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Turkey

FREEDOM ON THE NET 2021

34

/100

NOT FREE

A. <u>Obstacles to Access</u>	15 /25
B. <u>Limits on Content</u>	10 /35
C. <u>Violations of User Rights</u>	9 /40

LAST YEAR'S SCORE & STATUS

35 /100 Not Free

Scores are based on a scale of 0 (least free) to 100 (most free)



Overview

Internet freedom continued to decline for a third year in a row in Turkey. During the coverage period, hundreds of websites were blocked, in some instances under a new social media law. Online content deemed critical of the ruling Justice and Development Party (AKP) or President Recep Tayyip Erdoğan was removed from websites and social media platforms, and online activists, journalists, and social media users were harassed both physically and online for their social media posts. Authorities arrested users of the online platform Clubhouse in response to student-led resistance at Boğaziçi University, targeted LGBT+ activists online, and arrested a prominent opposition party official for allegedly insulting the president. Criminal cases were carried out against those who posted undesirable commentary on social media, and the threat of online surveillance, harassment, and criminal penalties has contributed to the growing practice of self-censorship among internet users in Turkey. The proliferation of restrictive laws has further formalized censorship in the country.

President Erdoğan's 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. 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.

Key Developments, June 1, 2020 - May 31, 2021

- In January 2021, a tax on communications services and devices increased from 7.5 to 10 percent, impacting people's ability to afford internet access (see A2).

- In July 2020, the Social Media Regulations Law was passed in parliament and came into effect in October 2020. The law further includes registration requirements for social media companies, forces platforms to remove content within 48 hours, and has troubling data localization provisions (see B2, B3, and C6).
- The Radio and Television Supreme Council (RTÜK)—Turkey’s online regulator—cracked down on streaming services by blocking music streaming platform Tidal and requesting Netflix several episodes that included LGBT+ content (see B1 and B2).
- Hundreds of websites were blocked during the reporting period, including the news outlet Tele1’s YouTube account, which was suspended without any explanation. The channel frequently hosts content critical of the government (see B2).
- In January 2021, amid the Boğaziçi University resistance, three students were detained after participating in Clubhouse discussions that criticized the ruling party (see B8 and C3).
- Opposition member of parliament Ömer Faruk Gergerlioğlu was sentenced to two years and six months in prison after sharing a news article on Twitter (see C3).
- In June 2020, opposition party official Canan Kaftancıoğlu was sentenced to nine years in prison for Twitter posts allegedly insulting President Erdoğan (see C3).
- Internet users and journalists faced increasing physical attacks as a result of their online activity. In March 2021, a far-right mob assaulted online journalist Levent Gültekin, breaking his fingers following comments he made about founder of the far-right Nationalist Movement Party (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?

5 / 6

Score Change: The score improved from 4 to 5 because there were no instances of telecommunications infrastructural damage, unlike during the previous coverage period when two earthquakes caused severe infrastructural damage.

Infrastructural limitations do not directly restrict access to the internet or the speed and quality of internet connections.

According to the Turkish Statistical Institute, the percentage of individuals using the internet stood at 79 percent in 2020, compared to 65 percent in 2017. ¹ Fixed broadband penetration was 16 percent, while mobile penetration was 69 percent, according to the most recent International Telecommunications Union (ITU report) from 2019. ² There were 80.9 million broadband subscribers at the end of the third quarter of 2020. ³ Mobile internet subscribers increased to 65 million by September 2020 and mobile penetration reached 99.6 percent, including machine-to-machine (M2M) communication. ⁴ According to the Household Usage of Information Technologies Survey, the share of households with internet access had increased to 90.7 percent in 2020. ⁵ The Ministry of Transport and Infrastructure announced plans to provide 100 megabyte (MB) internet connection to every household by 2023. ⁶

Internet speeds continue to be reliable in Turkey. According to Speedtest, Turkey ranked 53rd globally for mobile speeds, and 99th for broadband speeds in June 2021. Mobile download speeds averaged 48 megabits per second (Mbps), and upload speeds averaged 16 Mbps. Fixed broadband download speeds stood at 38 Mbps, and upload speeds stood at 11 Mbps. ⁷ During the reporting period, Turksat, the sole communications satellite company in Turkey, announced the launch of two new satellites that will improve bandwidth for telecommunications and broadcasting services. ⁸

During the previous reporting period, 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 demands under necessary conditions, and began taking

precautions to make sure services are sustained in the event of future earthquakes. ⁹ In October 2020, a 6.9 magnitude earthquake occurred in the Aegean Sea, impacting the city of İzmir, however no disruptions to telecommunications services were recorded. ¹⁰

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
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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 remains the country with the lowest score in affordability in Europe, ranking 59th globally. ¹ Frequent power shortages continued to be experienced country-wide, though not as severely as during previous reporting periods. In past years, connectivity in the southeastern region was negatively affected by poor telecommunications infrastructure and electricity blackouts. According to the 2020 Inclusive Internet Index Report, 13 percent more men than women access the internet, which shows a 2 percent improvement from the previous year. However, there is no apparent gender gap in mobile phone access. ²

In January 2021, a temporary Special Communication Tax on electronic communications services including devices increased from 7.5 percent to 10 percent. ³ 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. ⁴ People who purchase mobile phones abroad and bring them back to Turkey must pay 2,006 liras (\$256) and register the foreign-bought device. ⁵

During the COVID-19 pandemic, schools and universities across Turkey closed temporarily and university classes were moved online. However, many students had no access to high-speed internet connections and were unable to participate in online classes. The Higher Education Council advised university students who do not have access to computers

or high-speed internet to pause their degrees until 2021, when in-person classes might resume. ⁶ In August 2020, the General Directorate of Innovation and Education Technologies purchased 50,000 Zoom accounts to enable online classes for public schools. ⁷ However, according to an Organisation for Economic Co-operation (OECD) report, Turkey's telecommunications infrastructure did not successfully deploy online learning during the pandemic. ⁸ The six gigabytes (GB) of internet connection made available for teachers was inadequate for online classes; 1.5 million students lacked internet connection. ⁹

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?	4 / 6
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Score Change: The score improved from 3 to 4 because there were no deliberate restrictions to internet connectivity during the reporting period.

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. ¹ 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. ²

³ In the past, internet disruptions targeted the restive southeastern region, where ethnic Kurds comprise a majority of the population and Turkish security forces and military have actively fought the militant Kurdistan Workers' Party (PKK). ⁴ In September and October 2016, internet services were shut down in 10 cities for six hours—affecting some 12 million residents—coinciding with the removal of 28 Kurdish mayors from their posts. ⁵ During the shutdown, reporters had to travel to nearby

cities in order to upload and share footage of police intervention against protesters. ⁶ However, in 2019 and 2020 when elected pro-Kurdish Peoples' Democratic Party (HDP) mayors were dismissed from their seats and replaced by appointed trustees in 45 municipalities of the 65 that the HDP had won, the government did not restrict connectivity.

