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Freedom House

FREEDOM ON THE NET 2022

Turkey

NOT FREE

32 /100

A. Obstacles to Access	14 /25
B. Limits on Content	10 /35
C. Violations of User Rights	8 /40

LAST YEAR'S SCORE & STATUS

34 /100 **Not Free**

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.

Overview

Internet freedom continued to decline in Turkey. During the coverage period, the 2020 Social Media Law was used to force platforms to remove content, primarily from independent and critical media outlets' websites. Thousands of online users, including members of the political opposition, faced criminal charges for their social media activities. Self-censorship, the proliferation of progovernment outlets, and blocking of independent media websites has created a less diverse online space in Turkey. Furthermore, progovernment troll networks orchestrated smear campaigns against outspoken activists, and prominent journalists faced physical violence in retribution for their online reporting. During the coverage period, lawmakers proposed a "disinformation" bill that would impose criminal penalties on anyone who deliberately shares fake news online and could further strengthen the government's control over the online space.

President Erdoğan's ruling Justice and Development Party (AKP) has ruled Turkey since 2002, and after initially passing some liberalizing reforms, they have shown growing contempt for political rights and civil liberties. The AKP government has pursued a dramatic and wide-ranging crackdown on perceived opponents since an attempted coup in 2016, and constitutional changes adopted in 2017 concentrated power in the hands of the president. While Erdoğan continues to exert tremendous power in Turkish politics, opposition victories in 2019 municipal elections and the impact of the COVID-19 pandemic on the already shaky economy have given the government new incentives to suppress dissent and limit public discourse. The passing of the so-called disinformation bill is expected to assist the governing alliance in silencing opposition parties and critical media coverage ahead of the June 2023 presidential and parliamentary elections; as of the end of the coverage period, all potential opposition candidates are polling higher than President Erdoğan.

Key Developments, June 1, 2021 - May 31, 2022

- Internet disruptions due to infrastructural damage and stolen cables were experienced across various provinces during the coverage period (see A1).
- After the coverage period, two international media outlets had their websites blocked after failing to apply for national licenses (see B1 and B6).

- The 2020 Social Media Law came into effect, exerting a major impact on independent news outlets. News outlets and social media platforms continued to be targeted with content removal orders (see B2 and B6).
- The websites of independent news outlets were blocked during the coverage period while progovernment media continued to flourish, leading to a decline in the diversity of online content available to Turkish internet users (see B7).
- A new "disinformation" bill was proposed to the parliament. The bill includes prison sentences for internet users who deliberately publish false information and has negative implications for online anonymity (see C2 and C4).
- At least one social media user faces a life sentence for a social media post, while a journalist who covers Kurdish issues was sentenced to life in prison, in part due to a Facebook post. Additionally, Canan Kaftancıoğlu, the Istanbul chair of the opposition Republican People's Party (CHP), was sentenced to 4 years and 11 months in prison for content posted to her Twitter account (see C3).
- Online journalists faced increased harassment, including physical attacks, in retribution for their online reporting (see C7).

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?	**4**/6

Score Change: The score declined from 5 to 4 because telecommunications infrastructure was damaged or stolen during the coverage period, causing internet disruptions across multiple provinces.

Internet quality and speeds are reliable in Turkey. However, infrastructural damage impeded access to the internet during the coverage period.

Internet access and speeds have increased in recent years. The percentage of individuals using the internet stood at 82 percent in early 2022, and the mobile penetration rate stood at 91.4 percent. [1] The share of households with internet access reached 90.7 percent in 2020. [2] According to the Ministry of Transport and Infrastructure, there are 82.4 million internet users in Turkey. [3]

Though internet speeds remain reliable in Turkey, the country's infrastructure is unable to meet increasing demands as many people continue to work from home. [4] According to Speedtest, Turkey ranked 64th globally for mobile speeds and 104th for broadband speeds in May 2022. Median mobile download and upload speeds were 31.50 megabytes per second (Mbps) and 12.75 Mbps, respectively. Median broadband download and upload speeds were 28.70 Mbps and 5.72 Mbps, respectively. [5] In December 2021, the Minister of Transport and Infrastructure addressed complaints raised by users regarding decreased internet speeds, claiming it was due to users purchasing medium-speed packages. [6]

The Ministry of Transport and Infrastructure announced that Turkey's fifth-generation (5G) infrastructure was successfully used for the first time in June 2021. [7] The ministry also shared plans to provide 100-megabyte (MB) internet connection to every household by 2023. [8] During the coverage period, multiple municipalities, including Istanbul [9] and İzmir, [10] introduced free internet access on public transit. Additionally, free internet services were provided in rural areas of Bursa's Nilüfer, which helped close the digital gap (see A2). [11]

Poor telecommunications infrastructure and frequent power shortages negatively impact connectivity, particularly in the southeastern region. Additional disruptions to internet services occurred during the coverage period. Around 4,000 residents of the Sandıklı neighborhood in İncirliova were without internet access after planned power cuts. It took Türk Telekom, a major internet service provider (ISP), five months to fix the issue for some residents. [12] Over 6,000 residents of Dumlupınar, Batman Meydan, and Yeni neighborhoods were left without internet connection for two months after telecommunications cables were stolen. [13] In Kocaeli province, internet disruptions lasted for four months after a service tower was knocked over during a construction project. [14] Due to heavy snow in early 2022, multiple cities across Turkey experienced electricity outages, impacting internet connectivity. [15]

In 2020, two earthquakes damaged telecommunications infrastructure, causing the Information and Communication Technologies Authority (BTK) to fine companies approximately 20 million liras ($2.55 million) for failure to meet customers' needs, and to begin taking precautions to make sure services are sustained in the event of future earthquakes. [16]

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?	**2**/3

Internet pricing in Turkey remains high due to the market concentration in broadband services that have led to high costs, despite low wages and high inflation.

Turkey has the lowest affordability score in Europe, ranking 46th globally, according to the 2022 Inclusive Internet Index Report. [17] There is also a gender gap for internet access: 22 percent more men than women access the internet. However, there is no apparent gender gap in mobile phone access. [18]

In early 2022, the government increased the price of electricity by 130 percent. This, coupled with inflation, [19] has forced people to choose between vital needs and secondary services like internet access. [20] In March 2022, the BTK proposed increasing tariffs by 70 percent for Türk Telekom. Following criticism, the increase was delayed by two months. [21] In January 2021, a temporary Special Communication Tax on electronic communications services (including devices) increased from 7.5 percent to 10 percent. [22] In May 2022, the Special Communication Tax was updated, and taxes increased from 10 percent to 12 for smartphones, from 8 percent to 14 percent for smart watches, and from 2 percent to 4 percent for computers and tablets. [23] More people in Turkey access the internet via mobile phones than fixed broadband, so this tax increase has negatively impacted a large swath of Turkish internet users. [24]

During the COVID-19 pandemic, many students had no access to high-speed internet connections and were unable to participate in online classes. According to an Organisation for Economic Co-operation (OECD) report, Turkey's telecommunications infrastructure did not successfully deploy online learning during the pandemic. [25] The 6 gigabytes (GB) of internet connection made available for teachers was inadequate for online classes, and 1.5 million students lacked internet connection. [26]

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	**4**/6

Restrictions on connectivity are relatively infrequent.

