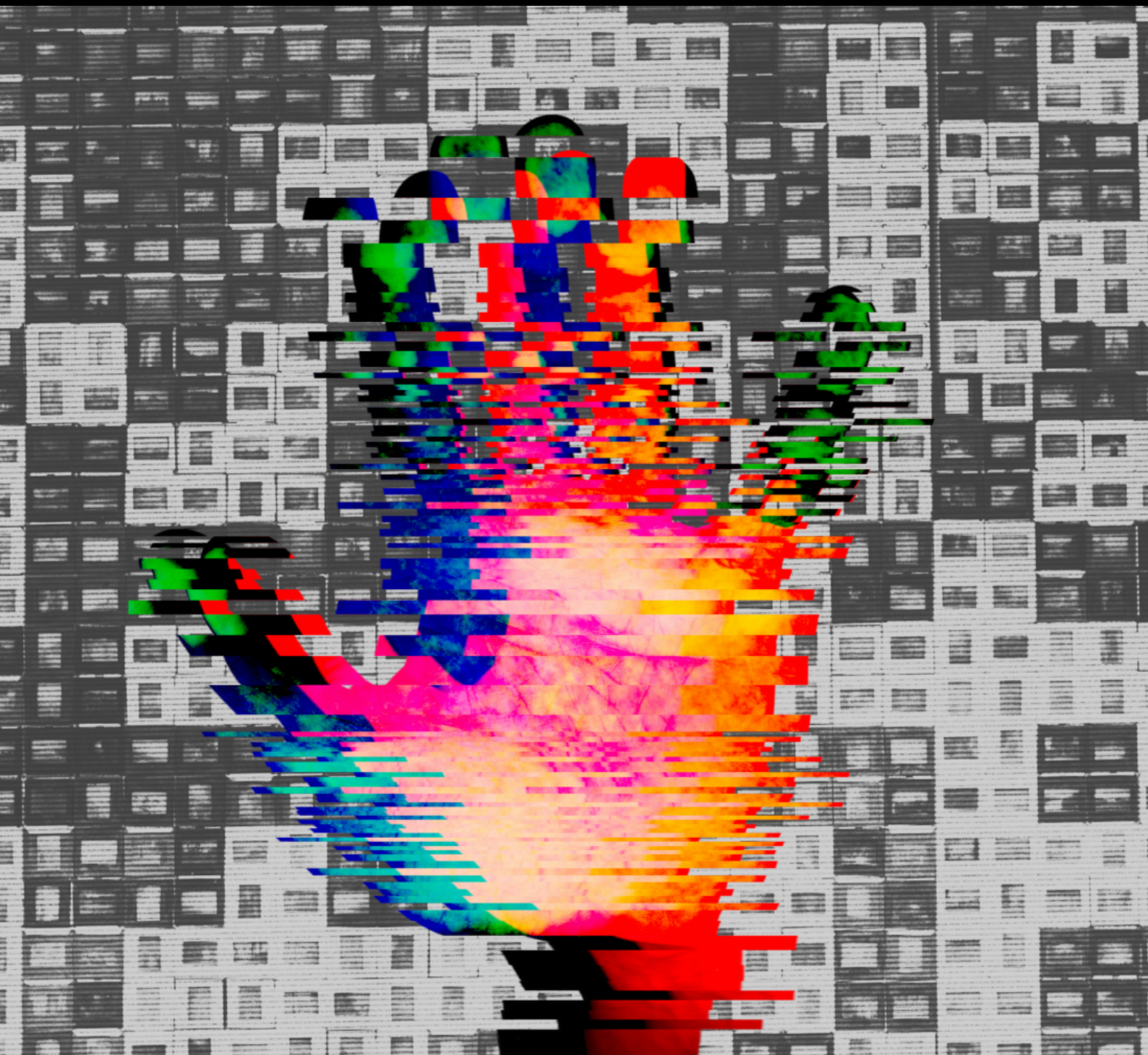




# The Unfreedom Monitor

A Methodology for Tracking Digital Authoritarianism Around the World

**TURKEY**  
COUNTRY REPORT



# Table of Contents

Executive Summary	4
Background	5
First Signs	6
Law no. 5651	7
Country Political History	8
Key Turning Points	9
Methodology	14
Mapping the country challenge with digital authoritarianism	16
Analysis and Conclusion	20

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### Stichting Global Voices

Kingsfordweg 151  
1043GR Amsterdam  
The Netherlands  
<https://globalvoices.org>