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 internet service provider (ISP) in the country. Türk Telekom, which is partly state owned, ⁷ owns 371,000 of Turkey's 413,309 kilometers of fiber-optic cable infrastructure. ⁸

On September 30, 2020, the Ministry of Trade announced that ISPs must announce planned internet cuts two days in advance so users can plan accordingly. ⁹ However, on November 18, 2020, a 40-minute domain name system (DNS)-based internet connection problem was observed in multiple cities across Turkey for around an hour. ¹⁰ There was no news or explanation in local media, yet a backdated announcement was released in small local media outlets claiming the disruptions were caused by planned repairs. ¹¹

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 pertaining the company's legal status, scope of activity, and shareholders' qualifications. 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 from a local municipality may face fines of 3,000 to 15,000 Turkish liras (\$383 to \$1,915). Mobile service

providers must obtain licensing through the BTK. Moreover, the BTK has the authority to request written notifications from ISPs. In 2016, for instance, the BTK asked all ISPs to submit weekly progress reports on the status of new restrictions on virtual private networks (VPNs). ¹

There were 458 operators providing information and communications technology (ICT) services in the Turkish market in the third quarter of 2020, down from 460 the previous year. ² TTNET, founded in 2006 by Türk Telekom, is the dominant player, with a market share of 66.08 percent of digital subscribers in 2020, a big increase from the previous year. ³ In recent years, regulators have sought to shut down inactive ISPs that don't provide any business but exist in name only.

Türk Telekom was created as a state-owned landline company in 1994 and launched broadband services in the early 2000s through TTNET. After its privatization in 2005, the company remained close to the government, and the brother of former minister of family and social affairs Fatma Betül Sayan Kaya, Dr. Ömer Fatih Sayan, was appointed as the chief executive of Türk Telekom in December 2018. He was also appointed as deputy Minister of Transport and Infrastructure and is responsible for auditing Türk Telekom and other communications companies. ⁴

Turkey has one of the most concentrated mobile markets in Europe. ⁵ Turkcell is still the leading mobile service provider despite a continuous decline over several years, with 40.7 percent share of the market, followed by the British multinational company Vodafone and TT Mobil. ⁶ An auction of fourth-generation (4G) mobile technology frequency bands was held in 2015, and by 2016, Turkcell, Vodafone, and Avea (known as TT Mobil) had started offering “4.5G” technology to mobile subscribers. ⁷ On February 10, 2020, President Erdoğan declared that Turkey would not start using fifth-generation (5G) technology until a “national and authentic 5G technology” was developed. ⁸ The Minister of Transport and Infrastructure also confirmed the president's statement that local and authentic capacity will be used for Turkey's transition to 5G technology.

9

By the third quarter of 2020, there were 424,598 domain names with .tr extension. In December 2019, the management of the .tr domain name was taken from Middle East Technical University and handed over to the BTK (see A5). ¹⁰, ¹¹

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. ¹

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 developments in the area of communications and digitalization while at the same time serving as the chief executive of Türk Telekom. ²

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. ³

The Computer Center of the Middle East Technical University (METU) had been responsible for managing domain names since 1991. The BTK oversees and establishes the domain-name operation policy and its bylaws. METU had to sign protocols with the BTK and hand over authority to assign .tr domain names following a May 2019 court ruling. This protocol was approved by the Internet Corporation for Assigned Names

and Numbers (ICANN) and the Internet Assigned Numbers Authority (IANA). Following the court case and after the decision taken in 2008 to authorize the governmental body to manage domain names, the transition was completed in December 2019. ⁴

Regulations from 2012 name the .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—such as .com.tr and .org.tr—unless they own a trademark, company, or civil society organization with the same name as the requested domain. Citizens are permitted to file applications to register a domain name ending with .tr so long as their application does not contain any words that go against “general morality,” cultural values and conventions, or any kind of insulting statements. ⁵

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

The Free Expression Association, a civil society initiative that lists blocked websites in Turkey, found that more than 408,494 websites were inaccessible as of July 2020, up from about 40,000 in 2013. ¹ Newly blocked websites include those that publish content about Turkey's military operations, Kurdish news, and critiques of the government. Some newly blocked digital news outlets are accused of “propagating terrorism” due to their coverage of stories largely omitted by mainstream media. ² Of the 61,049 blocking orders, 70 percent were issued by the BTK. ³ Websites can be blocked for “obscenity”—which in the past included any site with keywords relating to sex or sexuality in the domain name—or if

they are deemed defamatory to Islam, which includes content that promotes atheism (see B2). ⁴

Over the past few years, lawmakers in Turkey have passed legislation that further tightens the government's grip over the online space. In August 2019, a law was passed that requires online streaming companies to register with the Radio and Television Supreme Council (RTÜK), open a local office, and comply with government requests for user data or risk being blocked (see B3 and C6). ⁵ Digital music streaming platform Tidal was blocked in November 2020 after they failed to apply for a broadcast license. ⁶ The popular music streaming platform Spotify announced they would comply with the requirements only four days before they were to receive a blocking order. Users were particularly concerned that the company's compliance would subject its broad podcast archive to government censorship demands. ⁷

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. ⁸ 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. ⁹ Internet access is filtered at primary education institutions and public bodies, resulting in the blocking of a number of news sites. ¹⁰ In June 2020, The Minister of Family, Work and Social Services announced that 587 harmful sources, including websites and social media accounts, were blocked because they contained content deemed harmful to children. ¹¹

Online independent media platforms continued to grapple with government-initiated blocks during the coverage period, while several other government-linked companies successfully appealed the blocking of dozens of their articles (see B2). Prominent news sites that remained blocked during the coverage period are Ahval News (since 2018) and Haberdar (blocked in 2016). A news site operated by prominent journalist Can Dündar, Özgürüz, was blocked in 2017, before it published its first article. The independent media site dokuz8HABER has been blocked multiple times, including during the reporting period. In September 2020,

the website for *Yeni Yaşam* newspaper—which provides extensive coverage of the Kurdish region —received a blocking order. ¹² An Istanbul court ruled to block 297 news outlets for publishing news about a corruption case brought forward by the opposition-led Istanbul Metropolitan Municipality against former AKP municipal leadership. ¹³ The Istanbul Bakırköy 1st Peace Court ordered the blocks of 125 websites that posted stories about the former AKP deputy and current presidential chief advisor, Hamza Yerlikaya. ¹⁴

The website of organized crime gang leader Sedat Peker was blocked in May 2021, after he revealed the wrongdoings of government officials. For example, he shared content about authorities giving orders to raid newspaper offices, beating opposition members of parliament, and directing the provisions of weapons to Al Nusra in Syria. ¹⁵

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, the Muğla Provincial Gendarme Command detected 438 websites that allegedly contained content including “obscenity,” “illegal gambling,” and “phishing.” These websites were then issued blocking orders by the Anti Cyber Crime Command and the Information and Communication Technologies Authority. ¹⁶

After a two-year ban, Wikipedia was unblocked in Turkey in January 2020 after a court ruled the blocking unconstitutional. ¹⁷ 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. Additionally, the image-sharing site Imgur has been blocked since 2015. In 2016, the BTK ordered ISPs to ban more than 10 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 filtering, state authorities are proactive in requesting the deletion or removal of content.

