respectability,” leading to concerns that the ruling would further contribute to already [troubling](#) levels of antisemitism in the country. In independent polling annually conducted by Avlaremöz, a Turkish-language outlet covering antisemitism, respondents [ranked](#) the court’s decision as the country’s second-most antisemitic incident of the year. Similarly, USCIRF has [raised concerns](#) about the application of Article 301 in the past, such as when two Protestant Christians stood trial in 2006 for allegedly “insulting Turkishness” through their missionary activities. Numerous individuals, including journalist and editor Hrant Dink, who was [assassinated](#) in 2007, have also faced charges under Article 301 for their discussion of the [Armenian Genocide](#).

In recent months, Turkish human rights activists [raised the alarm](#) about a proposed media bill—ultimately passed by parliament in October 2022—that introduces criminal liability for spreading “false” or “misleading information.” Observers widely [believe](#) the move will enable the government to further stifle already nearly-decimated independent media in the country and [quash](#) public criticism ahead of presidential and parliamentary elections planned to be held by June 2023. In a sign that the government will likewise not tolerate criticism originating from the religious sphere ahead of upcoming elections, the official Directorate of Religious Affairs (*Diyamet*) in October [demoted](#) a local imam to a position as a janitor after he penned and performed a song viewed as critical of the government.

The Criminalization of Blasphemy

The Turkish Penal Code, adopted in 2004 as Law No. 5237, couches its provision criminalizing blasphemy under Article 216 which deals with “provoking the public to hatred and enmity or degrading [sections of the public].” Part 3 reads that “a person who openly insults the religious values of a section of the public shall be sentenced to a penalty of imprisonment of six months to one year in the case the act is capable of disturbing public peace.”

The formulation of Article 216(3), and of blasphemy laws generally, put the state in a position to arbitrate not only what may subjectively be considered an “insult” to religious values, but also what constitutes those very “religious values” that merit the state’s protection. In practice, such laws often serve to enforce a particular interpretation of a religion or belief and to castigate individuals, like members of religious minority communities, who do not adhere to the predominant religion in a country or region. In the case of Turkey, authorities commonly rely on the threat of blasphemy charges to punish individuals who express views perceived as disrespectful, insulting, or irreverent to Islam. Officials have also turned to this provision to press politically motivated charges in cases where individuals have levied criticisms against the government using religious language or imagery. Furthermore, the Freedom of Belief Initiative (*İnanç Özgürlüğü Girişimi*), a project that monitors and advocates for freedom of religion or belief in Turkey, has [noted](#) that officials’ use of Article 216(3) appears largely limited to instances involving Islam and is not applied to incidents of insult targeting religious minorities.



Examples of Recent Cases

The following cases represent select, illustrative examples of individuals and entities who face, or have recently faced, criminal blasphemy charges under Article 216(3) of the Turkish Penal Code. In most cases, the Turkish government has pursued such charges to multiple ends—to curtail and punish public criticism of the government and its officials and to crack down on language and other forms of expression that purportedly insult Islam.

Spotify Playlists

In August, the Istanbul Chief Public Prosecutor's Office [announced](#) an investigation into Spotify, a Swedish music streaming service, after reportedly receiving complaints that the names of certain playlists “insulted religious values” and state officials. The list of offending playlist names included: “God’s ringtone,” “Songs God listened to while exiling Adam from paradise,” “Eve didn’t hear when God announced the forbidden fruit [because she was] listening to this playlist,” among others. Even though playlist names are created by users, the Prosecutor’s Office erroneously claimed that Spotify was responsible for approving the names. The investigation will likely contribute to [censorship](#) of online content considered not in line with the country’s religious and moral values.

Sezen Aksu

In January, Turkish pop singer Sezen Aksu [made headlines](#) after sharing a clip of a five-year-old song of hers on YouTube. The song gained significant attention on social media and prompted criticism by several government officials for lyrics that referred to the religious figures of Adam and Eve as “ignorant.” Following Friday prayers that month, President Erdoğan [warned](#), without naming Aksu, that “no one can speak against his holiness Adam. If need be, it is our duty to tear out those tongues. No one can speak against our mother Eve. It is our duty to make those who speak against them know their place.” A member of parliament from the ruling AKP [called](#) on the singer to “end your attacks on our values under the guise of arts, music” while the state-run Diyanet put out a statement [cautioning](#) citizens “to be extremely sensitive and careful in every sentence, statement and approach made about the distinguished, leading, and exemplary figures of Islam.” A group of individuals [lodged](#) a criminal complaint against Aksu by mid-January for “insulting religious values” through her song.