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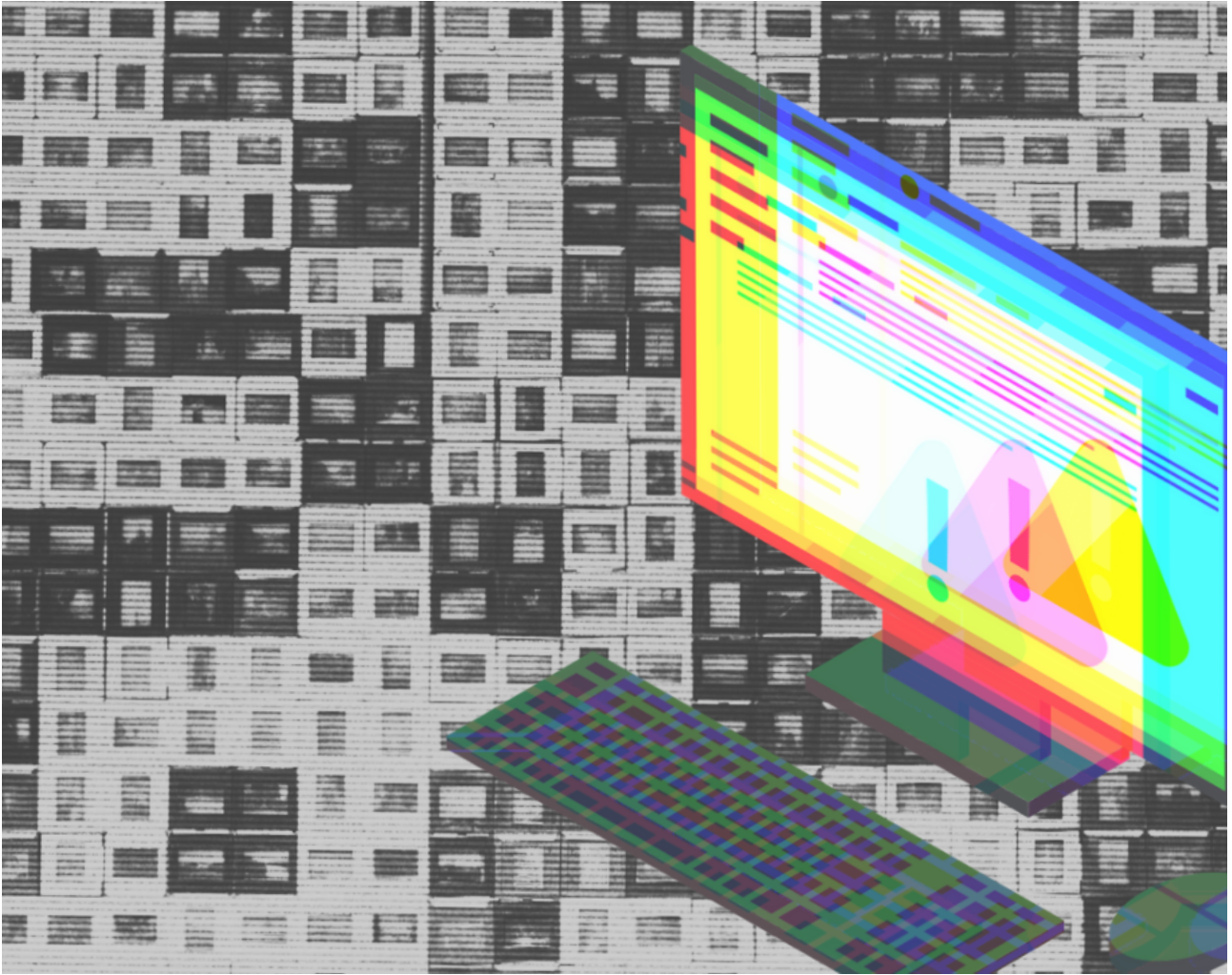
## EXECUTIVE SUMMARY

In the early days of the internet, it was hard to imagine how authoritarian regimes could control such a “powerful source of information” (Jackson). But, as global internet freedoms continue to decline for the eleventh consecutive year, examples of control and censorship are abundant (Freedom House). In 2011, Ronald Deibert and Rafal Rohozinski described at length how authoritarian regimes have become savvy at restricting access to their users, relying on technology, legal and extralegal techniques. To that end, the authors describe these techniques as next-generation information access controls. First-generation controls include “defensive” techniques, such as widespread filtering and direct censorship. Second-generation controls include legal measure techniques that involve the use of legislation to remove content, or implementing technical shutdowns of websites. The third and final generation controls include “offensive” techniques, such as state-sponsored counter-information campaigns, the use of surveillance, and data mining. The third category is a “highly sophisticated, multidimensional approach to enhancing state control over national cyberspace and building capabilities for competing in informational space with potential adversaries and competitors” (Deibert and Rohozinski).

As the country overview of Turkey below shows, it is possible to trace all three techniques used in Turkey to curtail internet freedoms. When Turkey introduced the infamous Law no. 5651, aka the Internet Bill, in 2007, the state began to implement first and second-generation controls. However, more sophisticated measures began to emerge in the aftermath of countrywide popular unrest in 2013 (the Gezi protests) and the graft scandal targeting key members of the ruling Justice and Development Party, as well as the failed military coup in 2016. “In the aftermath of the Gezi protests and the corruption scandal, the AKP government became acutely aware of the role of social media platforms in political engagement and civic mobilisation, and in building and expanding of online/offline solidarities” (Yesil et al.). To that end, signs and evidence of third-generation controls put in practice became more evident, pointing to an emergency “of a decentralised and distributed network of online censorship” (Yesil et al.).

As a result, civil society and the public at large engaged in criticism of the state have been muted through a combination of traditional forms of censorship such as arrests, detentions, intimidation, and critical legal amendments combined with a crackdown on the Internet using high level opaque administrative and judicial decisions blocking, banning, withholding online content.





## BACKGROUND

Turkey, a country under the leadership of strongman Recep Tayyip Erdoğan and his ruling Justice and Development Party (AKP), was once hailed (Kirişci and Sloat) as a beacon of democracy (Goodman) in its immediate neighbourhood. “When Recep Tayyip Erdoğan and his Justice and Development Party (AKP) came to power in Turkey in 2002, there were high hopes in the West about progress in this predominantly Muslim country,” but the past twenty years have turned Turkey and the country’s leadership under the AKP more authoritarian (Kirişci and Sloat). Scores of civil society activists including journalists have faced persecution and prosecution during the AKP’s reign over Turkey. Independent newsrooms have been shattered. Those that do remain continue their work in the face of draconian laws, punitive measures and in an environment where anything voiced or written can be interpreted as a matter violating national security, Turkishness, and/or traditional values (Ergun).

As the internet, and the various opportunities of digital technology that came with it, arrived in Turkey, the state gradually began the shift towards controlling the internet too. The longer the ruling party held on to power, the harsher measures to silence dissent and critical voices online and offline became.

## FIRST SIGNS

Censoring or controlling the internet in Turkey was not a common practice in the pre-AKP era. The arrival of the internet in the early 90s was followed by steady growth during that decade, introducing a series of technological and socio-cultural changes. The coalition government at the time opted for a hands-off approach to regulating the medium, relying on the local courts that criminalised certain online behaviour and activities (Yesil et al.). The first Turkish citizen to receive a prison sentence for criticising the authorities online was documented in 1997 (Ergun) and the second in 2001 (Yesil et al.). In 2002, a decision issued by a military court saw the shutdown of the first website in Turkey (Yesil et al.). But it was not until almost a decade later that digital censorship became more frequent, punitive, and restrictive.