Social media platforms comply with administrative decisions and court orders in order to avoid monetary fines, advertisement ban, access blocks, and bandwidth throttling. Similar to global social media platforms, popular Turkish websites are subject to content removal orders. Of the 5,599 news articles that received blocking orders in 2019, 3,528 were removed from servers by the news outlets. ¹ According to the 2020 Restricted Web report, more than 3,000 Twitter accounts, 600 Facebook posts, and 1,600 YouTube videos were removed between 2015 and 2020. ²

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. ³ In July 2020, Turkish lawmakers passed the Social Media Regulations Law, which provides authorities with more power to censor online content. ⁴ Specifically, the law requires social media companies to have an in-country representative to respond to content removal requests within 48 hours. Noncompliance with the law will be punishable with steep fines or potential bandwidth throttling (see C6). ⁵ After coming into effect in October 2020, the social media law resulted in the removal of at least 658 news articles—primarily about political issues, corruption, and irregularities in governance—according to the Media Research Association. ⁶

In June 2020, the General Directorate of Security (GDS) in Ankara announced that numerous social media channels were being shut down. Relevant ministries, chief public prosecutors, and the GDS jointly claimed they were removing content that might have a negative impact on children, general morality, family, and social order. ⁷ 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.

Independent news platforms that published news about the coronavirus pandemic on Twitter had their accounts suspended. The @KoronaReport account was suspended as a result of a false Digital Millennium Copyright Act (DMCA) order; one of the coordinators of the account received sexual assault threats because the DMCA takedown request revealed the private residences of account managers (see C7). ⁸ During the reporting period, at least 84 social media accounts run by activists, nongovernmental organizations (NGOs), independent news platforms, journalists, politicians, and political parties were suspended or restricted; most regained access to their accounts. ⁹

Content removals often occur without transparency. The YouTube account of Tele1—a news outlet that frequently shares content criticizing the government—was suspended without explanation, though the account was later reinstated. ¹⁰ In June 2020, 46 news articles concerning a teacher who refused to work overtime were removed. ¹¹

In its 2020 Transparency Report, Twitter reported a 33 percent compliance with the Turkish government's 347 information requests on 865 accounts on 4,325 removal requests on 6,500 accounts in the first half of the year. Turkey made the fifth most legal demands for removals in the world. ¹² Facebook's 2020 Transparency Report also revealed that the company complied with 73 percent of the government's 6,810 legal requests and 8,192 user information requests during the second half of the year. ¹³ Facebook and Instagram also received many content restriction requests: they restricted 1,659 pieces of content, doubling the previous year's number.

In August 2020, the Ministry of Family, Work and Social Services requested that Netflix remove a film titled "Cuties" to be removed from the platform, as the ministry claimed the film promotes harassment and neglect of children. ¹⁴ Netflix was also ordered to block access to an episode of *Designated Survivor* in 2020. The episode had caused strained diplomatic relations between the US and Turkey when it aired in 2017. ¹⁵ Additionally, it was reported that the RTÜK pressured Netflix to cancel a local production of the *Love 101* in Turkey due to the inclusion of an LGBT+ character in the series. ¹⁶ 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.

17

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
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Many online restrictions on digital content lack proportionality and transparency.

The blocking and removal of online content is regulated under Law No. 5651, ¹ 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. ² 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. ³

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. ⁴ YouTube, Facebook, and Twitter opened local offices in December, January, and March, respectively, though the companies claimed they would not alter their content moderation, transparency, and publication policies. ⁵ ⁶ In January 2021, TikTok also appointed a local representative, just one day before an advertisement ban for noncompliance would have been issued.

⁷ Twitter and Pinterest were both issued advertisement bans on January 19, 2021, though Twitter's ban was lifted after they opened their

local office in late March 2021.⁸ The law also requires companies comply with content removal orders from the government or individuals within 48 hours; noncompliance could result in fines of up to \$700,000 (see B2).⁹ The vast majority of blocking orders are issued by the BTK,¹⁰ rather than by the courts.¹¹ The procedures surrounding blocking decisions are opaque, creating significant challenges for those seeking to appeal. Judges can issue blocking orders during preliminary investigations as well as during trials. 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).¹² A 2019 bylaw also allows the RTÜK to regulate online content, including audio and video streaming services (see B2 and B6).¹³ The law compels streaming services to apply for a license, which Netflix and Amazon Prime did in 2020.¹⁴ Draft legislation introduced in February 2021 would transfer the authority from the courts to the Banking Regulation and Auditing Institution (BDDK) to hand out blocking orders concerning “unauthorized actions in the field of finance.”¹⁵

After the General Directorate of Security created a “cyber-patrol” to monitor online content, the agency announced they had blocked several social media accounts that defy family and social values, promote immorality, and contain signs of child sexual abuse in June 2020.¹⁶ However, the cyber-patrol failed to define what constitutes family and social values or immorality.

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, breaking a world record for the most-censored news platform. The European Court of Human Rights ruled on March 11, 2020 that these actions amounted to free speech rights violations, and on October 28, 2020 the blocking order was lifted. ¹⁷ However two days later, the Gölbaşı Court of Peace issued another blocking order for news outlets and social media accounts—not including Sendika.org—that had only received renewed access two days before. ¹⁸

Appeals to content restriction decisions are rarely effective. In May 2019 the Wikimedia Foundation successfully petitioned the European Court of Human Rights against the blocking of Wikipedia in Turkey, ¹⁹ 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). ²⁰

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 have had a chilling effect on social media users in recent years (see C3). Self-censorship online has also been exacerbated by decrees passed under the 2016 state of emergency that expanded the government’s surveillance powers. ¹

Susma 24—which monitors and reports on censorship in the media, social media, and arts and culture—described in its 2020 Censorship and Self-Censorship 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).