In February 2020, social media users reported connectivity issues that lasted 16 hours when Turkish troops conducted an air strike in northern Syria. [27] The government intermittently blocked social media platforms and messaging applications during that time. Telecommunications operators restricted access to Twitter, Facebook, and Instagram completely, while partially blocking access to WhatsApp and YouTube. Neither the government nor the affected companies made statements regarding the blocks. Similar restrictions had also been experienced in previous years during Turkey's military operations in the north of Syria. [28] In the past, internet disruptions targeted the restive southeastern region, where ethnic Kurds comprise a majority of the population. [29] In September and October 2016, internet services were shut down in 10 cities for 6 hours—affecting some 12 million residents—coinciding with the removal of 28 Kurdish mayors from their posts. [30]

There are at least four internet exchange points (IXPs) owned by private companies. Turkey's internet backbone is run by TTNET, a subsidiary of Türk Telekom—the largest ISP in the country. Türk Telekom, which is partly state owned, [31] owns 366,122 of Turkey's 471,020 kilometers of fiber-optic cable infrastructure. [32]

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?	**3**/6

Several regulatory and economic obstacles limit the diversity of service providers. Though all legal entities are allowed to operate an ISP, there are some requirements to apply for authorization. Informal obstacles may also prevent newly founded companies without political ties or economic clout from entering the market.

By law, ISPs must apply for an activity certificate to the BTK before they can offer services. Internet cafés are subject to regulation as well. Those operating without an activity certificate may face fines of 3,000 to 15,000 Turkish liras ($175 to $876). Mobile service providers must obtain licensing through the BTK. Moreover, the BTK has the authority to request written notifications from ISPs. [33]

There were 442 operators providing information and communications technology (ICT) services in the Turkish market at the end of 2021. [34] TTNET, founded in 2006 by Türk Telekom, is the dominant player, with a market share of 63.5 percent of digital subscribers in 2021. [35] After its privatization in 2005, the company and its executives have maintained a close relationship with the government (see A5). [36]

Turkey has one of the most concentrated mobile markets in Europe. [37] Turkcell is still the leading mobile service provider, with a 40.3 percent share of the market, followed by the British multinational company Vodafone, and TT Mobil. [38]

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?	**1** / 4

The independence of the regulatory bodies that oversee service providers is sometimes compromised. Policymaking, regulation, and operations are separated under the basic laws of the telecommunications sector. The Ministry of Transport and Infrastructure is responsible for policy making, while the BTK oversees regulation. [39]

Even though the BTK has its own dedicated budget, its board members are appointed by the government and its decision-making process is not transparent. Moreover, the BTK chairperson between 2015 and 2018 was the brother of a former minister, and later got appointed as deputy minister of transport and infrastructure. As chairperson, he was responsible for communications and digitalization, while at the same time serving as the chief executive of Türk Telekom. [40]

After the 2016 coup attempt, the Directorate of Telecommunication and Communication (TİB), which implemented the country's website blocking law, was shut down under an emergency decree due to its involvement in wiretapping members of the government. Its authority was transferred to the BTK. [41]

The BTK oversees and establishes the domain-name operation policy and its bylaws. The Computer Center of the Middle East Technical University (METU) had been responsible for managing domain names since 1991. In December 2019, the management of the .tr domain name was taken from METU and handed over to the BTK. [42] By the end of 2021, there were 451,177 domain names with the .tr extension.

B. Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?	**1** / 6

Blocking of online content, particularly news and citizen journalism, has increased in recent years.

The Free Expression Association found that of the more than 467,000 websites that were blocked at the end of 2021, 89 percent were blocked by the BTK. **43** Blocked websites include those that publish content about Turkey's military operations, Kurdish news, and critiques of the government. Some blocked digital news outlets are accused of "propagating terrorism" due to their coverage of stories largely omitted by mainstream media. **44** Websites can be blocked for "obscenity," or if they are deemed defamatory to Islam, which includes content that promotes atheism (see B2). **45**

Independent news outlets were blocked during the coverage period. In March 2022, two news outlets, PIRHA and Yeni Yaşam, which primarily serve minority groups, received blocking orders by the Hatay 1st Court of Criminal Peace. **46** The online newspaper Özgür Gelece was blocked for the 33rd time in early 2022. **47** Prominent news sites that remained blocked during the coverage period include Ahval News (since 2018) and Haberdar (blocked in 2016). The Active News Agency website was blocked for the 23rd time during the reporting period. **48**

Over the past few years, lawmakers in Turkey have passed legislation that further tightens the government's grip over the online space (see B3 and C6). In August 2019, a law was passed that requires online streaming companies to register with the Radio and Television Supreme Council (RTÜK) or risk blocking. **49** Digital music streaming platform Tidal was blocked in November 2020 after they failed to apply for a broadcast license. **50** In October 2020, the music streaming platform Spotify announced they would apply for a license only four days before they were to receive a blocking order. **51**

In February 2022, Turkey's media regulator RTÜK issued a 72-hour deadline for international news sites to obtain a national broadcast license or risk blocking (see B6). [52] After the coverage period, in July 2022, the RTÜK blocked the Turkish language versions of Deutsche Welle (DW) and Voice of America (VOA) after the outlets refused orders to obtain broadcast licenses (see B7). [53]

Under rules established by the BTK in 2011, ISPs offer "child" and "family" filtering options, though the filtering criteria have been criticized as arbitrary and discriminatory. [54] The child filter obstructs access to Facebook, YouTube, Yasam Radyo (Life Radio), the Armenian minority newspaper *Agos*, and several websites advocating the theory of evolution. [55] Internet access is filtered at primary education institutions and public institutions, resulting in the blocking of a number of news sites. [56] In June 2020, the Minister of Family, Work, and Social Services announced that 587 sources, including websites and social media accounts, were blocked because they contained content deemed harmful to children. [57] In November 2021, the ministry announced that 1,298 websites were blocked due to "harmful content." [58]

Gambling is illegal in Turkey, and online betting platforms have received blocking orders. More than 200 online gambling platforms were blocked in Turkey between September 2020 and January 2021. In March 2021, 438 websites that allegedly contained content including "obscenity," "illegal gambling," and "phishing" received blocking orders by the Anti-Cybercrime Command and the BTK. [59] In late 2021, over 300 websites were blocked for gambling or "obscenity." [60] In April 2022, the Ankara Gendarme Command announced that 387 websites had been blocked for "acting illegally." [61]

In March 2022, following Russia's invasion of Ukraine, Turkish internet users reported issues accessing Russian news portal Sputnik after the US and EU issued bans on the platform. [62]

After a two-year ban, Wikipedia was unblocked in Turkey in January 2020 after a court ruled the blocking unconstitutional. [63] Wikipedia had been blocked in 2017 after refusing to remove two articles that claimed that the Turkish government was involved in Syria through arms transfers to illegitimate fighting groups.

In 2016, the BTK ordered ISPs to ban more than 10 virtual private network (VPN) services, as well as the circumvention tool Tor.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?	**0** / 4

In addition to widespread blocking, state authorities are proactive in requesting the deletion or removal of content.