The origin of the state's attempts to control the flow of information in online spaces in Turkey is often traced to 2007, the year when the country adopted its first Internet Bill, officially known as the Law no. 5651 on Regulation of Publications on the Internet and Suppression of Crimes Committed by means of Such Publications. But, while Law no. 5651 is considered the first step in muzzling content distributed online, an earlier bill, the "Informatics Bill," first adopted in 1991 and later amended in 2004 takes precedence in terms of the evolution of legislative bills in the country's cyber policies. In 2004, "the scope of informatic crimes was extended," (Ergun) to include six separate offences, "violation of communicational secrecy, tapping and recording conversations, violation of privacy, recording of personal data, unlawful delivery of acquisition of data, and destruction of data." (Ergun) All six offences entailed prison sentences.

Another pre-2007 Internet bill era milestone was the establishment of the Presidency of Telecommunication and Communication (TİB) in 2005. TİB, prior to its dissolution in 2016, served as Turkey's leading internet censor. "Formed under the Telecommunications Authority [TİB] would quickly gain the centre of the stage as the organisation responsible for surveilling, tracking, evaluating, and recording signal information and communications made through telecommunications tools, including the Internet" (Ergun). TİB stopped publishing transparency reports on the number of blocked websites by May 2009 without any further explanations (OSCE). This prompted a group of legal, and internet activists to start documenting the number of blocked websites in Turkey independently via EngelliWeb (Disabled Web).

The final key legislative turning point was the 2006 amendment to the country's Anti-Terror Law no. 3713 (Piskin). The definition of the concept of "terrorist organization" was replaced with the concept of "terrorism." Also removed was the requirement of being armed, which, prior to the amendment, constituted being a member of a terrorist organization (Piskin). According to local watchdogs, this change "led to numerous civil and legally operating associations, groups and other bodies to be labeled with terrorism and criminalized," with lawmakers treating journalists, politicians, or human rights defenders as more dangerous than an armed criminal organization (Piskin).

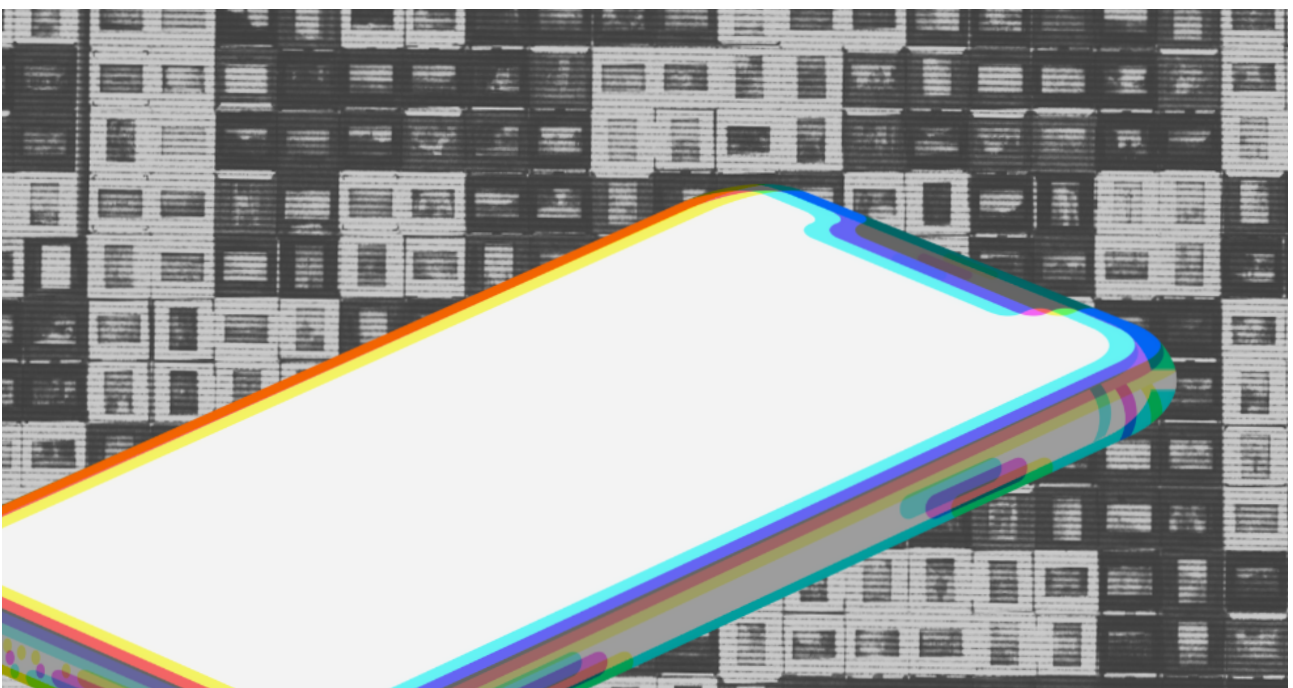
## LAW NO. 5651

Adopted in May 2007, and described as the country's first internet-specific bill (Yesil et al.), Law no. 5651 was designed to protect users from illegal and harmful content online. More broadly, this law "established the responsibilities of content providers, hosting companies, mass-use providers, and ISPs." (Karlekar and Cook)

The law also enabled public prosecutors to impose (Reporters Without Borders) a ban on any website within 24 hours by court order or administrative order issued by the TİB in cases where these websites violated "seven categorical crimes (incitement to suicide, facilitation of the use of narcotics, child pornography, obscenity, prostitution, facilitation of gambling, and slandering of the legacy of Atatürk — the founder of modern Turkey)" (Yesil et al.). Very quickly, it became evident the law was merely a tool in the hands of the ruling government to censor content online. By 2008, according to TİB's records, over 1300 websites were blocked (Karlekar and Cook).