² The Ministry of Interior announced that between 2013 and 2018 there

were 20,474 judicial cases due to citizens' social media activities (see B2 and C3).³ ⁴ Furthermore, users are required to agree on community standards when creating social media accounts that often ask them to omit posting certain types of content. Many commentators, journalists, bloggers, and academics have announced that they abstain from commenting publicly and publishing opinions.⁵

In May 2020, Turkey's Director of Communications of the Presidency, Dr. Fahrettin Altun, published "Social Media Guidelines" and reminded citizens that they would be held liable for liking or sharing a post that was perceived as illegal or defamatory (see B5).⁶

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
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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 influenced by the government.

The government-controlled Radio and Television Supreme Council (RTÜK) has been authorized to supervise broadcasts online; platforms are required to pay an annual fee of approximately 100,000 Turkish liras (\$12,770) as well as 0.5 percent of their annual sales revenues if they wish to broadcast online (see B6). This excludes platforms that publish news, movies, or series online, and lessens the potential for any emerging small newsroom initiatives and citizen journalism platforms.¹ As the government has curtailed independent voices producing content in recent years, many traditional media journalists have migrated to digital platforms and initiated new online channels.²

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. ³ However, given the proliferation of progovernment content online, the platform will likely serve as a tool to further government-friendly narratives.

In April 2021, before the International Workers' Day, the General Directorate of Security issued a directive banning citizen journalism or recording of protests, likely to prevent online criticism of the police's excessive use of force. During May Day protests, police used the ban to justify unlawfully deleting content from professional journalists' devices.

4

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. ⁵ , ⁶ 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. ⁷ Messages sent to the minister of energy and natural resources at the time discussed the establishment of “a team of professional graphic designers, coders, and former army officials who received training in psychological warfare,” according to a report by the Daily Dot.

Throughout the reporting period, progovernment troll networks and media outlets led smear campaigns against independent media organizations, calling them “funded media” or the “crony army,” to counter descriptions of state media and its manipulative content. ⁸ In July 2020, Twitter suspended the Pelican network account, a progovernment social media network that harasses and targets independent media and in-country opponents of the AKP. ⁹

Progovernment trolls often attack independent media and human rights group, 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. ¹⁰ In May 2020, Operation Ebabil announced that they managed to restrict the Twitter account of the main opposition party’s chair Canan Kaftancıoğlu. ¹¹ Authorities targeted members of the Anonymous Movement, detaining the movement’s leader Taylan Kulaçoğlu that same month. ¹² Police detained 24 people for their involvement in the movement during a September 2020 raid (see C3). ¹³

In June 2020, the Minister of Transport and Infrastructure announced that Turkey is ready to combat cyber-riots through the “Anti Cyber Riot Squad,” a group of 4,040 experts and engineers that are equipped with the latest technologies and tasked with guarding the “Digital Fatherland.”

¹⁴ The same month, the Minister of Interior also announced the formation of the “Cyber Crescent,” another unit meant to combat online crimes. ¹⁵ In May 2020, the AKP’s deputy chairperson responsible for publicity and media relations, Mahir Ünal, created an initiative that marks social media users with “ethical use” and “national user” designations by adding a green dot and Turkish flag next to their usernames. ¹⁶ Of the 10,000 profiles that would fall into the ethical user and national user categories, most shared progovernment content, laying bare the mechanism’s potential to pressure and suppress freedom of expression.

¹⁷ Since the initiative began, users with green dots have harassed and threatened women journalists, artists, and politicians (see C7). ¹⁸

Coordinated inauthentic behavior online is a problem in Turkey. In June 2020, Twitter suspended 32,242 state-linked accounts from Russia, China, and Turkey for violating the platform’s policies. Of those accounts, 7,340 originated in Turkey, and shared pro-AKP and pro-Erdoğan content.

¹⁹ 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. ²⁰ In September 2020, deputy head of the AKP Mahir Ünal, confirmed the

existence of a well-organized youth wing consisting of 2.1 million members when asked about the party’s “troll army.” ²¹

Journalists, scholars, and civil society leaders who are critical of the government have faced orchestrated harassment on Twitter, often by dozens or even hundreds of users working to discredit them (see C7). ²² For example, in May 2019, ahead of Istanbul’s second, 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. ²³ Shortly before the November 2015 elections, progovernment trolls circulated allegations that Oy ve Ötesi (Vote and Beyond), the first civic election-monitoring initiative in Turkey, was committing fraud and aiding terrorist organizations. ²⁴

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. Advertising is frequently used as a tool to control the media. The government financially supports AKP-friendly media outlets, including online outlets, through advertising, and withholds such support from critical publications leaving independent online media at a disadvantage. ¹ 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 Deutsche Welle (DW), both of which are based in Germany. ² The RTÜK bylaws that came into force in August 2019 ³ authorizes the agency to issue licenses to online content providers for a fee of 100,000 liras (\$12,770), and is able to fine providers or revoke their licenses. ⁴ Analysts fear that this new regulatory framework will further threaten the ability to publish online.

After a two-year strained relationship between the Turkish Board of Competition and Google International LLC, in February 2020, the government fined Google 98,354,000 liras (\$12,559,400) for abusing its dominant position in the digital search market in Turkey. ⁵ During the investigation, Google had warned that financial sanctions from the authorities would force Google to stop supporting the Android operating system in Turkey, which comprise 90 percent of all smartphones sold in the country. This meant that a majority of smartphone users, including journalists and bloggers, would not be able to use Google's services on their Androids. ⁶

A December 2020 draft Ministry of Trade regulation would require companies with e-commerce services to have a customer representative for companies and would implement an advertisement ban for products deemed as "unfavorable." Furthermore, the regulation calls for service providers to appoint a representative based in Turkey, require billing to use Turkish lira, and compel sites to only operate in Turkish. ⁷

In April 2021, Turkey's Competitions Board fined Google 296 million liras (\$37,798,000) for unfair competition in the advertisement market. ⁸ The Competitions Board also initiated investigations into 32 technology companies, including some of the biggest local digital enterprises, following allegations that the companies had unfairly promoted personnel internally; this complaint would normally fall under the purview of the Ministry of Commerce. Whether or not the board is using these investigations to shift public discussion is unclear. ⁹

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. The banking sector, insurance, and pension sales were exempted. A clause in the amendment allows the president to lower the rate to 1 percent or double it to 15 percent upon necessity. ¹⁰ In the first month of the tax's application, the government gained 67.6 million liras (\$8.63 million). The Minister of Treasury and Finance proposed a tax for owning cryptocurrencies in May 2021(see C2). ¹¹ , ¹²