Social media platforms comply with administrative decisions and court orders to avoid monetary fines, advertisement bans, access blocks, and bandwidth throttling. Popular Turkish websites are also subject to content removal orders. In 2020, 5,645 news articles received access blocking orders, and 4,620 were removed from servers by the news outlets. [64] More than 7,500 Twitter accounts, 8,000 Facebook posts, and 12,000 YouTube videos were removed between 2015 and 2020. [65] In March 2022, news website Cumhuriyet received a court order to block access to a story about the corruption of local government officials. [66]

In July 2020, the "Right to be Forgotten" was recognized by Turkish authorities, allowing citizens to have content removed from search results. However, authorities have manipulated the law to remove negative press of prominent politicians from online databases. [67] In July 2020, Turkish lawmakers passed the Social Media Regulations Law, which provides authorities with more power to censor online content. [68] Specifically, the law requires social media companies to respond to content removal requests within 48 hours; noncompliance could result in fines of up to $700,000 (see B3 and C6). [69] After coming into effect in October 2020, the social media law resulted in the removal of at least 1,197 news articles—primarily about political issues—in the first year of its implementation, according to the Media Research Association. [70]

The government sometimes requests social media companies to restrict content online. In 2021, at least 32 social media accounts run by activists, nongovernmental organizations (NGOs), independent news platforms, journalists, politicians, and political parties were suspended or restricted. [71] The government made 78 requests to Twitter to remove the accounts of verified journalists and news outlets during the coverage period. [72] Between July and December 2021, Twitter complied with 42.2

percent of the Turkish government's legal demands to restrict 114,000 accounts. [73] In 2021, Facebook complied with 1,419 governmental content removal requests. [74]

In September 2021, the Facebook page of one of Turkey's most popular newspapers, Sözcü, was removed. The outlet frequently publishes content critical of the ruling party. [75] In November 2021, the Facebook page of independent news platform Ötekilerin Gündemi was also taken down and blocking orders were issued against the news platform's website. [76] Additionally, Mesopotamia News Agency's Facebook page was removed in December 2021. [77] The Twitter account of media outlet SeyriSokak was suspended for several days in November 2021. SeyriSokak's YouTube account was also restricted following complaints from far-right groups. [78] In September 2021, the Minister of Interior had his comments on Turkey's inability to fight the People's Defense Movement (YPG) removed from the social media accounts of the state-owned Anadolu News Agency. [79]

In June 2020, the General Directorate of Security (GDS), relevant ministries, and chief public prosecutors claimed they were removing content from numerous social media channels that might have a negative impact on children, general morality, family, and social order. [80] In the statement, the directorate general also stated that "cyber patrol" activities would continue to target content that might have an impact on children and youth.

Content on streaming sites is censored at times. [81] In 2020, it was reported that the RTÜK pressured Netflix to cancel a local production of Love 101 in Turkey due to the inclusion of an LGBT+ character in the series. [82] The content of the series was altered—removing the gay character—upon orders from RTÜK, even though the RTÜK is only authorized to regulate content after publication. [83]

An LGBT+ dating application, Hornet, was removed from Apple's App Store in Turkey in August 2021 after the Ankara Gendarme Command requested its removal via court order. [84] In February 2022, Hornet created another app called Hornet Stories, which remains accessible. Hornet has brought a case against the blocking order for the original app before the Constitutional Court. [85]

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?	**1** / 4

Many online restrictions on digital content lack proportionality and transparency.

The blocking and removal of online content is regulated under Law No. 5651, [86] initially enacted in 2007 to protect children and prevent access to illegal and harmful content, including child sexual abuse, drug use, the provision of dangerous substances, prostitution, obscenity, gambling, suicide promotion, and crimes against Mustafa Kemal Atatürk. [87] The responsibilities of content providers, hosting companies, public access providers, and ISPs are delineated in this law. Domestically hosted websites with proscribed content can be taken down, while websites based abroad can be blocked and filtered through ISPs. The law has been amended in recent years to broaden the circumstances in which censorship is legally permissible. [88]

The July 2020 Social Media Regulations Law compels social media companies with over one million daily users to open in-country offices with a local representative. In December 2020, Facebook, Instagram, YouTube, Periscope, and Twitter were all fined 10 million Turkish lira ($1.2 million) after failing to appoint a representative. [89] Following the fine, YouTube, Facebook, and Twitter opened local offices, though the companies claimed they would not alter their content moderation, transparency, and publication policies. [90] In January 2021, TikTok also appointed a local representative, just one day before an advertisement ban for noncompliance would have been issued. [91] Twitter and Pinterest were both issued advertisement bans in January 2021, though Twitter's ban was lifted after they opened their local office in March 2021. [92] According to the president of the Digital Platforms Commission, all platforms that have more than one million daily users have opened local offices in Turkey. [93]

The majority of blocking orders are issued by the BTK, [94] rather than by the courts. [95] The procedures surrounding blocking decisions are opaque, creating significant challenges for those seeking to appeal. The reasoning behind court decisions is not provided in blocking notices, and the relevant rulings are not easily accessible. As a result, site owners find it difficult to determine why their site was blocked and which court issued the order. The BTK's mandate includes executing judicial blocking orders, but it can also issue administrative orders for foreign websites, content involving sexual abuse of children, and obscenity. Moreover, in some cases it successfully asks content and hosting providers to remove offending items from their servers, in order to avoid issuing a blocking order that would impact an entire website.

Turkish authorities have an arsenal of tools to censor online content. The BTK can fine ISPs up to 300,000 liras ($38,309) for failing to comply with blocking orders within four hours of their issuance. Failure to take measures to block all alternative means of accessing the targeted site, such as proxy sites, may result in a fine of 50,000 liras ($6,385). [96] A 2019 bylaw also allows the RTÜK to regulate online content, including audio and video streaming services (see B2 and B6). [97] The law compels streaming services to apply for a license, which Netflix and Amazon Prime did in 2020. [98]

Appeals to content restriction decisions are rarely effective. Since July 2015, online news portal Sendika.org has had to change its domain name 64 times due to the number of blocking orders it received. The European Court of Human Rights (ECtHR) ruled in March 2020 that these actions amounted to free speech rights violations, and in October 2020 the blocking order was lifted. [99] In May 2019 the Wikimedia Foundation successfully petitioned the ECtHR against the blocking of Wikipedia in Turkey, [100] though the Turkish government did not allow access to the site until January 2020. In 2017, Twitter noted they had filed legal objections whenever possible "in response to all court orders involving journalists and news outlets," though none were successful (see B2). [101]

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?	**1** / 4

Digital media outlets are inhibited by heightened self-censorship. The many prosecutions for defaming the president and the government's surveillance powers have had a chilling effect on social media users in recent years (see C3 and C5). [102]

Due to increasing xenophobic sentiments on social media, along with the government's crackdown on refugee rights organizations, several NGOs that work on immigration and refugee rights have canceled or postponed online activities and have avoided issuing statements for fear of retribution from authorities. [103]

Members of the LGBT+ community and those who publish stories on LGBT+ issues often self-censor. In June 2021, TRT, a public broadcaster, removed a social media post that contained colors of the rainbow, following homophobic rhetoric by the government (see B8 and C7). [104]

Susma 24—which monitors and reports on censorship in the media, social media, and arts and culture—described in its 2020 report an increasing amount of self-censorship in society due to the Turkish government's violent treatment, arrests, detentions, and prosecutions of journalists; blocking of news articles; heavy financial penalties given to publishers; prosecution of social media users; and house-raids against journalists and private individuals (see C3 and C7). [105] Many commentators, journalists, bloggers, and academics have announced that they abstain from commenting publicly and publishing opinions. [106]

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?	**1** / 4

State-sponsored media and government manipulation of social media content has adversely impacted the online information landscape. Specifically, media coverage regarding the Kurdish-populated southeastern region is heavily controlled by the government.

The government has attempted to control the online information space, claiming that misinformation is rampant and encouraging users to rely on government-issued information or use state-funded verification platforms. In February 2021, the Presidential Communications Directorate presented "Is It Real?", a state verification platform that offers "correct versions" of news developments for national and international audiences. [107] However, given the proliferation of progovernment content online, the platform will likely serve as a tool to further government-friendly narratives.