Law no. 5651 was amended several more times with each amendment introducing further restrictions (Ozturan et al.). In 2014, TİB was authorised "to issue a blocking order based on a complaint filed for breach of an individual's right to privacy and to do so without obtaining a court order." (Yesil et al.) Removal of "offensive" content within four hours, enabling URL-based blocking, and blocking of "individual posts or all posts from a specific social media user," were among some of the new, critical provisions added to the law (Yesil et al.).

As such, Turkey was no longer just blocking content it deemed offensive to its national unity, family, and moral values, but also content that exposed corruption or other unlawful actions perpetrated by government officials.



## COUNTRY POLITICAL HISTORY

Since the Justice and Development (AK) Party came to power in 2002 under the leadership of the strongman Recep Tayyip Erdoğan, the AKP has secured victory in almost all major elections since 2002, narrowly escaped being closed down in 2008 (Tait), and has enjoyed popular support over the years. During these last twenty years, Erdoğan served three terms as the country's prime minister and, since 2014 has been the president of Turkey.

Elections for the presidential seat as well as the Grand National Assembly (Turkish parliament) take place every five years (Freedom House). President Erdoğan secured his second term as president in the early presidential election in 2018 that was held under a state of emergency. (Turkey announced a state of emergency in the aftermath of the failed military coup. It was extended until 2018.) According to national legislation, because the president was elected in an early election, President Erdoğan is allowed to run for a third term (Freedom House). The next round of general elections is scheduled for June 2023.

Meanwhile, the independent and critical media environment, as well as overall freedoms in Turkey, have been on the decline. Although a number of liberalising reforms were introduced during the party's early years of leadership and Turkey received a formal invitation to kick off negotiations over its accession to the European Union, the overall environment of basic freedoms in the country soon began to decline (Geybullayeva), culminating in a countrywide crackdown in the aftermath of the failed coup in 2016 (Tombus) and further consolidation of powers in the hands of the president following the constitutional referendum in 2017 (Freedom House).

Until 2017, Turkey was a parliamentary republic but a controversial constitutional referendum the same year led to the country's transition to a presidential system with expanded powers vested in the president's post (RFERL). The 2017 referendum was the "most drastic shake-up of the country's politics and system of governance" (Kirişci). The ruling AKP argued the switch would make the government more effective, but experts disagreed (Bahçeli). Instead, the change led to a weaker parliament, undermined the separation of powers, politicised the judiciary, crippled existing institutions of checks and balances (Bahçeli), and left the country's entire political system and all relevant decisions to one person — the president — surrounded by "yes men," and no one to question these decisions (Freedom House; Koru; Kadercan).

Since 2017, the ruling AKP has been in a "People's Alliance" with a far-right Nationalist Movement (MH) Party. The two campaigned together ahead of the 2017 referendum and mobilised for President Erdoğan's re-election in 2018. (Bahçeli). Such alliances are not unique for the ruling AKP but they are not durable either. During the Gezi protests that rocked the country in 2013, the then prime minister Erdoğan parted ways with the liberals (Tremblay). The following year, the AKP's alliance with the Gulen movement was severed as a result of a corruption scandal (Sezer and Williams). The same year, after realising that the country's ethnically Kurdish population won't rally behind them in the presidential election, AKP abandoned the Kurds too. (Tremblay)



## KEY TURNING POINTS

### ELECTIONS

In the spring of 2007, the Turkish military released a statement (BBC) saying they were not in favour (Cook) of the next presidential candidate (who was appointed by the parliament at the time according to national legislation) favoured by the AKP. That statement eventually led to extensive crackdown measures that targeted military, intelligence, business people, journalists, and academics, all part of an alleged network — known today as the Ergenekon case and the Sledgehammer investigations — uncovered by the police, that planned to overthrow the government (Rodrik). Years later, evidence emerged, (Schenkkan) suggesting that both the Ergenekon and Sledgehammer were fabricated (Arango).

The same year, a constitutional referendum was held, with the result that, instead of being chosen by parliament, the president would be elected in a direct national vote. Another referendum in 2010 granted both the legislative and the executive branches of the government broader powers over judicial appointments.

But the era of AKP securing election victories was already coming to an end. In the 2015 parliamentary election, AKP failed to secure a majority in parliament when the left-leaning and pro-Kurdish People's Democratic (HD) Party made it to the parliament passing the ten percent threshold that was necessary to secure seats at the Grand National Assembly. This victory came at a high cost for the party. In 2016, in the aftermath of the failed coup and introduction of the state of emergency, scores of HDP members including the party's co-chairs Selahattin Demirtas and Figen Yuksekdag were arrested (Akhal-Tech Collective) on terrorism-related charges (Geybullayeva) accused of collaborating with the outlawed Kurdistan Worker's Party (PKK) militant group (PKK is recognized as a terrorist organization in Turkey and by its Western allies, including the US and the EU). HDP mayors and mayors of the party's regional sister Democratic Regions (DB) Party were replaced in over 80 municipalities with AKP politicians (Baluken). In June 2021, Turkey's Constitutional Court accepted an indictment seeking the closure of the (HDP). (Geybullayeva)

With general elections merely a year away, the AKP and MHP have introduced a draft election law to the parliament in March 2022 (Devranoglu and Kucukgocmen). The proposal offers to reduce the threshold for a political party to enter the parliament from 10 percent to 7 percent, a move that some analysts view as "an attempt to divide the opposition and earn more seats for the current governing parties" (Devranoglu and Kucukgocmen) among other changes (Tremblay et al.). Together with MHP, AKP holds 333 seats in a 600 seat Grand National Assembly.

Meanwhile, the opposition has expanded its alliance in what some describe as the watershed moment in Turkish politics uniting six major opposition parties — the Republican People's Party (CHP), the Good Party (IP), the Felicity Party (SP), the Democratic Party (DP), the Future Party (GP) of Ahmet Davutoğlu, Erdoğan's former prime minister, and the Democracy and Progress Party (DEVA) of Ali Babacan, Erdoğan's former economy minister. Each party represents different political and social ideologies (Tahiroglu), a key point in attracting a diversity of voters. On top of their joint agenda is restoring the parliamentary system and democratic freedoms in Turkey (Ünlühisarcıklı).