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, even if they make minimal earnings or are underage. ¹³ In January 2021, a tax exemption was announced for e-commerce applications that do not take place in corporate environment, as long as annual income does not exceed 240,000 liras (\$30,647). ¹⁴

In May 2021, the Ministry of Trade issued a directive requiring all advertisements on social media accounts be marked as such. ¹⁵ As part of authorities' crackdown on LGBT+ people, the Board of Advertisements 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. ¹⁶

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. As of 2020, the progovernment news site CNN Turk Online was the most visited news outlet in the country, followed by the websites of NTV Online, Sondakika.com, and Hurriyet Online—also progovernment outlets. ¹ Turkish internet users rely on online publications for reliable news, despite the country's restrictive legislation and environment of pervasive self-censorship. Citizens question and criticize Turkish politicians and leaders through a wide range of blogs and websites. In the past decade, platforms such as dokuz8NEWS, 140 Journos, Medyascope, 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. Censorship of prominent local news sites, as well as government influence on reporters' coverage, make information-gathering even more difficult 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). ² However, the built-in VPN on the Opera web browser allows many users with low digital literacy to access these sites.

Social media platforms also provide an important source of independent news. The Reuters Institute for the Study of Journalism's *Digital News Report 2020* found that people increasingly consume news via YouTube, WhatsApp, Instagram, and Facebook Messenger, as well as through Twitter, though less so than in years prior. The report cites social media as "an important outlet for alternative and critical perspectives." ³ Further, Turkey topped the report's list of countries where internet users follow the news through videos online, with 95 percent of respondents watching news videos weekly. Though a slightly growing number of people do not follow the news on any platform. ⁴ 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 Voice of America have all launched YouTube channels in Turkish, expanding access to independent sources of information. ⁵

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?	3 / 6
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Score Change: The score declined from 4 to 3 because authorities restricted online mobilization efforts amid student-led resistance movements at Boğaziçi University.

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

While membership to civil society organizations had experienced a steady increase between 2007 and 2017, numbers have steeply fallen since, due to the closure of rights-focused NGOs. However, recent training sessions on new media practices for civil society organizations by various institutions such as the Media Research Association, Bianet, the Journalists Union of Turkey (TGS), and Kadir Has University have enabled civil society organizations and activists to continue to engage in digital activism. ¹

Many websites and apps are used to organize people both online and offline. Turkey Blocks, an organization that tracks censorship in real time, was granted the Index on Censorship's 2017 award for digital activism. ² 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. ³ 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. ⁴ Share of Truth is a political fact-checking website and a popular source for information. ⁵ Teyit is another fact-checking initiative that focuses on verifying news reports and debunking disinformation and urban legends.

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—including some internationally—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.

Amidst violent crackdowns on peaceful protestors, many students were arrested for supporting the protests on social media, ⁶ such as opposition youth member, Muhammed Ünal (see C3). ⁷ An LGBT+ activist and university student, Havin Özcan, was also detained following a raid by antiterror police after supporting the resistance on social media. He claimed the police tortured him and he announced that his Twitter account had been hacked and used to send malicious links to others protesters (see C8). ⁸ , ⁹

Student protesters widely used the audio-sharing app Clubhouse to discuss the government's policy of appointing rectors instead of allowing campus elections. Thousands of students shared their views, criticizing the government, and a few students were detained because of their statements. Clubhouse requires real name registration, and authorities were able to access the social media accounts and private information of dissenters in order to detain them. Additionally, progovernment media claimed the students were provocateurs who called for violent riots. ¹⁰

In 2020, Turkish women began the #ChallengeAccepted online campaign, which went viral globally, to bring attention to femicide and gender-based violence in Turkey. ¹¹ Women are often the targets of harassment both online and offline.

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. ¹² Over 600 NGOs signed an online petition and initiated a widespread social media campaign against the bill. Immediately after the law was passed, rights-based NGOs received notices for annual audits and inspections.

C. Violations of User Rights

C1 0-6 pts

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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 theoretically.

Article 26 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.” ¹ Turkish legislation and court judgments are further subject to the European Convention on Human Rights and bound by the decisions of the European Court of Human Rights, which protect freedom of speech. Despite these guarantees, online journalists and ordinary users frequently face civil and criminal penalties for legitimate expression. The constitution also 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 (see C5). ²

The state of emergency enacted in the wake of the 2016 coup attempt that remained in effect until July 2018 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. ³ Decree No. 671, published in 2016, amended the Law on Digital Communications to authorize the government to take “any necessary measure” on the grounds of “national security, public order, prevention of crime, protection of public health and public morals, or protection of the rights and freedoms” guaranteed under Article 22 of the constitution. The decree also obliges telecommunications providers to enforce government orders within two hours of receiving them. ⁴ Despite the fact that the state of the emergency is no longer in effect, the decree remains in force. ⁵

Turkish laws are enforced by a judiciary whose independence has been compromised, particularly since the coup attempt of 2016. ⁶ 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, including on the Constitutional Court whose verdicts could get overruled by lower court, risk their professional careers in doing so.

The Occupy Gezi trial, which was ongoing for three years, determined the fate of nine individuals, including philanthropic businessperson Osman Kavala, involved in the 2013 Gezi Park protests that demanded protections of civil rights and liberties. ⁷ The trial was widely viewed as a political maneuver that could further jeopardize the right to assembly and free expression. ⁸ However, court proceedings concluded in February 2020 and all nine suspects were acquitted, a surprising verdict for a judiciary that mostly lacks independence. ⁹ The presiding judges subsequently became the focus of an official investigation for “allowing legal maneuvering to acquit Osman Kavala from prison.” Kavala had been arrested multiple times on various charges for which he had been cleared (see C3), ¹⁰ and was in prison for over 3 years without conviction despite the European Court of Human Rights ruling that he should be released.

11

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

There are no laws that specifically criminalize online activities like posting one's opinions, downloading information, sending emails, or sending text messages. Instead, many provisions of the criminal code and other laws, such as the Anti-Terrorism Law, are applied to both online and offline activity.

According to Article 7 of the Anti-Terrorism Law, “Those who make propaganda of a terrorist organization by 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. ¹ For example, in March 2021 Ömer Faruk Gergerlioğlu, a parliamentarian with the opposition party Peoples’ Democratic Party (HDP), received a prison sentence and was demoted in the parliament after a court case was brought against him for content he posted on Twitter.