Numerous reports have revealed that the ruling AKP has enlisted an "army of trolls"—numbering around 6,000 individuals—to manipulate online discussions, drive particular agendas, and combat government critics on social media. [108] Emails leaked in 2016 provided insight into a coordinated campaign by President Erdoğan's inner circle to counter critical narratives and weaken protest movements on social media. [109] A report released in August 2021 found that these trolls frequently "masquerade" as political figures to legitimize their disinformation campaigns. [110] In January 2022, a member of the opposition CHP commissioned a study that allegedly found that the

AKP has funded its troll army through taxpayer money, although this claim has not been widely substantiated. [111]

Progovernment trolls often attack independent media and human rights groups, including the "Anonymous Movement"—a network of volunteers that create social media campaigns to demand the release of political prisoners and journalists, promote rights and liberties, and target accounts that belong to government-sponsored troll networks in order to flag and close them. Reactionary networks that have attacked the Anonymous Movement include "Operation Ebabil" and "Anadolu Operation," which target political opposition figures, government critics, LGBT+ people, the women's equality movement, and journalists. These networks have thousands of members who organize on messaging channels such as Telegram and Facebook. [112] In May 2020, Operation Ebabil announced that they managed to restrict the Twitter account of the main opposition party's chair Canan Kaftancıoğlu. [113]

Journalists, scholars, and opposition politicians who are critical of the government have faced orchestrated harassment on Twitter, often by dozens of users working to discredit them (see C7). [114] For example, in May 2019, ahead of Istanbul's repeat mayoral election, numerous progovernment social media accounts spread a misleading and altered video of opposition candidate Ekrem İmamoğlu saying he would have terrorist groups run the country. [115] In January 2022, CHP leader Kemal Kılıçdaroğlu said that he had been harassed by thousands of pro-AKP Twitter trolls. [116]

Coordinated inauthentic behavior online is a problem in Turkey. In December 2021, Meta removed a network of inauthentic Facebook and Instagram accounts originating in Turkey and Libya. In June 2020, Twitter suspended state-linked accounts from Russia, China, and Turkey for violating the platform's policies. Some of those accounts originated in Turkey and shared pro-AKP and pro-Erdoğan content. [117] According to the Stanford Internet Observatory, "retweet rings" in Turkey linked to the AKP's youth wing were active during the 2017 referendum period, boosting tweets calling for the overthrow of parliamentary democracy. These rings were also active during military operations in Syria to boost Turkey's legitimacy in the world arena. [118] In September 2021, progovernment outlet Sabah published a news article accusing Twitter of "favoring terrorism" after 200 progovernment accounts were suspended. [119]

During the coverage period, progovernment trolls purchased votes from a social media agency to skew results of an online poll regarding an infrastructural project in

Istanbul. [120]

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	**1** / 3

Some economic constraints can negatively affect users' ability to publish content online. The government financially supports AKP-friendly online outlets through advertising and withholds such support from critical publications leaving independent online media at a disadvantage. [121] Net neutrality is not explicitly protected by Turkish laws.

In March 2018, the parliament approved a bill granting the RTÜK authority to regulate online content, including but not limited to commercial streaming services, such as Netflix, as well as foreign-based online media platforms such as Arti TV and DW. [122] The RTÜK bylaws that came into force in August 2019 [123] authorizes the agency to issue licenses to online content providers for a fee of 100,000 liras ($6,752), and is able to fine providers or revoke their licenses. [124] This excludes platforms that publish news, movies, or series online. [125] During a workshop held by the Internet Journalists Federation in June 2021, the organization's president called for legislation that would ban small newsrooms from operating without complying with government regulations. [126]

In July 2022, a draft Ministry of Commerce regulation was passed into law. The Law Amending the Law on the Regulation of Electronic Commerce (Amendment Law) includes licensing regulations and advertising restrictions for companies with e-commerce services. Failure to comply with the regulations could result in administrative fines of up to 20,000 liras ($1,108) or website blocking. [127]

In March 2020, the Digital Services Tax number 7194 came into force, requiring gaming, music, and video platforms; apps; social media platforms' paid services; and web platforms that allow sale of products or services to pay a 7.5 percent tax on their sales. A clause in the amendment allows the president to lower the rate to 1 percent or double it to 15 percent upon necessity. [128] The Minister of Treasury and Finance proposed a tax for owning cryptocurrencies in May 2021 (see C2). [129]

In February 2020, following a two-year strained relationship between the Turkish Board of Competition and Google, the government fined Google 98.35 million liras ($12.56 million) for abusing its dominant position in the digital search market in Turkey. [130] During the investigation, Google had warned that financial sanctions from the authorities would force the company to stop supporting the Android operating system in Turkey, which comprises 90 percent of all smartphones sold in the country. [131] Again in April 2021, Turkey's Competition Board fined Google 296 million liras ($37.79 million) for unfairly advantaging its own services over those of its competitors in the advertisement market. [132]

During the COVID-19 pandemic, the use of online video platforms increased, as did revenue for publishers of online content. In April 2020, the Revenues Management Directorate announced that all content producers who earn revenues from sponsorships and platform advertisements for their online publications are subject to a 15 percent income tax. [133] In January 2021, a tax exemption was announced for e-commerce applications that do not take place in a corporate environment. [134]

During the coverage period, the Istanbul Financial Crimes Police began investigating "internet celebrities" who profit off their social media content. [135] In September 2021, the Ministry of Treasury and Finance announced a draft bill that would introduce new taxes for those earning revenues through online activities. [136] The law passed in October 2021 and "internet celebrities" were recognized as a commercial group for the first time. [137]

In May 2021, the Ministry of Commerce issued a directive requiring all advertisements on social media accounts to be marked as such. [138] In February 2022, influencer Duygu Özaslan was issued a fine of 114,326 liras ($7,700) for failing to identify her posts as advertisements. [139]

As part of the authorities' crackdown on LGBT+ people, since December 2020, the Board of Advertisements has required the sale of rainbow-themed products and any material containing LGBT+ slogans or symbols on e-commerce platforms to show an "18+ adult content" warning (see B8 and C7). The Board also announced potential penalties for online sellers that violate the regulation. [140] A consumer protection law was passed in March 2022, granting the Advertisement Board the power to block websites under the auspices of protecting consumers from harmful advertisements. [141]

Regulations from 2012 name .tr domain extensions a shared property of the Republic of Turkey. Individuals in Turkey are not permitted to register and own domain names ending with the country extension .tr unless they own a trademark, company, or civil society organization with the same name as the requested domain. [142]

B7 0-4 pts

Does the online information landscape lack diversity and reliability?	**2** / 4

Shutdowns of independent outlets, the preponderance of progovernment media, and self-censorship have negatively affected the diversity of online content. The government's ownership and control of major media outlets has created challenges for independent journalism. [143] Turkish internet users rely on online publications for reliable news, despite the country's restrictive legislation and blocking of many independent media outlets (see B1). While citizens can question and criticize Turkish politicians and leaders through blogs and social media, intimidation and prosecution of online users has led many to self-censor (see B4). Censorship of prominent local and foreign news sites, as well as government influence on reporters' coverage, make information-gathering even more difficult, particularly in the Kurdish-majority southeastern region. Further, the 2016 blocking of Tor and popular VPN services made it more difficult for users to reach blocked websites (see B1). [144]

During the coverage period, authorities further restricted access to international news platforms. DW, Euronews, and VOA were given a 72-hour deadline in February 2022 to apply for a national license or face blocking. [145] In July 2022, after the coverage period, DW and VOA were blocked for failing to obtain licenses (see B1). [146]

Social media platforms provide an important source of independent news, although the government has increasingly sought to censor social media content (see B2). [147] The Reuters Institute for the Study of Journalism's *Digital News Report 2022* found that people increasingly consume news via YouTube, WhatsApp, Instagram, and Facebook Messenger, as well as through Twitter. [148] Because the government controls over 95 percent of large-scale media outlets, government critics and opposition leaders have increasingly used YouTube to disseminate their views, specifically through the channels such as Emin Çapa and DW Türkçe. The British Broadcasting Corporation (BBC), DW, France 24, and VOA have all launched YouTube channels in Turkish, expanding access to independent sources of information. [149]

Content about taboo subjects such as LGBT+ issues and atheism are frequently censored (see B1). Pro-Kurdish content is also subject to removal (see B2). Online misinformation is common. During the coverage period, anti-vaccine campaigners spread misleading information about COVID-19 vaccines and the pandemic. [150]

In the past decade, platforms such as dokuz8NEWS, 140 Journos, Medyascope, Daktilo1984, and Ötekilerin Postası have employed new media practices to avoid government blocks and censorship, such as social media channels and closed-circuit groups on messaging applications, as well as volunteer reporting and citizen journalism. Fact-checking initiatives also act as information sources.