## FAILED COUP

In 2016 Turkey went through its fourth military coup (Arango). Turkey's president rallied behind his supporter base, calling on them to take the streets, promising to "clean up" the military. "This attempt, this move, is a great favor from God to us," Erdoğan said as he arrived in Istanbul from Marmaris where he was reportedly on vacation. "Why? Because this move will allow us to clean up the armed forces, which needs to be completely clean." This then led to another series of purges (Jacinto). From the military (SCF) and academia (Sezer) to the business world and media, thousands were rounded up and arrested in Turkey. These arrests continue to this day (Candar and Handley ).

President Erdoğan however cannot control other major factors in the country, including the struggling economy. Even before the COVID-19 pandemic, the economy — AKP's biggest selling point — was starting to weaken. Unemployment and inflation were reaching double digits and the national currency was losing its value quickly (Geybullayeva). This, together with the ongoing purges, led to AKP's biggest test for its power struggle in 2019. That year, the ruling AKP lost key cities, including Istanbul and Ankara to the opposition candidates in municipal elections.

**“ Erdoğan’s government also dismissed binding European Court of Human Rights judgments ordering the release of some high-profile activists and politicians who have been behind bars on questionable terrorism charges ”**

## CRACKDOWN ON CIVIL SOCIETY

Many international human rights and press freedom organisations highlight how, in the aftermath of the failed coup in 2016, a systematic crackdown on rights and liberties has negatively impacted the country's score on their annual country performance reports. Turkey was ranked "not free" on Freedom House's Freedom in the World 2021 report (Freedom House). PEN America's 2020 Freedom to Write Index (PEN America) said Turkey was the world's third-highest prisoner of writers and public intellectuals, right behind China and Saudi Arabia. Reporters Without Borders ranked Turkey 153rd out of 180, describing the country as a place where "all means possible are used to eliminate pluralism" (RSF).

AKP also announced in 2021 its decision to withdraw from the Istanbul Convention (HRW), an internationally recognized doctrine protecting women's rights (Celik), and has targeted the LGBTQ+ community (Geybullayeva). Erdoğan's government also dismissed binding European Court of Human Rights judgments ordering the release of some high-profile activists and politicians who have been behind bars on questionable terrorism charges (HRW). When students at the prestigious University of Bogazici protested against the government-appointed rector earlier this year, they too were targeted (Geybullayeva; Bulut). In 2020, the state rolled out a new social media law targeting digital rights and freedom of expression in Turkey (Geybullayeva). In July 2021, the government announced plans to regulate foreign-funded media and misinformation (Geybullayeva).

## COUNTRY INTERNET PATTERN AND PENETRATION

Turkey has made significant progress in the broadband market, and investments in fibre networks in the last decade. However, the country lags behind OECD member countries when it comes to broadband penetration. Whereas the average fixed-broadband penetration rate (per 100 inhabitants) was 33.8 in 2021, Turkey scored 20.8, just above Colombia, Mexico, and Costa Rica (OECD). In addition to penetration rates, Turkey falls behind the OECD averages when it comes to quality indicators too (Koksal 14).

The backbone internet in Turkey was created in 1996, paving the way for a competitive ISP market. There were 442 Internet Service Providers (ISPs) operating in Turkey in the final quarter of 2021 (BTK). Four privately-owned internet exchange points exist in Turkey. The country's internet backbone is run by TTNET, a subsidiary of party state-owned Turk Telekom which remains the largest ISP (Freedom House).

As of 2021, the internet penetration rate in the country reached 82.6 percent according to the Turkish Statistical Institute. According to the same source, the percentage of individuals using the internet in 2020 stood at 79 percent (TUIK; Freedom House). There is no significant gender gap in internet use. According to the 2021 Inclusive Internet Index Report, 5 percent more men than women access the internet (EIU). Similarly, the rural-urban divide when it comes to household internet access has improved in recent years. While 97.1 percent of households in the Istanbul metropolitan area have internet access, 89.6 percent and 93.8 percent of households in Central Anatolia and in South East Anatolia respectively have access to the internet (TUIK). Mobile internet remains the most popular way to connect to the internet.

The Turkish government has reportedly invested USD 16.2 billion in internet infrastructure in the last 14 years (Altay). In February 2021, the Minister of Transport and Infrastructure vowed to provide every household with a 100 mbps internet connection by 2023 (DHA). A similar promise was reflected in the country's National Broadband Strategy and Action Plan (2017–2020). Among targeted actions indicated in the plan were plans to reach 30 percent in fixed broadband penetration rate (currently 20.8), increase the number of fibre subscribers three-fold, and achieve availability of 100 mbps and 1 gbps internet connection speeds, all by 2023 (Koksal).

Until then, slow internet remains one of the biggest challenges for internet users in Turkey, which was exacerbated by the COVID-19 pandemic (Altay).

## DISRUPTIONS

Several disruptions to internet access have been documented in recent years in Turkey. According to human rights groups, Turkey is among many countries around the world that resort to internet disruptions and shutdowns in times of political events (Sezer and Abutaleb).

Between 2015 and 2017 Turkey was rocked by a series of terrorist attacks (in addition to the military coup in 2016). By some estimates, 500 lives were lost due to attacks perpetrated by the PKK, ISIL and others (Diken). During this period, limiting access to social media platforms became a common practice, in most cases implemented through bandwidth throttling and DNS poisoning. Meanwhile, RTUK imposed bans on broadcasting images from the attacks (Ergun).

In 2015, access to Facebook, Twitter, and YouTube as well as 166 other websites was blocked when an image of a Turkish prosecutor held at gunpoint after being taken hostage circulated online (Kasapoglu).

**“The popularity of online news platforms has increased in the wake of the shrinking space of media freedom in Turkey and virtually full government control over more mainstream media outlets**

In 2016, the state approved an amendment to the Authorization Regulation in the Digital Communications Sector as per the announcement in the Official Gazette (Official Gazette). According to Article 10 of the amendment, “In cases of war, general mobilization and similar situations, if deemed necessary for public security and national defense, [BTK] may suspend all or a part of the operator’s operating activities for a limited or unlimited period and directly operate the network. In this case, the elapsed time is added to the end of the authorization period.” The decision followed the failed military coup attempt that shook the country in the summer of 2016. As the coup unfolded, several social media sites — including Facebook and Twitter — were reportedly down (Waddell).