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 C1). 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. ² Since 2015, approximately 100,000 people have been accused of defaming the president, 17,541 cases went to trial, and only 2,676 people were acquitted. ³ Acquittals are infrequent: an Ankara court ruled in favor of a citizen accused of defaming President Erdoğan in March 2020, because the individual ostensibly “insulted” Erdoğan as the AKP party leader, not as the country’s executive. ⁴

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). ⁵ , ⁶

A proposed update to the 2019 Judicial Ethics Declaration would ban judges and prosecutors from using social media platforms, so as to avoid external influence and public commentary when making decisions that are supposed to be impartial. ⁷

C3 0-6 pts

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

1 / 6

Score Change: The score declined from 2 to 1 due to the increase in criminal charges against online journalists, bloggers, and activists during the coverage period, including the sentencing of an opposition member of parliament.

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 war in Syria and other government policies, as well as expressions of Kurdish identity.

The Ministry of Interior announced that 6,743 social media users were subjected to judicial processes for propagating terrorism, attempting to manipulate public perception, and sharing provocative content online between January and August 2020. ¹ In January 2021, a lawyer from the Istanbul Bar Association found that thousands of Turkish citizens living abroad were subjected to detention, deportation, or refusal of entry into the country because of their social media posts that allegedly contained terrorism propaganda, insults to the president, and incitement to violence.

²

Politicians are not immune from prosecution for their online activity. In March 2021, Ömer Faruk Gergerlioğlu, a member of Parliament from the HDP, was sentenced to two years and six months in prison and demoted in the parliament after he was prosecuted for one of his posts on Twitter.

³ In June 2020, Canan Kaftancıoğlu, an official with the main opposition party—the Republican People’s Party (CHP)—was sentenced to nine years in prison for his Twitter posts from between 2012 and 2017, which allegedly incited “hatred and enmity, spread “propaganda for a terrorist organization, and insulted the Turkish government, President Erdoğan, and other public servants. ⁴ , ⁵

In December 2020, local opposition politician Banu Özdemir was taken to court for posting four videos of a mosque loudspeaker chanting an Italian song that ostensibly incited “people to violence.” Özdemir was acquitted

after seven months in prison. ⁶ Dila Koyurga, the local secretary for the İzmir youth group of the CHP was detained in May 2020 for her social media posts from 2013 that allegedly insulted Erdoğan, who was prime minister at the time. ⁷ Although the criminal complaint nearly exceeded the statute of limitations, Erdoğan's lawyers filed the complaint to the İzmir Chief Public Prosecutor's Office, accusing Koyurga of insulting a public officer. ⁸

During the coverage period, the government retaliated against many journalists who criticized the war in Syria and other government policies, and who spoke of their Kurdish identity. According to the Journalists Union of Turkey (TGS), a total of 61 journalists were imprisoned in Turkey as of March 2021 (see C7). ⁹ In September 2020, Oktay Candemir, a journalist who posted on Twitter about the historic television series "Diriliş Ertuğrul," was detained for insulting "the memory of a historic figure." ¹⁰ In November 2019, journalist and novelist Ahmet Altan was released from prison after being convicted of "helping a terrorist group" and spending three years in jail. ¹¹ He was arrested again a week later, after prosecutors appealed his release, following a critical article he published in which he wrote "I am waiting for an objection to my release as I type these words." ¹² Altan remained imprisoned as of June 2021.

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 the previous editor-in-chief of the opposition online newspaper *Cumhuriyet*, was originally arrested in November 2015 for his reporting on Syria. Following his release in February 2016, he fled Turkey. ¹³

Examples of the government persecuting activists for their online activities abound. Founder of the Anonymous Movement, Taylan Kulaçoğlu, was arrested for his social media activities in May 2021 (see B5). ¹⁴ A satirical musician known by his nickname "Porçay" was sentenced to four years and two months in prison for a parody song he posted to YouTube referencing rap musician Ezhel, who was also imprisoned for ostensibly promoting drug abuse. ¹⁵ The Left Part's local board member in Rize, Uğur Mert, was detained after police raided his house and later arrested

for his social media activities in December 2020. ¹⁶ The local chair of the Socialist Party of the Oppressed (ESP), Tugay Köse, was detained and jailed for a night for the party's social media commentary on the resignation of the Minister of Interior. ¹⁷

Prosecutions for insulting the president online, punishable with up to four years in prison, have increased in recent years, and some defendants were detained while awaiting trial. In September 2020, it was announced that 36,000 people were subjected to investigation for insults to President Erdoğan, 12,000 of whom were put on trial, and 3,831 were convicted, including 308 children. ¹⁸ 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. ¹⁹ Despite this, arrests and detentions have continued for insulting Erdoğan on social media and the government has appealed the ruling. ²⁰

In June 2020, the government pursued court cases against some soldiers who posted on social media about the delay in discharging conscripts during the COVID-19 pandemic on social media, which later was deemed an insult to the president. ²¹ Separately, one soldier was being investigated for posting a video to social media in which he sang in Kurdish. ²²

During the coronavirus pandemic, nearly 100,000 prisoners were released in April to prevent the spread of the virus in Turkey's prison system. However, journalists, writers, and activists were not among those released. ²³ The Ministry of Interior announced in May 2020 that 510 people had been arrested for allegedly "sharing false and provocative news about coronavirus" on social media. ²⁴ In June 2020, a Twitter user was detained and faced two to four years in prison for publishing information that allegedly incited panic and fear concerning the coronavirus. ²⁵ An administrative investigation was made into an employee of the Gebze Governorship, İpek Çulha, for satirically criticizing COVID-19 measures on social media. ²⁶

In August 2018, during Turkey's currency crisis, the Ministry of Interior investigated 346 social media accounts that had posted provocative

content about Turkish lira. ²⁷ In June 2019, two Bloomberg journalists who had written an August 2018 article about the depreciation of the lira were indicted, as were 36 people who had commented on the article or criticized the economy on social media. ²⁸ Turkish journalists have anonymously stated that the government's actions prevented them from scheduling interviews without consulting a more central authority at their news outlet. ²⁹ In solidarity, Turkish financial experts have silenced their social media accounts and commentary on the Turkish economy.

In January 2018, several journalists were arrested for their online criticism of the Turkish military's Operation Olive Branch, criticism that police claimed amounted to terrorism. ³⁰ ³¹ Furthermore, the government asked social media platforms, including Facebook and Twitter, to remove posts that criticize the operation (see B2). ³² As part of the crackdown, journalists Hayri Demir and Sibel Hürtaş were detained for their social media comments, contradicting the government's assertions about the conflict, ³³ and "inciting the people to violence." They were convicted of "terrorist propaganda via the media" and sentenced in May 2018 to 18 months and 22 days in prison. ³⁴ Demir, Hürtaş and 10 other defendants who were in trial in December 2019 face up to 10 years and 6 months in prison for their online activities, if convicted. ³⁵

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	2 / 4
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Limitations on encryption and anonymity are concerns in Turkey. According to the Inclusive Internet Index, as of June 2021, 74 percent of people trust that they can maintain their online privacy. However, only 38 percent of people surveyed trust government websites and applications, 12 percent less than the previous year. Trust in nongovernment websites and applications increased 28 percent among respondents. ¹

Turkish authorities require that ICTs be registered, claiming registration helps prevent cybercrime, as a tactic to prevent online anonymous activity. The anonymous purchase of mobile phones is illegal; buyers

must provide official identification. A May 2019 presidential decree restricts Turkish citizens to importing one mobile phone every three years.