As of 2021, sondakika.com was the most visited news outlet in the country, followed by the websites of the progovernment news site CNN Turk Online, critical independent media Sözcü, NTV Online, Mynet and state broadcast TRT's online news portal. [151]

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	**3**/6

Digital activism has played a significant role in the country since the 2013 Occupy Gezi protests, although it has waned in recent years due to the repressive climate instilled after the 2016 coup attempt and the growing proclivity of people to self-censor.

Internet users take to social media to advocate for justice and bring attention to criminal cases that may be ignored in the mainstream media. In the beginning of 2021, students, faculty, and alumni organizations held online and offline protests after a government-appointed trustee became the rector of Turkey's most prestigious educational institute, Boğaziçi University. Multiple online publications and networks emerged throughout the protests, some of which supported LGBT+ people at the university. Amid violent crackdowns on peaceful protesters, many students were arrested for supporting the protests on social media (see C3 and C8). [152] Additionally, progovernment media claimed the students were provocateurs who had called for violent riots. [153]

Authorities have limited online mobilization in recent years. In April 2021, before International Workers' Day, the GDS issued a directive banning citizen journalism and

the recording of protests, likely in an attempt to prevent online criticism of the police's excessive use of force. The following month, during protests on International Workers' Day, police used the ban to justify unlawfully deleting content from professional journalists' devices. [154] The State Council ruled that the directive banning audiovisual recordings during protests is a violation of the right to access information and press freedom, abolishing it as of November 2021. [155]

In November 2021, when fluctuations to the Turkish lira threatened the country's economic stability, a number of online users called for protests via social media. The GDS announced that 271 users who called for protests against poor economic management were investigated by security agents (see C3). [156]

In December 2020, legislation titled "Preventing the Proliferation of Financing Weapons of Mass Destruction" was passed, ostensibly to prevent the financing of international terrorist networks. The law includes clauses that curtail citizens' right to assemble both offline and online, and authorizes the government's appointment of trustees to rights-focused NGOs. [157] Immediately after the law was passed, rights-based NGOs received notices for annual audits and inspections. Membership to civil society organizations has steeply fallen since 2017 due to the closure of numerous rights-focused NGOs. [158] In May 2022, the Istanbul governor's office blocked the Nesin Foundation's bank accounts in line with provisions in the "Prevention of the Financing of the Proliferation of Weapons of Mass Destruction" law, alleging that the education-focused NGO had engaged in an "unauthorized donation campaign on social media." [159]

Many websites and apps are used to organize people both online and offline, particularly around elections. The organization Vote and Beyond monitored the June 2018 elections through a mobile app that enables volunteers to report voting data, which is then compared with preliminary results announced by the Supreme Electoral Council. [160] The Election Justice Platform—which had been formed by various opposition parties, unions, and media organizations—has served as a basis for citizens' monitoring of election safety through the creation of networks, alerting users of any fraud attempts or irregularities. [161]

In 2020, Turkish women began the #ChallengeAccepted online campaign, which went viral globally, to bring attention to femicide and gender-based violence in Turkey. [162] Women are often the targets of harassment both online and offline.

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?	**1** / 6

The constitution and laws of Turkey fail to protect free expression and press freedom online despite including broad protections for freedom of expression in theory.

Article 26 of the constitution states that "everyone has the right to express and disseminate their thoughts and opinion by speech, in writing, or in pictures, or through other media, individually or collectively." [163] Turkish legislation and court judgments are further subject to the European Convention on Human Rights (ECHR) and bound by the decisions of the ECtHR, which protect freedom of speech.

The state of emergency enacted in the wake of the 2016 coup attempt remained in effect until July 2018 and allowed President Erdoğan to issue decrees without judicial oversight, including some that threatened freedom of expression online, were used to block websites, shut down communication networks, and close civil society organizations and news outlets (see A3 and B1). [164]

Turkish laws are enforced by a judiciary whose independence has been compromised, particularly since the coup attempt in 2016. [165] Though judges still occasionally rule against the government, thousands of new loyalist judges appointed in recent years fall in line with the government's interests, while those suspected of supporting the coup attempt have been purged. Those who might rule against the executive in a major case risk their careers by doing so.

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?	**1** / 4

Many provisions of the criminal code and other laws, such as the Anti-Terrorism Law, are used to criminalize online activity.

Article 7 of the Anti-Terrorism Law states that anyone that uses "propaganda of a terrorist organization" such as "legitimizing, glorifying, or inciting violent methods or threats" can face prison terms of one to five years. The law has been widely criticized for its broad definition of terrorism, which has been exploited by courts to prosecute journalists and academics who criticize the government, with no clear links to terrorist activities. [166]

Defamation is a criminal offense punishable by a fine and up to two years in prison. Charges have frequently been used to prosecute government critics (see C3). Defaming a public official carries a minimum sentence of one year in prison, while insulting the president is punishable by between one and four years in prison, according to Article 299 of the criminal code. Several courts deemed Article 299 unconstitutional in the first half of 2016, but the Constitutional Court upheld the provision in December 2016. [167] Turkey's Supreme Court ruled in August 2021 that retweeting content deemed insulting would be considered a crime and the user could stand trial for criminal activity. [168]

In late May 2022, the governing alliance submitted a "disinformation" bill to the parliament. The bill includes, among others, 40 clauses with specific provisions that would assign criminal penalties for online content. Specifically, anyone who publishes deliberate false information could receive a prison sentence of between one and three years. [169] The proposed law, which has received significant criticism, includes vague language, and was drafted without consulting relevant stakeholders.

The new Family Physicians Contracting and Payment Regulation, which was introduced in June 2021, includes articles that prohibit health care professionals from making statements to the media, giving expert opinions, or posting to social media without authorization from superiors. The regulation includes punishments for those who do not comply. [170] Critics of the regulation believe that it is intended to censor health care professionals who have criticized the government's response to the COVID-19 pandemic.

In April 2021, the Ministry of Treasury and Finance banned the use of cryptocurrencies. The ministry also announced that user data from cryptocurrencies

platforms could be requested by authorities and that personal devices could be confiscated as part of an investigation into potential financial crimes (see C6). [171] In late 2021, security forces conducted multiple operations targeting cryptocurrency mining in Istanbul, [172] , Konya, [173] and İzmir, [174] confiscating hundreds of devices and detaining people allegedly involved.

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	**0** / 6

Score Change: The score declined from 1 to 0 because one person faces a life sentence for a social media post, and a journalist was given a life sentence in part due to a Facebook photo.

Prosecutions and detentions of Turkish citizens for their online activities continued during the coverage period. Many journalists, activists, and ordinary citizens faced arrest in retaliation for criticism of the government, as well as expressions of Kurdish identity.

Prosecutions for insulting the president online have increased in recent years. In November 2021, an internet user known as KM was charged with "attempted assassination of the President" after criticizing the president's handling of the COVID-19 pandemic on social media. A lawyer working on the case stated that there is no proof of an attempted assassination; nevertheless, KM faces a life sentence if convicted. [175] There is no update on the status of the case as of June 2022.