In October 2016, Turkey’s Southern and Eastern provinces experienced internet disruptions. While the state did not officially disclose the reasons for the disruptions, Turkish citizens speculated the cause was likely linked to planned demonstrations against the arrest of Diyarbakir municipality co-mayors Gultan Kisanak and Firat Anli on terrorism charges (Access Now). Reportedly some six million people were affected as a result of internet disruptions. The provinces experienced similar disruptions in September of the same year when democratically elected mayors in several provinces were forcefully replaced by the ruling party trustees (Bianet). In total, this disruption affected twelve million people (Yesil et al.).

The same month, Turkey blocked access to a number of online storage apps including Dropbox, GitHub, and Microsoft One Drive after a group of hacktivists leaked more than 57,000 emails that the group claimed it stole from Berat Albayrak, President Erdoğan’s son-in-law who served as Turkey’s Energy and Natural Resources Minister at the time (BBC).

When a suicide bomber killed 45 people at Istanbul airport in July 2016, the authorities opted to impose a media gag order banning sharing of images of the blast or the scene. They also denied throttling access to Facebook, YouTube, and Twitter, instead blaming above-average traffic as the cause of disruptions experienced by users (Reuters).



In November 2016 as police raided homes and arrested 11 parliament members of the HDP, the state resorted to the nationwide throttling of Twitter, Facebook, YouTube, as well as WhatsApp as a security measure. It was then that TOR and other VPN services were blocked by the local ISPs on the orders of the BTK. A number of these VPN providers as well as the TOR network remain blocked in Turkey at the time of writing this report.

The same year, in December, Turkey resorted to the nationwide blocking of social media platforms when a video appeared circulating online, showing two Turkish soldiers immolated by ISIS.

In October 2019, social media platforms Facebook, Twitter, Instagram, and WhatsApp were restricted for access during military operations in Syria (Martineau).

During an attack on Turkish troops in Idlib (Syria) in 2020, killing at least 33 troops, Turkey blocked access to Twitter, Facebook, and Instagram yet again (Davis and Jamieson).

The biggest difference between the blocking of social media platforms in the aftermath of the 2016 legal amendment (and earlier instances of YouTube and Twitter being blocked in 2014, and then again in 2015, with access to Facebook also blocked) is that it happened in the absence of oversight or any court order (Wong).

Still, the internet remains popular among Turkish citizens to access alternative news platforms as well as social media platforms (Reuters Institute). The popularity of online news platforms has increased in the wake of the shrinking space of media freedom in Turkey and virtually full government control over more mainstream media outlets. As a result, both journalists and readers alike are relying on online platforms and the internet to stay up to date with the news cycle (Bektas and Cupolo).

According to Digital News Report 2021, YouTube leads as the top social media app in Turkey, followed by Twitter, Instagram, Facebook, WhatsApp, and Telegram (Reuters Institute).

## METHODOLOGY

The Unfreedom Monitor combines the methodology used in Global Voices' previous work on media observatories with an in-depth analysis of the contextual issues around digital authoritarianism. The observatory approach is primarily qualitative and looks beyond socio-technical causes to consider power analysis, offer a way to discuss effects, and to emphasise what works as well as what's negative. It is a framework that can be consistently applied across a range of contexts, in order to identify and contextualise both positive and disruptive developments, to explain the forces and motives underlying them, as well as the narrative framing devices that often require local knowledge to interpret and weigh. This research method allows us to compare, draw lessons, and consolidate learning about the trends, systems and rules that influence what we know, and how we know it.

The observatory includes datasets of media items, structured analysis of context and subtext, and a civic impact score that rates media items for positive or negative impact on civic discourse. We use Airtable, a relational database, for documentation and collaborative work. The Unfreedom Monitor shifts the focus of the research to identifying and giving context to instances of digital authoritarianism. For a matrix of countries, technologies, and regulatory approaches, we will ask:

- What are the dominant and influential narratives?
- What is the evidence to support the claims underpinning these framings, and how will we document them?
- What are the actual harms, threats, and impacts of the use of technology to augment repression?
- What are potential solutions for technology interventions, policy advocacy, and information and awareness?
- What narratives more accurately reflect what is happening?

The findings of the observatory are presented separately as a dataset on the Advox website, and as part of the analysis presented in the individual country reports.

The key research question for the Unfreedom Monitor is: "what are the key motives for, methods of, and responses to, digital authoritarianism in selected national contexts?" This is further broken down into the following subquestions:

### 1. Motives

- a. What are the contexts that inspire authoritarians to clamp down on digital spaces?
- b. What are the immediate triggers of an expansion in digital authoritarianism?
- c. How do regional and international organisations affect how governments behave in relation to digital authoritarianism?

### 2. Methods

- a. What are the key technologies used in advancing digital authoritarianism?
- b. What are the key mechanisms — legal, economic etc. — through which these technologies are acquired and deployed?
- c. What role does money play in the choice of technologies?

### **3. Responses**

- a. How do the citizens of the countries under investigation respond to the expansion of digital authoritarianism?
- b. How do other governments in the region and the international community respond to the expansion of digital authoritarianism?

With this information, the Unfreedom Monitor captures the key challenges of digital authoritarianism around the world, crafting a global perspective on the social and policy challenges that arise when the Internet becomes the next frontier in the battle for meaningful democracy.

## MAPPING THE COUNTRY CHALLENGE WITH DIGITAL AUTHORITARIANISM

The crisis of basic freedoms in the country is compounded by increasing digital censorship (IPI). The infamous law No. 5651 (also known as the Internet Bill), adopted in 2007 and amended in 2014, 2015, and 2020, enables the authorities to block access to various websites, individual URLs, Twitter accounts, tweets, YouTube videos, and Facebook content (Akdeniz).