² Imported devices must be registered at mobile service providers' subscription centers and an e-government website for 2,006 liras (\$256). Devices that are not registered within a year of purchase are blocked from telecommunications networks, excluding emergency services (see A2). The Ministry of Interior proposed a requirement in July 2020 for mobile phone users to register SIM cards through an e-government portal where citizens' private information would be linked to all global system for mobile communication (GSM) numbers. ³ The Ministry of Transport and Infrastructure also announced in December 2020 that locally produced eSIM (embedded Sim Card) technology would replace conventional plastic SIM cards as of 2021. eSIM cards will have to be registered with an official ID number. ⁴ In July 2020, lawmakers sought to legalize the registration of virtual GSM numbers and unregistered GSM numbers for foreigners and refugees, which allegedly are used for illegal activities. ⁵

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. ⁶ 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 post-coup state of emergency, the government used the online encryption application called "By-Lock" as justification for the long-term pretrial detentions of dissidents. ⁷ 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.

Under Turkish law, the interception of electronic communications had fallen under the purview of the BTK. Questions remain over the legality of the General Directorate of Security'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).

In July 2020, the General Directorate of Security announced the close monitoring of online discussion in Turkey to target illegal activities, terrorism propaganda, and manipulative information. ¹ The Minister of Interior warned the government would be able to detect criminal online activity, locate the perpetrators, and hand them over to the judiciary.

Law No. 6532 (see C6) 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. ² The law also limits MİT agents' accountability for wrongdoing. Courts must obtain the permission of the head of the agency in order to investigate agents, and journalists or editors who publish leaks on MİT activities may be imprisoned for three to nine years. The law has facilitated a crackdown on government opponents, such as the Gülenists. ³ The 2016 coup attempt, which the Turkish government claims was organized by the Gülen movement, prompted a wave of surveillance as part of a broader purge of individuals with alleged links to banned groups. ⁴

During the COVID-19 lockdown, the Ministry of Health initiated a "Life Fits in Home" application for mobile devices to inform the population on the latest developments regarding the virus, to track infection rates geographically, and issue urgent notifications regarding new measures. This application 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. In order to travel, individuals needed an approval by means of a short-message service (SMS) message. Six percent of the population—5 million users—downloaded the application despite its highly centralized data storage and invasive policies. ⁵ Eventually, people in Turkey were required to gain approval through the app to enter public buildings and crowded public spaces, such as shopping malls. The Alternative Informatics Association warned that the state-sponsored app could transition into a mechanism of digital surveillance and called for all user data to be deleted after the pandemic subsides. ⁶

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, or unless delaying for a court order would prevent officials from carrying out an investigation. ⁷ 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. ⁸

In a 2018 report by Citizen Lab, a Canadian internet watchdog, 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, an 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. ⁹

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. ¹⁰ 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. ¹¹ Between 2017 and 2019, the Authority had ordered a total of 14 million liras (\$1.79 million) in financial penalties. ¹²

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
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Law No. 6532 (see C5) forces public and private bodies—including but not limited to banks, archives, private companies, and professional organizations, such as bar associations—to provide the MIT 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 TİB (now the BTK) in monitoring internet traffic. In 2015, the Constitutional Court nullified a set of amendments passed in 2014, including a requirement that hosting providers must store data for up to two years. ¹

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. In addition, these commercial providers are required to install a video surveillance system to identify users and retain such records for seven days. 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). ²

In July 2020, the parliament, without consulting the new Digital Platforms Commission, passed a social media law that requires social media companies to store user data in Turkey, raising serious concerns for user privacy. ³ ⁴ ⁵ The law allows private companies to observe and store users' private data, despite previous legislative steps taken to prevent this. ⁶ Once the companies have in-country offices, they would be obligated to "store user data inside Turkey, and apply all content-removal, access-blocking, [and other] measures" immediately upon receiving an order. If they do not comply, they risk losing all user traffic due to narrowing bandwidth (see B2 and B3). ⁷

Several data leaks threatened users' privacy during the reporting period. In April 2021, the Private Data Protection Board investigated Facebook after Turkish citizens' data was leaked. ⁸ Access to 389 websites in Adana were blocked due to phishing of citizens' private data and the publication of illegal content (see B1). ⁹ In January 2021, it was revealed that a domestic online streaming platform, Exxen, shared users' data with the BTK. Exxen has been pushed by the government as a domestic alternative to Netflix. ¹⁰

In January 2021, Facebook's messaging and voice over internet protocol (VoIP) unit WhatsApp announced a service update to resolve privacy issues. ¹¹ Following the announcement, a social media campaign promoted Turkey's local app called BiP to replace WhatsApp; experts have warned the app does not respect user privacy. The Turkish Competition Board announced that month its ex-officio investigation into privacy practices of Facebook and WhatsApp. ¹²

During a broad crackdown on cryptocurrency platforms, the Ministry of Treasury and Finance demanded all users' data from cryptocurrency exchange platforms. ¹³ Cryptocurrency stock exchange company, BTC Turk, admitted to leaking private data concerning 516,000 of its users in 2018. ¹⁴

In January 2021, a Post Management System was initiated as part of e-government portal where citizens can monitor the approved list of institutions to receive SMS or e-mail communications, introduced to combat spam messages from companies and protect private data. ¹⁵ However, unauthorized spam messages remain a problem for millions of users.

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
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Score Change: The score declined from 3 to 2 due to the uptick in physical attacks against journalists and bloggers because of their online content.

Harassment of journalists on social media is a problem in Turkey, 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. A Twitter account (@ustakiloyunlari) with over 100,000 followers has regularly smeared journalists and threatened to release personal information about them.

Intimidation of journalists through physical attacks also limits the plurality of voices in the media. In March 2021, far right networks led a hate-campaign targeting journalist Levent Gültekin on social media platforms.