In September 2021, a court case was opened against journalist Baransel Ağca for insulting President Erdoğan on social media. The charges, which were based on tweets Ağca had posted in 2016, came days after he reported on alleged links between an AKP official and the suspicious death of journalist Yeldana Kaharman. [176] In May 2022, a woman was accused of "insulting a public officer" after she "liked" a social media post that criticized Presidential Communications Director Fahrettin Altun. [177]

In September 2020, it was announced that 36,000 people were subjected to investigation for insults to President Erdoğan; of the 12,000 people who were put on trial, 3,831 were convicted, including 308 children. [178] However, a March 2020 court ruling determined that insulting Erdoğan does not constitute insulting the president,

as he has registered with a political party and thus lost impartiality. [179] Despite this ruling, arrests and detentions for insulting Erdoğan on social media have continued, and the government has appealed the decision. [180]

Defamation is a crime in Turkey (see C2). Since 2015, close to 170,000 people have been accused of defaming the president; of the 17,541 cases that went to trial, only 2,676 people were acquitted. [181] In October 2021, a defamation lawsuit was filed against a social media user for calling the presidency communications director a "swine." [182]

Opposition party members are frequently targeted by authorities for their social media content. In August 2021, Canan Kaftancıoğlu, the Istanbul chair of the opposition CHP, was investigated for her social media activities in 2012. [183] In May 2022, Kaftancıoğlu was sentenced to 4 years and 11 months in prison for her social media activities between 2010 and 2012. She was also stripped of her political rights, her CHP membership was terminated, and she was removed from her position as CHP Istanbul chair. [184] In April 2022, following the imprisonment of journalist Sedef Kabaş, Alp Emeç, a member of the opposition İYİ Party, was arrested for quoting Kabaş on social media. Although Emeç deleted the post shortly after sharing it, he was held in prison for 12 days. [185] In March 2021, Ömer Faruk Gergerlioğlu, a parliamentarian representing the pro-Kurdish Peoples' Democratic Party (HDP), was sentenced to two years and six months in prison and demoted in the parliament after being prosecuted for one of his posts on Twitter. [186]

Sharing pro-Kurdish content online has resulted in criminal penalties. Academic Hifzullah Kutum was imprisoned in November 2021 and accused of terrorism after posting "Happy September Revolution to all Kurds. Long live Kurdistan," on his social media account. [187] In January 2022, journalist Rojhat Doğru was sentenced to life in prison on charges of "attempting to disrupt the unity of the state" for his work as a camera operator covering Kurdish areas in Iraq and Syria for various outlets. Doğru was also charged with "making terrorist propaganda" for a photo he posted to Facebook of an area in Iraq controlled by the Kurdistan Worker's Party (PKK), a group that the Turkish government has designated as a terrorist organization. [188]

Users have been arrested or interrogated for seemingly harmless content. After President Erdoğan contracted COVID-19 in February 2022, an investigation was opened against social media users who commented about his health. The GDS

announced that eight users were detained for their social media posts regarding the president's health. [189] In June 2021, actor Levent Üzümcü was investigated of sharing speculative content on the plummeting of Turkish lira in a tweet from 2018. [190] In September 2021, Barbaros Şansal, an outspoken critic of the government, was sentenced to 3 months and 22 days in prison for a tweet he shared in 2017 deemed to have "publicly insulted" the government. [191] In March 2022, a video blogger was interrogated about one of her videos, which showed her criticizing people who sell "healing stones" online. She was charged with insulting vendors, harming commercial reputation, and defaming the stones. [192]

Arrests are frequently used to intimidate critical journalists. In April 2022, Istanbul police arrested freelance journalist İbrahim Haskoloğlu for allegedly "illegally obtaining and spreading personal information." He was held in pretrial detention and later released pending trial. [193]

Posting LGBT+ content online has also resulted in arrests. In October 2021, social media celebrity Pınar Yıldırım—also known as Pucca—was sentenced to 5 months and 18 days in prison for a tweet about homosexuality in films. [194]

During the coverage period, a number of online users were arrested for insulting religion. In April 2022, Deniz Talu was sentenced to 2 years and 1 month in prison for insulting religious values and glorifying criminal content on social media. Talu insisted he did not post the content in question, stating that a fake account under his name had shared it. [195] In October 2021, musician and YouTuber Oğuzhan Uğur was called to the prosecutor's office concerning a comment in his video channel. He was accused of insulting Islamic values and inciting people to violence or insult. [196]

In August 2021, wildfires spread across Turkey, and many citizens criticized the government's response on social media. The Ministry of Interior announced that 3,246 people were investigated about their social media posts and 172 people faced criminal charges for their activities. [197] Furthermore, the RTÜK issued 3.3 million liras ($222,000) in fines against news organizations that published information on the wildfires. [198]

During the coverage period, dozens of Syrian refugees living in Turkey were deported in retaliation for their online activities. [199] During an October 2021 interview about the economy, a Turkish citizen made racist remarks about Syrian refugees, saying "we

are unable to buy bananas but they [refugees] are eating every day." The comments sparked reactions from Syrians living in Turkey, who took to social media and posted photos and videos of them eating bananas. The Ministry of Interior's General Directorate of Immigration Management announced that at least seven Syrian refugees would be deported for their videos. [200] An additional 31 Syrian refugees were investigated in Istanbul, and 11 were detained for posting videos of themselves eating bananas. [201] In November 2021, another 45 Syrian asylum seekers would be deported for sharing the videos. [202]

In August 2022, after the coverage period, authorities raided a Syrian student's house after he shared Facebook posts that "insulted the prestige of the Turkish state." Following the raid, the student, Salah Al-Din al-Dabbagh, was detained by security forces and deported to Syria. [203]

In December 2020, exiled journalist Can Dündar was sentenced to 18 years and 9 months in prison on espionage charges, as well as 8 years and 9 months on terrorism charges. Dündar, who was formerly the editor in chief of the online opposition newspaper Cumhuriyet, was originally arrested in November 2015 for his reporting on Syria. He fled Turkey following his release in February 2016. [204]

In January 2021, a lawyer from the Istanbul Bar Association reported that thousands of Turkish citizens living abroad were subjected to detention, deportation, or refusal of entry when attempting to return to the country for making social media posts that authorities alleged contained terrorist propaganda, insults to the president, and incitement to violence. [205]

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	**2** / 4

Limitations on encryption and anonymity are concerns in Turkey. According to the 2021 Inclusive Internet Index, only 40 percent of people trust that they can maintain their online privacy, and only 34 percent of people trust the security of government websites and applications. [206]

Turkish authorities require that ICTs be registered, claiming registration helps prevent cybercrime, as a tactic to prevent anonymous online activity. The anonymous

purchase of mobile phones is illegal. Turkish citizens are limited to importing one mobile phone every three years and imported devices must be registered at mobile service providers' subscription centers and an e-government website for around 2,000 liras ($256). [207] Devices that are not registered within a year of purchase are blocked from telecommunications networks.