Signs of control were already visible in 2006 when the ruling AKP government made amendments to the Anti-terrorism Law, enabling an environment of persecution for sharing content online and legalized the use of “personal data and communications to pursue criminal investigations and persecute suspects when the alleged crimes were related to terrorism or sympathy for terrorism” (Celik 102). The following year, the authorities began deploying “increasingly authoritarian measures to control and manage online communication and confine the networked public sphere” (Celik 102), including internet filtering and blocking, legal restrictions, content removal directives, and blocking of websites, to name a few. By 2008, hundreds of journalists, military personnel, dissidents, civil rights activists, and those affiliated with Kurdish rights-based movements were put on trial based on the evidence collected through wire-tapping and/or digital surveillance (Celik 102). The law is still a popular tool to sentence journalists and government critics. According to an International Press Institute report, out of 241 journalists on trial in Turkey in 2022, at least half were facing terrorism charges (IPI).

The year 2013 marked another milestone in digital censorship. On the heels of the protests in Gezi Square, the notorious Internet Bill was amended in 2014 allowing “the state to block what it regarded as troublesome URLs and to keep records of internet traffic for up to 2 years” (EDRi). The decision came as the ruling party was mired in a corruption scandal in what appeared to be audio recording leaks of the then Prime Minister Erdoğan, his family members, high ranking ruling party officials and businessmen affiliated with the ruling government.

**“ Authorities in Turkey continue to jail prominent activists, journalists, politicians, and other representatives of civil society relying on various national laws while having taken almost entire control of the existing media landscape ”**

The authorities also amended the Law on State Intelligence Services and the National Intelligence Agency (Yaman). Dated April 2014, the approved amendments granted “the National Intelligence Agency (MIT) the ability to use any technical and human intelligence means necessary to collect, record, analyse and share information, documents, news and data pertaining to foreign intelligence, national security, counterterrorism, international criminal acts, and cyber security ”(Ergun).

During these years, as it became evident in reports released in the following years, Turkey also became a popular client of pervasive digital surveillance technology. The country was listed among the clients of the Hacking Team and its Remote Control System was reportedly in use at least between 2011 and 2014 (Marczak et al.). There is also evidence of Pegasus



(Marczak et al.) and Candiru spyware (Marczak et al.), network injection (Kenyon), and DPI technology (Marczak et al.) deployed in Turkey over the years.

President Erdoğan further consolidated his powers following the failed coup in 2016, granting his government, under emergency rule, broad powers to silence any perceived opponents. Following the attempted coup, some 100 media outlets were shut down (Weise), tens of thousands of citizens were arrested, and nearly 150,000 civil servants, military personnel, and others were sacked or suspended ("Turkey orders"). The wide-ranging crackdown has also expanded beyond the country's borders (Freedom House).

Under the state of emergency, the Decree Laws 670, 671, and 680 allowed for interception of all digital communication of individuals whom Turkish authorities alleged were either involved or believed to have been involved in the coup (Unver). The interception extended to the family members of said individuals. The laws authorised "Turkey's Information and Communication Technologies Authority (Bilgi Teknolojileri ve İletişim Kurumu, BTK) to take over any service telecommunication providers" perceived as a threat to national security, health, and what is vaguely defined as morals of the public; as well as allowing "the State Cyber Crimes Division to intercept any internet data traffic without a court order or supervision" (Unver). Six years on, authorities in Turkey continue to jail prominent activists, journalists, politicians, and other representatives of civil society relying on various national laws while having taken almost entire control of the existing media landscape (Sari).

A smartphone app to snitch on government critics was launched by the Turkish National Police in December 2016, signalling a further decline in freedom of speech online. The app allowed users to report social media posts and accounts they considered to be terrorist propaganda (Yesil et al.). In addition, through a dedicated network of trolls, the ruling AKP was able to delegate targeting and harassment of its critics on social media platforms. The uptick in pro-AKP accounts first became visible following the Gezi protests. In 2015, journalists exposed trolls' affiliation to government officials (Yesil et al.). But their organisational structure was never fully disclosed (Akca et al.) until January 2022 when the leader of the main opposition CHP said he had commissioned a study to expose the network of AKP trolls (Akiş). In 2020, Twitter suspended more than 7000 accounts on the grounds of their inauthentic behaviour (Twitter Blog). The ruling party first denied any connection, then said Twitter was censoring Turkish patriots, and finally introduced amendments to the Internet Bill that required social media companies including Twitter to set up offices in Turkey and follow the country's censorship laws (Akiş).

Constitutional changes that were voted in a country-wide referendum in 2017 replacing the existing structure of parliamentary government with a presidential one, and the subsequent election of Erdoğan as president in 2018, have only deepened the powers of the ruling government to systematically silence dissent in the country. In 2019, Turkey's Radio and Television High Council (RTÜK) was granted (Uğurtaş) expanded powers to monitor online broadcasting (ranging from on-demand platforms such as Netflix to regular and/or scheduled online broadcasts to amateur home video makers), compelling online broadcasters to obtain a licence from RTÜK (IPP). On February 9, 2022, the government body gave the Turkish language websites of VOA, Deutsche Welle, and Euronews 72 hours to apply for a publication licence ("US urges Turkey"). As a result, Turkey ranks "not free" in Freedom House, Freedom in the World, and Freedom on the Net reports (Freedom House).

Several pieces of key legislation have been passed to enable the control of digital spaces in Turkey. Law No. 5651, aka the Internet Bill, was enacted in 2007. Initially introduced as a safeguard mechanism for protecting children, it soon became evident the law was a tool to censor content online. The law was first used in 2008 to block access to YouTube which remained blocked until 2010. The first set of amendments to the law that were introduced in 2014 and 2015 widened its scope, enabling “the criminal judgements of peace to block access to internet content involving personal rights violations, privacy violations as well as content deemed to breach national security and public order”. The law was later used to once again block access to YouTube, but also Twitter, and Wikipedia. “The widespread use of the Law No. 5651 measures as well as some additional legal measures resulted in access to 460,000 websites, 150,000 individual URL addresses, 50,000 tweets, being blocked in Turkey” in 2020 (Yaman). According to the authors of the FreeWeb Turkey report “End of news: Internet censorship in Turkey,” “42% of the blocked news between November 2019 and October 2020 were directly related to the Turkish President and Justice and Development Party (AKP) leader Recep Tayyip Erdoğan, his family or the mayors and officials of the AKP.”

