

# Fundamental Freedoms under Siege in Turkey



**Edited by: Menna Khaled**

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The freedom of media and press has gained public and international attention in recent years due to the setbacks taking place in democratic and non-democratic countries. Scholars and politicians argue that the threat to the freedom of media is often attributed to the rise of populist movements and authoritarian governments. The pandemic as well has resulted into major setbacks on the people fundamental rights such as freedom of expression and freedom of press.

As the coronavirus continues to negatively impact public health, social welfare, and the economy, the health crisis also significantly impacts media freedom, where some governments used the emergency situation to impose new media restrictions, curb freedom of expression, and increase press censorship. The Council of Europe warned that media freedom has worsened amid the covid-19 pandemic. In Turkey, President Erdogan uses the current situation as a pretext to remove the remaining few opposition media outlets, accusing the opposition of “waging a war against their own country”.

The Justice and Development Party (AKP) has ruled Turkey since 2002. The AKP showed contempt for political rights and civil liberties. In recent years, the government pursued a wide crackdown on government oppositions, critics, and journalists since 2016 coup attempt. In addition, the 2017 constitutional changes have further concentrated power in the hands of the president. The government has also exerted power against the opposition in 2019 municipal elections, and the covid-19 impact has already hit the economy, pushing the government and giving it the incentives to suppress and limit public discourse.

In response to the increasing level of suppression on the freedom of speech and press by the Turkish government, the Forum for Development and Human Rights Dialogue issues a report entitled as “Fundamental Freedoms under Siege in Turkey”. This brief provides an insight on the deteriorating situation of freedom of press, media, and expression in Turkey, where the government continues to install measures to further curb and restrict the citizens freedom. The report reveals the government exploitation of the pandemic for its own interests to remove the remaining opposition journalists, and media outlets in Turkey. The report first identifies the suppression of journalists by the government and the contemporary challenging context for having a free press in Turkey. The report then reflects on the government adopted measures to tighten the grip and censor media by amending the Law No.5651, banning media outlets, prosecuting publishers, and blocking websites. Finally, the report sheds the light on the inability of Turkish citizens to exercise the right of freedom of expression due to citizens’ fear of government reprisals and the new social media restrictions imposed by the government.

## Freedom of Press

The debate on the freedom of press in Turkey is a critical subject for all human rights advocates on a national and international level. Turkey takes one of the leading positions in the world by having the highest number of imprisoned journalists. It is considered to be the second biggest jailer of journalists in the world, following China. As of December 2020, the Committee to Protect Journalists reported that 37 journalists were imprisoned in the country.

Journalists and publishers are subject to high risks and restrictions on freedoms in the struggle of maintaining independent free press and journalism, where arrests and detentions are a regular routine action conducted by the government. Many journalists were arrested in 2020 for reporting on Turkey's military actions and its conducted intelligence operations in Libya. Also, some were prosecuted as well for criticizing the government's response to covid-19. In the Reporters Without Borders' (RSF) 2021 World Press Freedom Index, which is the organization assessment of countries press freedom records, Turkey ranked the 153 out of 180 countries.


Workers in the journalism industry in Turkey have raised their concerns in regards to the government prosecution of journalists; whereby newspapers and journalists are constantly under political pressure. This situation represented a setback to independent newspapers and journalists and created an atmosphere of self-censorship amid fear that criticizing the government could prompt reprisals.

In addition to the already negative conditions where Turkish journalists were trying to adapt, the pandemic has worsened the situation with the government exploitation of the crisis to increase press censorship. In the first three months of 2021, Turkish authorities arrested four members of the press and have detained 24 others. As of the end of March 2021, the numbers of journalists imprisoned have increased, reaching 70 prisoners; other news platforms such as Jailed Journo, reports that 96 journalists were prisoned in Turkey by March 2021.

Press, mainstream media, television, and radio channels are to a large extent controlled by the ruling party or government proponents. Reporters Without Borders has estimated that the Turkish government has the power to administer 90 percent of the most watched television stations and most read newspapers either directly or through companies' affiliation with government officials or the AKP.

In addition, reports reveal that the state run radio, Radio and Supervision High Council (RTUK), often issue fines on broadcasters critical on the government as a way of punishment, while journalists adversary to the regime are often denied to receive press cards by the Presidential Communications Directorate.

In 2019, the Committee to Protect Journalist reported that at least nine journalists were abducted to physical violence outside their place of work by government authorities. Journalists have also reported that media outlets fired a number of individuals for being adversarial with the government, out of fear of business closure, while journalists affiliated to different culture, such as the Kurds, face significant government pressure, censorship, and content restrictions. Kurdish television channels, radio stations, and newspapers are all nearly closed based on national security grounds. The



committee also revealed that authorities have prosecuted some writers and publishers on the grounds of defamation, terrorism, and separatism.