In May 2022, lawmakers proposed a "disinformation" bill that includes provisions that would criminalize anonymity online. Specifically, the bill introduces prison sentences of up to three years for deliberately spreading false information; the penalties can be increased for those internet users who publish anonymously or journalists who rely on anonymous sources (see C2). [208]

In July 2020, the Ministry of Interior proposed a regulation that would require mobile phone users to register SIM cards through an e-government portal where citizens' private information would be linked to Global System for Mobile communications (GSM) numbers. [209] The regulation was passed in June 2021 and enforcement began in December of that year. The law includes requirements for authenticating identity "during the creation of electronic documents for subscription contracts and applications for transfer of phone number, change of operator, qualified electronic certificates, and SIM card change." [210]

The Ministry of Transport and Infrastructure announced in December 2020 that locally produced eSIM (embedded Sim Card) technology would replace conventional plastic SIM cards as of 2021. The eSIM cards will have to be registered with an official identification number. [211] In July 2020, lawmakers sought to legalize the registration of virtual GSM numbers and unregistered GSM numbers for foreigners and refugees. [212]

While there is no legal ban on VPN services in Turkey, users report widespread difficulties accessing the VPN services that they have purchased, either because of blocks that target VPN servers or because of deep packet inspections (DPI) that can detect and block VPN traffic. [213] In 2011, the BTK imposed regulations on the use of encryption hardware and software requiring suppliers to provide encryption keys to state authorities before they offer their products or services to individuals or companies within Turkey. Failure to comply can result in administrative fines and, in cases related to national security, prison sentences.

During the postcoup state of emergency, the government made claims that the online encryption application ByLock was being used to threaten Turkey's national security as justification for the long-term pretrial detentions of dissidents, many of whom had used ByLock. [214] As a result, citizens shy away from using emerging encrypted messaging apps for fear of being accused of engaging in activities that threaten national security.

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?	**1** / 6

Government surveillance and the bulk retention of user data have violated privacy rights in Turkey. The constitution guarantees the right to privacy, though there are legal limitations on the use of encryption devices (see C4), and surveillance of online activity by security agencies is believed to be widespread. [215]

In June 2021, the Constitutional Court gave the Presidential Communications Directorate the power to request access to the private information of Turkish citizens held by "official institutions" and "public companies." [216] Those opposed to the ruling warned that this would provide the government access to private data without any data protection or privacy safeguards.

Under Turkish law, the interception of electronic communications had fallen under the purview of the BTK. Questions remain over the legality of the GDS's practice of using software that can infiltrate individuals' computers. Furthermore, the powers of the National Intelligence Organization (MİT) to conduct surveillance were expanded under Law No. 6532 on Amending the Law on State Intelligence Services and the National Intelligence Organization. Passed in 2014, this amendment grants intelligence agents unfettered access to communications data without a court order (see C6).

Security agents have abused their positions and access to data to surveil citizens. In May 2022, a case was opened against a former police officer for unlawfully keeping records of the private information of 3,248 people, including information on their sexual orientation, political beliefs, religious values, race, and ethnicity. [217] In June 2021, Istanbul police officer Suat Teke abused his position to access personal information and location data on another police officer, Hatice Büşra Çetinkaya. Teke used this information to blackmail, stalk, and then murder Çetinkaya. [218]

In July 2020, the GDS announced the close monitoring of online discussion in Turkey to target illegal activities, terrorism propaganda, and manipulative information. [219] The Minister of Interior warned that the government would be able to detect criminal activity online, locate the perpetrators, and hand them over to the judiciary. In October 2021, the Minister of Interior announced that security forces are constantly operating under the pretense of detecting online activity that might constitute a crime. [220]

Law No. 6532 from 2014 enables the MİT to intercept and store private data on "external intelligence, national defense, terrorism, international crimes, and cybersecurity passing through telecommunication channels," without procuring a court order (see C6). [221] Courts must obtain the permission of the head of the agency in order to investigate agents.

Despite constitutional guarantees to free communication and privacy, most forms of telecommunication continue to be tapped and intercepted. Legally, the constitutional right to anonymous communication can only be limited by a court order to protect national security, public order, public health and morals, and other individuals' rights and freedoms, unless delaying for a court order would prevent officials from carrying out an investigation. [222] Judicial permission is required for technical surveillance under the Penal Procedural Law, although Turkish security forces are allowed to conduct wiretapping for 24 hours without a judge's permission in urgent situations. However, after the passage of the Homeland Security Act in 2015, this time limit was increased to 48 hours, and officials who conduct wiretapping must only notify their superiors. In addition, only the Ankara High Criminal Court can decide whether a wiretapping request is legitimate. [223]

During the COVID-19 lockdown, the Ministry of Health initiated a "Life Fits in Home" application for mobile devices. The app monitored and accessed users' location, camera, contact list, and Bluetooth to ensure infected people or at-risk groups did not violate quarantine or self-isolation rules. Six percent of the population—five million users—downloaded the application despite its highly centralized data storage and invasive policies. [224]

In October 2021, reports emerged that internet users in Turkey had been targeted with DevilsTongue spyware, which is sold by the Israeli firm Candiru. [225] While it is unclear who the perpetrator of the attack was, the spyware allegedly targeted human

rights defenders, journalists, and politicians in several countries in the region, including Turkey. [226] In a 2018 report by Canadian internet watchdog Citizen Lab, Turkey is listed as one of 45 countries worldwide in which devices were likely breached by Pegasus, a targeted spyware software developed by the NSO Group, another Israeli technology firm. Pegasus is known to be used by governments to spy on journalists, human rights defenders, and the opposition, though it is unclear whether the Turkish government is a Pegasus client. [227]

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?	**0** / 6

Law No. 6532 forces public and private bodies—including but not limited to banks, archives, private companies, and professional organizations, such as bar associations—to provide the MİT with any requested data, documents, or information regarding certain crimes related to national security, state secrets, and espionage. Failure to comply can be punished with imprisonment.

Under Law No. 5651, hosting and access providers must retain all traffic information for one year and maintain the accuracy, integrity, and confidentiality of such data. In addition, access providers must file the data together with a time stamp and assist and support the BTK in monitoring internet traffic. [228]

Public-use internet providers have different responsibilities for retaining data, depending on whether they hold commercial or noncommercial status. Commercial providers are defined as entities such as internet cafés that provide internet service for a payment. Noncommercial public-use internet providers are defined as entities that provide internet service at a certain venue for a specific time period, such as hotels and restaurants. While all public-use internet providers are expected to take measures to prevent access to illegal content and store internal internet protocol (IP) distribution logs, commercial providers must also receive permission from the local authorities, use a content-filtering service approved by the BTK, and keep accurate daily records of internal IP distribution logs using BTK-supplied software, which must be stored for a period of one year. All data must be made available to the BTK upon request; no court order is required. Those who do not comply can face fines between 10,000 ($1,277) and 100,000 liras ($12,770). [229]

In July 2020, without consulting the new Digital Platforms Commission, the parliament passed a social media law requiring social media companies to store user data in Turkey, raising serious concerns for user privacy. [230] The law allows private companies to observe and store users' private data, despite previous legislative steps taken to prevent this. [231] Once the companies have in-country offices, they would be obligated to store user data inside Turkey (see B2 and B3). [232]

During a broad crackdown on cryptocurrency platforms, the Ministry of Treasury and Finance demanded all users' data from cryptocurrency exchange platforms. [233] Cryptocurrency stock exchange company, BTC Turk, admitted to leaking private data concerning 516,000 of its users in 2018. [234]

In a largely positive development, the Data Protection Law entered into force in 2016, and the Personal Data Protection Authority began operating in January 2017, aligning the country's legislation with European Union (EU) standards. [235] In April 2019, the Personal Data Protection Authority fined Facebook 1.65 million liras ($210,700) due to an application programming interface (API) bug that allowed third-party applications to access the photos of users, including from Turkey. [236] Between 2017 and 2019, the Authority imposed a total of 14 million liras ($1.79 million) in financial penalties. [237] Amendments to the Data Protection Law were proposed in August 2021. [238]

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?	**2**/5

Harassment of journalists on social media is a problem, and several people were physically attacked during the reporting period due to their online content. Online speech on Islam or the prophet Muhammad, the Kurdish civil conflict, criticism of excessive police force, and even mild criticism of the president, government, or ruling party can result in death threats and legal battles.