Boğaziçi University Students

In January 2021, amid ongoing protests against the government's controversial decision to directly appoint a rector, authorities [detained](#) five Boğaziçi University students for exhibiting artwork that portrayed a variety of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) flags bordering the Kaaba, a sacred site in Islam, and the mythical figure of Shahmaran. Several high-level government officials publicly lashed out against the students involved, including the head of the Diyanet, Ali Erbaş, who [promised](#) that his institution would “take legal action against those who committed this disrespect,” and Minister of Justice Abdulhamit Gül, who [asserted](#) that “the law cannot abide disrespect to our holy Kaaba by these impertinent [people] whose hearts have rusted with hatred.” The Istanbul Governor's Office [called](#) the display an “ugly attack” that “mocked religious beliefs,” while Minister of the Interior Süleyman Soylu triumphantly [announced](#) that “4 LGBT deviants who disrespected the Kaaba at Boğaziçi University were detained!” in a tweet that Twitter subsequently marked as in violation of its rules on hateful conduct. Of the five students initially detained, two were arrested, two were subjected to house arrest, and one was released.

Although an investigation was initially launched on charges that the students had “insulted religious values,” authorities later changed those charges to ones based on Article 216(1) for incitement or “publicly provoking hatred and enmity in one section of the public against another section which has different characteristics based on social class, race, religion, sect, or region, which creates an explicit and imminent danger to public security,” in what one human rights lawyer [described](#) as an effort to justifiably issue an arrest warrant. The prosecution has since [sought](#) prison sentences between one and three years for seven students in total in hearings that began in March 2021, were ongoing in 2022, and are anticipated to continue into early 2023.


Hakan Aygün

During the early stages of the COVID-19 pandemic in March 2020, President Erdoğan [announced](#) a national fundraising campaign to support those most severely impacted by the pandemic. Critics blasted the government for its lack of preparation and the need to rely on fundraising, among other things, and journalist Hakan Aygün poked fun at the initiative in a tweet using a religiously-inspired play-on-words. Borrowing from language in the Qur'an and swapping the Turkish word for “belief” or “believe” (*iman*) with the rhyming “IBAN,” the abbreviation for International Bank Account Number that President Erdoğan shared in his call for donations, Aygün posted the following:

IBAN surah verse 1

O you who IBAN...

We have given you IBAN numbers from separate banks so that you do IBAN undoubtedly on the day of judgment those who do not IBAN will be separated from those who do!



hakan aygun @hakan_aygun · 4sa
IBAN suresi ayet 1

Ey IBAN edenler...

Biz size ayrı bankalardan IBAN numaraları verdik ki IBAN edesiniz diye, hiç şüphesiz ki ahiret gününde IBAN edenle IBAN etmeyenler ayrılacaktır !

3.966 130 567

Journalist Hakan Aygün's original tweet in Turkish.

In early April 2020, authorities [detained](#) Aygün and charged him with “provoking the public to hatred and enmity” and “insulting religious values,” under Articles 216(1) and 216(3), respectively. In his defense, Aygün [argued](#) that not only did his tweet fail to fulfill the element of Article 216(3) that such an act “disturb[s] public peace,” it also did not insult the religious values of Islam, making the case that “writing that quotes from a surah or verse does not constitute a crime.” In a decision dated to January 2021, Turkey’s Constitutional Court [found](#) that a lower court had violated Aygün’s rights by detaining him for his social media posts and awarded him compensation. Despite this decision, in March of that year a lower court nonetheless [sentenced](#) Aygün to seven and a half months’ prison time before deferring that sentence.

Atheism Association and Atheists

Turkey’s registered Atheism Association strongly [opposes](#) the continued inclusion of Article 216(3) in the Turkish Penal Code for its effective criminalization of the criticism of religion and incompatibility with the state’s *laik*, or secular, nature as laid out in the country’s constitution. Individuals affiliated with the association have on numerous occasions [faced](#) charges of blasphemy in connection with their writings and at least one current member continues to face multiple such charges. Most recently as of September 2022, a well-known scientist and atheist has come under investigation for “insulting religious values” after he [stated](#) on a television program that certain religious figures were “fairy tales” and that there was no scientific [evidence](#) to support their existence.

Conclusion

The Turkish government’s continued criminalization of blasphemy, or “insulting religious values,” under Article 216(3) of the Turkish Penal Code poses a fundamental obstacle to the protection of freedom of religion or belief and freedom of expression in contravention of the country’s human rights [commitments](#). This is especially concerning as the government, including the president and other officials, increasingly rely on this provision to target and silence individuals who express criticism in religious terms, disclose beliefs or a lack thereof that differ from those of the majority of the population, or engage with religion in a way perceived as “mocking” or “irreverent.”

As the U.S. government continues to [engage](#) with Turkish counterparts on concerns related to religious freedom, it should encourage the Turkish government to repeal its criminal blasphemy provision. The U.S. Congress should also raise the criminalization of blasphemy along with other religious freedom issues in its continued evaluation of the U.S.-Turkey bilateral relationship, including in the context of proposed legislation such as the [Turkey Human Rights Promotion Act of 2021](#) and the [Turkey and Ecumenical Patriarchate Religious Freedom Act of 2021](#).



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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.