The government continues its strategy to silence journalists in an effort to prevent criticism on the government. Last month, 49 journalists appeared in court and 48 journalists received prison sentences.

The compounded fear of journalists and the government prosecution and violence against opposition have created a challenging oppressive environment for journalists to maintain an independent free press. The political context along with the pandemic repercussions has increased the government power to suppress journalists.

In addition, journalists are not the only ones subject to prosecution and detention from the government, even civilians. Human Rights 2020 World Report stated that “thousands of people in Turkey faced criminal investigations and prosecutions for their social media posts”.

## **Media Censorship**

The media atmosphere in Turkey reflects citizens and media professionals’ fear and anxiety, particularly after the coup d’etat attempt against Erdogan in 2016. Following the coup d’etat, Erdogan declared a state of emergency and in the years that followed, tens of thousands of public servants, academics, writers, and journalists have been detained. The country has also banned hundreds of media outlets and prosecuted hundreds of civilians for enjoying their basic human right, which is to freely express their point of views.

Media censorship has been evident in Turkey since the Internet Law No. 5651 was enacted in 2007. However, the government violation of human rights was evident in recent years. In 2020, the government continued to expand its attempts to limit freedom of speech and control online news portals and platforms by taking a further step in tightening the grip on social media. In July 2020, the Turkish parliament amended the Internet Law No. 5651. The law initially aimed to give the government the legal authority to block shared content on the internet through an administrative or court decision, and requires Social Network Providers (SNP’s) to remove inaccessible content that has been published on their platforms.

With the new amendment, new regulations have been implemented and sanctions have been imposed. The new amendment requires foreign social media companies with more than a million daily users, such as Facebook, Youtube, and Twitter to have an official local representative in Turkey to answer the demands of the Turkish authorities. The official representatives would be responsible for complying with the government and individuals demands to block or remove content posted on their platforms that deemed to be offensive.

The legislation ultimately allows the government to have more control over the shared online content on several media outlets. Companies must respond to authorities, and if companies failed to do so, the Turkish government will place penalties on the companies up to 700,000 dollars. The law

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also demands the companies to remove the outlined content with 48 hours if ordered. Companies that fail to comply with the law will be subject to fines and restrictions on their activities.

The Law No. 7253, which amended Law No 5651, has been widely seen by critics as an anti-social media law. The law established a set of several penalties. First, if the social network providers failed to appoint a representative within 30 days of the Information and Communication Technologies Authority (ICTA) notification, the government will impose a fine equivalent to 1.2 million dollars. If the Social Network Providers failed again to appoint a representative within 30 days of their first fine, the company will be fined again an additional 30 million Turkish lira. If the Social Network Providers continue to neglect the government law, the ICTA will forbid the SNP's from providing advertising services in Turkey. If the SNP's still refuses to comply to appoint a representative with three months of the issuance of the advertising decision ban, the ICTA will request a bandwidth reduction of the SNP's services by 50 percent. Finally, if the SNP'S continued not to comply, the ICTA could ask the court to order a 90% reduction in bandwidth.


As of November 2020, Facebook, Instagram, TikTok, Twitter and YouTube were each subject to 1.18 million dollars fine for failing to comply with the new amended law to appoint a local representative in Turkey, to comply with content removal requests, and to store user data within the country.

Most recently, in January 2021, the government imposed advertising bans on Twitter, its live video streaming, Periscope, and Pinterest over their non-compliance with newly adopted social media law. This new ban embarks on the government strict steps in implementing the new internet passed law. The government decision was a response to the platforms abstention from complying with the passage of the law, and refusing to appoint local representatives to handle government requests as required by the legislation. However, Facebook has later fulfilled the law's requirements.

In face of the international and national criticism, the AKP government announced that the legislation is based on Germany's Network Enforcement Act, known as the NetzDG law, which requires internet platforms and social media to take a more active stance against the incitement of hatred and violence through media.

The Turkish president constantly cracks down on media by attacking and detaining publishers and journalists. Freedom house conducted a research on public trust in the media in Turkey; it revealed that 69 percent of respondents expressed their concerns about the impact of censorship in Turkey, while 64 percent revealed that they feared the government monitoring their online activities. Turkish citizens has no public trust in the Turkish media where citizens turn to the internet and social media sources as alternative sources of information and news, which the government is currently blocking.

The government has blocked several websites as part of its strategic plan to curb media sources, resulting in Turkey scoring 1 out 4 in the status of independent media in Freedom House 2021 report. Despite that few newspapers and websites continue to operate independently from the government, the mainstream media in Turkey reflects the government stances and policies. The independent media outlets are under severe government pressure and are constantly targeted for prosecution.