¹ Gültekin was then assaulted by a mob of 25 people in front of the Halk TV station following his 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. ² Citizen journalists and reporters who participate in anonymous street interviews for online news outlets risk assault in retaliation for their statements. ³ In January 2021, journalist Orhan Uğuroğlu was assaulted by three unidentified men who attempted to run him over with their car. Uğuroğlu told police that the attackers had told him to stop criticizing the MHP in his online reporting. ⁴

In February 2021, police physically intervened during a street interview for an online news platform when the interviewee criticized the government.

⁵ During previous coverage periods, over a dozen journalists were physically assaulted, beaten, and subjected to gun violence for criticizing the governing alliance's policies and prominent political figures. Despite international condemnations of these attacks, impunity in these cases is common and encourages further aggression towards journalists. ⁶

Members of the political opposition frequently experience online harassment. After politician Gergerlioğlu was convicted of terrorism propaganda charges for sharing a news article on Twitter, MHP leader Devlet Bahçeli targeted Gergerlioğlu on social media, calling on police to “put him on the street and kick him out of the parliament,” offering to pass legislation to enable police to act (see C3). ⁷

Criminal gang leader Alaattin Çakıcı threatened to kill opposition CHP's leader Kemal Kılıçdaroğlu on his Twitter account, after Kılıçdaroğlu criticized Bahçeli. Twitter removed the threatening message for violating community standards; the Turkish authorities' investigation began weeks after the complaint was filed and led to Çakıcı's testimony that his message was only a warning. ⁸ However, a Facebook user who quoted Çakıcı's threat and challenged him online was subjected to a Police Special-Ops raid and arrested for insulting him and inciting hatred and violence. The local far-right organization Greywolves organization intimidated and harassed the suspect's family members with impunity. ⁹

People who identify as LGBT+ are frequently targeted online through intimidation and harassment campaigns. Footage of violence against disabled LGBT+ people has been posted on social media, promoting discriminatory sentiments and instigating fear and violence. ¹⁰

Government authorities have used online platforms to manipulate content in favor of their views and have specifically targeted LGBT+ people. During the Boğaziçi University student-led resistance—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 B2, B8, and C7). ¹¹ Afterwards, the minister opened a Telegram channel and called on all his followers to leave behind “censoring platforms” and join Telegram, where he continued to spread hateful remarks. In November 2020, President Erdoğan called for action against “digital fascism,” referring to Twitter’s decision to remove hateful speech. ¹² Furthermore, the Presidential Communications Director also referred to Twitter’s suspension of politicians for hateful conduct against LGBT+ people as “terrorism propaganda” and accused Twitter of “digital fascism.” ¹³

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 images Shahmaran (Snake-woman) from the Mesopotamian mythology and the corners of the rainbow 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 LGBT+ hate-campaign on social media that led to police raids against the students’ homes and on campus. Minister of Interior Soylu referred to the students as “perverts” on social media (see B8 and C3). ¹⁴

Dozens of journalists have received death threats from an account using the nickname of an underground Gendarme Intelligence Unit believed to be responsible for enforced disappearances and extrajudicial massacres in 1990s. Journalist Burcu Karakaş reported the death threat to Instagram and received a response from the platform claiming the post did not violate community rules. ¹⁵ Reporters Without Borders (RSF) filed a criminal complaint against the user who sent death threats to journalists, calling on authorities to take action and investigate the account. ¹⁶ Instagram deleted the profile, however the account came back multiple times with similar usernames, sending death threats to journalists. ¹⁷

In September 2020, someone claiming to be the communications advisor to a government minister threatened a Twitter user, who primarily publishes content on culture and arts, for sharing an article on social media. ¹⁸ In May 2021, human rights lawyer, women's rights activist, and columnist Nesibe Kırış lost a majority of her Twitter followers due to coordinated targeting by progovernment trolls on social media after she published articles critical of the government. ¹⁹

Following an airstrike targeting Turkish soldiers in Syria's Idlib Province in March 2020, three journalists from the Russian news agency Sputnik were attacked by a far-right group and later detained. ²⁰ A young man, who posted a video on social media deriding Turkish soldiers who had been killed, later appeared in another video in which he was violently arrested by special-ops forces as thousands of far-right supporters chanted for his torture. ²¹

During the Feminist Night March that took place in March 2020, hundreds of thousands of women marched across Turkey. ²² Progovernment media and troll armies took to social media to smear those who attended and led targeted harassment campaigns of march-goers through online insults and attacks. ²³

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
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News sites and journalists have frequently come under technical attack at politically sensitive moments or after publishing controversial information.

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 (see C3). 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. ¹

Two journalists, Murat Ağirel and Batuhan Çolak, had their mobile phones hacked through a Signaling System 7 (SS7) breach, downgrading their connectivity from 4G to second-generation (2G) service in February 2020.

² In March 2020, seasoned journalist Ayşenur Arslan's Twitter account was hacked by unidentified attackers. ³ The incidents sparked discussion in technology circles and around GSM companies, which did not issue any statement regarding network security risk analysis or whether they take precautions against such incidents. ⁴ The journalists, whose phones, email, 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. ⁵

The arts and culture news site Sanatatak experienced technical attacks in 2016 after publishing a letter supporting Turkish actress Füsün Demirel, who had declared that she had “wanted to be a [Kurdish] guerrilla” in her youth. The website was inaccessible for about 48 hours due to distributed denial-of-service (DDoS) attacks. ⁶

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 by an employee of a cargo company. 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 sexual assault and lynch her. The cargo company filed a criminal complaint against the hacker. ⁷

In March 2021, an online food delivery service, Yemeksepeti, was the target of a cyberattack that left 21.5 million users' private data vulnerable to theft, including their banking info and home addresses. ⁸ This was the largest data theft case in Turkish history and Yemeksepeti was fined 3 million lira (\$383,088). ⁹ Separately, in May 2021, a cyberattack against the AKP-run Konya Metropolitan Municipality database leaked the private data of 1 million citizens. ¹⁰

International accounting and auditing company KPMG International Limited announced that cyberattacks tripled during the coronavirus

pandemic in Turkey, and that it could cost up to \$1 million to resolve the damage from these attacks. ¹¹ Authorities made efforts to raise awareness and combat cyberattacks in the country in recent years. At the end of 2020, the Ministry of Interior issued a report titled “Cyber Crime Sociology and Impact of Cyber Crimes on Security,” which revealed that primarily middle-aged men living in more developed parts of the country are prone to cybercrimes. ¹² In May 2021, an opposition member of Parliament, Lütfü Türkkan, warned citizens against cyberattack attempts, some of which manifest as false donation campaigns that thousands of social media users were subjected to during the coverage period. ¹³



On Turkey

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Country Facts

Global Freedom Score

32/100 Not Free

Internet Freedom Score

34/100 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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