Intimidation of journalists through physical attacks limits the plurality of voices in the media. In August 2021, political commentator Emre Erciş was shot in the leg and foot by an unidentified attacker. While the motive of the attack is unclear, it was likely in retaliation to Erciş's online content, particularly his frequent criticism of opposition groups and parties on Twitter. [239] In June 2021, journalist Ahmet Atmaca was attacked by a group of people in Gaziantep. Atmaca, who writes for Demirören News Agency,

had recently written stories about government events and COVID-19 measures. [240] Also in June, online journalist İbrahim Akkuş was beaten by three construction workers in Samsun after he reported on the company's "allegedly flawed construction." [241]

In February 2022, journalist and commentator Güngör Arslan was shot and killed by an unknown assailant. Security forces investigating the case are looking into whether the attack was prompted by Arslan's journalistic work. In the last report Arslan published before his death, he criticized the mayor of Kocaeli after the mayor gave a housing construction contract to the company of a close friend. [242] Authorities are investigating the suspicious death of journalist Aydın Taş. [243] Taş, who was found dead in August 2021, had recently published critical online stories about China's treatment of the Uyghurs, Russia's occupation of Crimea, and President Ilham Aliyev's leadership in Azerbaijan. [244]

In March 2021, far-right networks led a hate-campaign targeting journalist Levent Gültekin on social media platforms. [245] Gültekin was then assaulted by a mob of 25 people in front of the Halk TV station after making comments on one of the leaders of the 1967 coup and the founder of the far-right Nationalist Movement Party (MHP); the mob broke his fingers. [246] Citizen journalists and reporters who participate in anonymous street interviews for online news outlets risk assault in retaliation for their statements. [247] In January 2021, journalist Orhan Uğuroğlu was assaulted by three unidentified men who attempted to run him over with a car. Uğuroğlu told police that the attackers had told him to stop criticizing the MHP in his online reporting. [248]

In February 2021, police physically intervened during a street interview for an online news platform when the interviewee criticized the government. [249] During previous coverage periods, over a dozen journalists were physically assaulted, beaten, and subjected to gun violence for criticizing prominent political figures the governing alliance's policies. Despite international condemnations of such attacks, impunity in these cases is common and encourages further aggression towards journalists. [250]

Several social media users were targeted with death threats in retaliation for their online content during the coverage period. In November 2021, the press advisor to the leader of the MHP, a far-right ally of the government, sent a death threat to a popular comedian, Cem Yılmaz. The threats came after the comedian shared a message on social media announcing sympathy for imprisoned human rights defender Osman

Kavala and former HDP co-chair Selahattin Demirtaş. [251] In April 2022, a shopkeeper in Osmaniye received death threats and his store was raided by a mob of 20 people after he criticized the MHP on social media. [252] A social media user in Zonguldak was intimidated by members of the security forces after he shared a photo that included alcohol with a mosque in the background. [253] He later received death threats from AKP parliamentarian Hamdi Uçar in relation to his post. [254]

Members of the political opposition frequently experience online harassment. In November 2020, politician and criminal gang leader Alaattin Çakıcı threatened to kill the opposition CHP's leader Kemal Kılıçdaroğlu on Twitter after Kılıçdaroğlu criticized Devlet Bahçeli, the leader of the MHP. Twitter removed the threatening message for violating community standards; the Turkish authorities' investigation began weeks after the complaint was filed. [255] However, a Facebook user who quoted Çakıcı's threat and challenged him online was subjected to a police special-ops raid and was arrested for insulting Çakıcı and inciting hatred and violence. [256]

Online gender-based violence is common. In May 2022, journalists Burcu Karakaş and Nevşin Mengü and lawyer İpek Maya Saygın were targeted in sexist attacks online. [257] The same month, the far-right nationalist Victory Party shared hateful tweets about refugee women in Turkey. [258]

Government authorities have used online platforms to specifically target LGBT+ people. During the Boğaziçi University student-led resistance movement in early 2021 —in which LGBT+ groups actively participated—the Minister of Interior referred to LGBT+ activists as "perverts" in a Twitter post, which the company later restricted as "hateful conduct" (see B8). [259] In November 2020, President Erdoğan called for action against "digital fascism," referring to Twitter's decision to remove hateful speech. [260] Also during the Boğaziçi University resistance movement, a group of students initiated a Resistance Exhibition, during which a picture depicting the Islamic holy site Kaaba was modified to include corners of the rainbow LGBT+ Pride flag. An Islamist student club republished the picture and claimed the Boğaziçi University students had assaulted Islam, which was picked up by progovernment newspapers. This launched an anti-LGBT+ hate campaign on social media that led to police raids on the students' homes and on campus. [261]

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?	1 / 3

Cyberattacks have targeted news sites and journalists, particularly after publishing controversial information.

Hackers frequently target online users and attempt to steal their financial information. According to Kaspersky Lab, 68 percent of internet users in Turkey have been targeted by phishing attempts. [262] During the COVID-19 pandemic, hacking of social media accounts increased by 50 percent, while online phishing cases increased by 70 percent. [263]

Government websites and financial institutions were targeted by cyberattacks during the coverage period. In October 2021, Turkey's e-government portal was hacked, and user data was compromised. [264]

In November 2021 reports revealed that the private information of 10,000 suspected terrorists—mainly comprising members of the Gülenist Fethullahist Terror Organization (FETÖ), the PKK, the far-left Revolutionary People's Liberation Party–Front (DHKP–C), and the Maoist Communist Party of Turkey (MKP) who have been investigated or arrested by security forces—was hacked and sold on the black market. [265] Allegedly, members of the FETÖ were responsible for the hack and subsequent leak of the data.

In April 2022, police in Istanbul arrested freelance journalist İbrahim Haskoloğlu for allegedly "illegally obtaining and spreading personal information." [266] Haskoloğlu was working on a report about data leaks and hacking in Turkey and was arrested after tweeting about being in contact with hackers who confirmed that they had access to real-time data on Turkish users. [267] In January 2020, journalist Kenan Kırkaya, who was imprisoned and accused of promoting terrorism through his social media activities, stated that his Facebook account was hacked. Posts that are now the subject of the investigation into his activities were not posted by him, as he did not have access to his account while in prison. [268]

Two journalists, Murat Ağırel and Batuhan Çolak, had their mobile phones hacked through a Signaling System 7 (SS7) breach, downgrading their connectivity from

fourth-generation (4G) to second-generation (2G) service in February 2020. [269] In March 2020, seasoned journalist Ayşenur Arslan's Twitter account was hacked by unidentified attackers. [270] The journalists, whose phones, emails, and social media accounts were hacked after posting about the Turkish intelligence operatives losing their lives in Libya, defined the incidents as "e-assault" and filed criminal complaints. [271]

In August 2020, a woman who posted a video to Instagram of police using excessive violence to enforce mask mandates during the COVID-19 pandemic had her account hacked. The hacker shared her private information online, including her home address. Further, from her Instagram account, the hacker issued messages of support to the police and called for her followers to sexually assault and lynch her. [272]

In March 2021, an online food delivery service, Yemeksepeti, was the target of a cyberattack that left the private data of 21.5 million users vulnerable to theft, including their banking information and home addresses. [273] This was the largest data theft case in Turkish history; Yemeksepeti was fined 3 million lira ($383,088). [274] Separately, in May 2021, a cyberattack against the AKP-run Konya Metropolitan Municipality database leaked the private data of one million citizens. [275]

Footnotes

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Country Facts

Global Freedom Score

32 /100 **Not Free**

Internet Freedom Score

32 /100 **Not Free**

Freedom in the World Status

Not Free

Networks Restricted

No

Social Media Blocked

No

Websites Blocked

Yes

Pro-government Commentators

Yes

Users Arrested

Yes

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