On the contrary, the government argues that one of the main reasons behind blocking websites is that social media content does not often suit the Turkish nation norms and values. For example, in response to a Turkish actor who created a backlash on Netflix by acting a gay character in 2020, the president said “Do you understand now why we are against social media platforms such as YouTube, Twitter and Netflix? These platforms do not suit this nation. We want to shut them down, control them by bringing a bill to parliament as soon as possible”.

Moreover, the government further tightened the citizens’ fundamental freedoms in 2020 by blocking 16.797 web addresses, whereby 1,334 were blocked by the Ministry of Health Medicine and Medical Equipment Institution. In compliance with Law No. 5651, the Freedom of Expression Association (İFÖD) reveals that in 2019, Turkey banned 130,000 websites in Turkey, 7,000 Twitter accounts, and 10,000 YouTube videos and 6,251 Facebook posts. From 2014 till the last quarter of 2019, 408,394 websites were blocked, as reported by Freedom of Expression Association.

Also in 2019, the Turkish parliament has placed restrictions on media. The government placed online video services under the review of the high council for broadcasting, (RTÜK), the country’s broadcast regulator. In 2019, Human Rights Watch World Report revealed the government has shuttered 150 media outlets as part of the government suppression wave on media freedom.

All of these government measures reflect on the government gradual control over media and the government attempts to reshape media to be pro-government and to adhere to the government rules and regulations. The imposed measures restricted even further the environment in which few media outlets can freely operate, which resulted in citizens distrust of Turkish media.

## **Freedom of Expression**


“Freedom of speech is the most important pillar of democracy”, said Mr. Erdoğan in May 2019. However, the current situation in Turkey reveals the exact opposite. The public lack access to a huge number of websites, and information of quality due to the government’s suppression of media and press.

Freedom of expression is in crisis in Turkey. The Turkish citizens are the main victims of the crackdown on the media as they are exposed to fewer critical voices. Citizens in Turkey have no freedom to criticize or oppose neither the government nor its policies without risking an investigation, fines, or detention. The government also restricts the minorities’ affiliated to different religious or cultural point of views from freedom of expression.

The Erdogan government has closed media houses, and most of the influential newspapers and television channels are now owned by people friendly to the regime. Turkish citizens take precautionary measures in exercising their rights to freely express their point of views in public or through social media due to censorship.

Moreover, covid-19 has severely impacted the health and the economic sector of all countries, with Turkey no exception. The pandemic threatened the Turkish economy and eroded public trust in the





government, leading authorities to manipulate and fake official health data and information regarding the virus. The government also waged a set of investigations against medical professionals who release information independent from the government and detain those who critic the government publicly or on online platforms, where hundreds citizens were also arrested for their social media posts related to the coronavirus and government responses. During 2020, hundreds of social media users were arrested for posting comments about covid-19 situation while others have been detained for tackling issues related to the economy, terrorism, or the government's foreign policy.

Turkey has also introduced restrictions on social media for users making critical provocative posts on covid-19. By March 2020, the interior Minister has stated that almost 2,000 social media accounts had been identified for posting comments and sharing provocative photos about the covid-19 outbreak, resulting in the arrest of 410 people. By May 2021, the Turkish authorities have detained about 510 Turkish citizens who criticized the government for spreading fake information on the pandemic on social media.


The international community hoped that Turkey would reverse the citizens' oppressed situation of the country during the pandemic; however, the government utilized the situation for its own interests and seized this opportunity for its own favor. Turkey continues its oppression and restriction on freedom of press, media, and expression by adopting measures and prosecuting anyone who opposes the government.

## **Conclusion**

This brief provided an insight on the deteriorating situation of freedom of press, media, and expression in Turkey where the government continues to install measures to further curb and restrict the citizens freedoms. Following the attempted coup in 2016, fundamental freedoms such as freedom of press, media, and expression have steadily deteriorated. The Turkish government has thus targeted media outlets, arrested journalists, and prisoned government critics under the guise of securing the government from foreign intervention, terrorism, false information, and non-conforming values to the Turkish nation. The government enacted laws to expand its legal power to control internet service providers; social media users and online shared content.

President Erdogan used the emergency situation and has further added difficulties to press and media by imposing new media restrictions, curbing freedom of expression, and increasing press censorship. The president aimed to use the current situation as a pretext to remove the remaining few opposition media outlets, and silence journalists in an effort to prevent criticism on the government.

The government shows an increasing interest in containing the fundamental rights of Turkish citizens by increasing the president power and suppressing the citizens' voices. The citizens are suffering from an oppressive atmosphere, limited freedom of expression, censored media, and suppressed press. The compounded fear of journalists, media professionals, along with the government adopted measures, prosecution, and violence against opposition have created this challenging oppressive



environment, which prevents journalists and citizens from exercising their rights and have free press and media.