**“ The additional legal measures that fall outside the scope of the Internet Bill target violations such as disseminating terrorist propaganda, denigrating Turkishness, offences against public peace, praising an offence or offender, provoking public hatred and hostility, and discouraging people from performing military services ”**

The additional legal measures that fall outside the scope of the Internet Bill rely on legal provisions made to target violations such as disseminating terrorist propaganda, denigrating Turkishness, offences against public peace, praising an offence or offender, provoking public hatred and hostility, and last not but least, discouraging people from performing military services. Documented experience attests that often these provisions are used against the websites that “tend to be leftwing, pro-Kurdish, and right-wing fundamentalist, revolutionary associations, ‘alternative’ news pages, and online platforms — as well as webpages that are directly linked to terrorist organizations.” (Ergun)

According to the Media Research Association (MEDAR) report released in 2021, at least three news items are removed on a daily basis in Turkey. In most cases, the articles’ focuses are corruption or irregularities in due process. The requests to block or remove content originate from businesspeople and government officials claiming violation of their personal rights, conclude the authors of the MEDAR report (Ozturan et al.).

In July 2020, the Turkish parliament ratified the Social Media Law (Law on the Regulation of Publications on The Internet and Suppression of Crimes Committed By Means of Such Publications), which went into effect on October 1, 2020 (Geybullayeva). The law requires all social media companies to register with the authorities, as well as to follow content removal requests within 48 hours; it has troubling localization provisions (Freedom House). The law was back on the agenda in 2021 as Turkey’s internet legislation called for sites with more than a million daily users to appoint local representatives, announcing hefty fines and imposing ad bans for those failing to comply with new regulations (Geybullayeva).

In August 2021, the ruling party announced plans to set up a regulatory body to monitor social media for what president Erdoğan described as the “terror of lies,” as well as introduce a new law that would hold distributors of “misinformation” and “disinformation” accountable with a possible prison sentence for a maximum of five years (“Report: Turkey”). The decision came following a summer of wildfires that wreaked havoc across Turkish coasts. Citizens took to social media to criticise the authorities for their lack of swift measures in fighting the wildfires (Celik and Geybullayeva).

A commonly used accusation levelled against critics of the ruling government as well as the president is “insults.” But it isn’t only used in charges against the president. In February of this year, four journalists were accused of “insulting” the president’s son, Bilal Erdoğan, with a prosecutor seeking prison sentences of up to four years for the journalists (“Turkish prosecutors”). Insulting the president is a crime according to Article 299 of the Penal Code, with a maximum prison sentence of four years. Since the former prime minister Erdoğan took over the presidential seat in 2014, the convictions based on article 299 have skyrocketed. Sedef Kabas is the most recent case, as was another citizen who was charged under the article for the citizen’s enthusiasm expressed online after hearing the news that President Erdoğan and his spouse Emine Erdoğan had contracted Covid (“Turkey: prominent journalist”). Another recent case involves a former Olympic swimmer who jokingly tweeted about the Erdoğan family’s infection. The swimmer was suspended from the Swimming Federation of Turkey after the tweet. “According to the Turkish ministry of justice, more than 31,000 investigations into alleged insults against the president were opened in 2020 alone. Since Erdoğan became president in 2014, that figure has totaled 160,000. Nearly 39,000 people have stood trial for the alleged crimes,” reported DW on February 12, 2022 (“Turkey marshals law”).

In October 2021, the European Court of Human Rights condemned the law, saying that it did not comply with the spirit of the European convention (“European court”). Other recent examples include RTUK (Radio and Television Supreme Council) announcing a probe against a Fox TV anchor on the grounds of violating the principle of impartiality (“Turkey’s media watchdog”). Also in January, President Erdoğan threatened Turkish media with reprisals if they disseminated content that damaged the country’s core values, in a move that might be a prelude to further censorship in the sector (“Erdoğan threatens”).

## ANALYSIS AND CONCLUSION

Since its ascent to power twenty years ago, the ruling AKP has tightened the screws on all forms of freedom of expression, both online and offline. It has introduced draconian laws, imposed internet restrictions, blocked content, and has arrested and intimidated critics on an unprecedented level. In its toolbox are all three generations of information controls.

The purges that took place in the aftermath of the failed military coup in 2016 have left the country in a state of continuous decline with thousands of civil servants jailed on bogus terrorism charges, media outlets shut, and an ongoing blocking of websites and targeting of social media platforms.

The AKP continues to rely on the controversial Internet Bill, the Anti-terrorism Law, decree-laws, and an army of trolls, targeting critics and dissent online. The controversial app introduced by the National Police to snitch on social media accounts critical of the ruling party and its affiliates is yet another tool in the hands of the state to intimidate users and get in the way of freedom of speech online (Yesil et al.).

The last remaining vestiges of checks and balances have been challenged. On January 13, 2022, the Turkish Constitutional Court published a pilot decision evaluating Law no. 5651 and its impact on freedom of expression and the press. The court decided that the freedom of expression and the press, as well as the right to a fair trial, were violated in the cases of a number of applications related to the blocking of websites that were filed within the scope of the Law no. 5651. These websites published news that was about politicians, public officials, and institutions. As a result, individuals referred to in these stories filed criminal complaints against journalists and the websites claiming their personal rights were violated as a result of these news publications. After receiving these complaints, the judgeships of the peace ordered the blocking of access to the specific URLs of said news stories. Despite objections to rules by the judgeships of peace, the decisions were upheld. These websites then applied to the Constitutional Court. In its decision, the Constitutional Court stated that in none of the decisions by the judgeships of peace, was there evidence of relevant evaluation of the claimed violations (Yilmaz et al.).

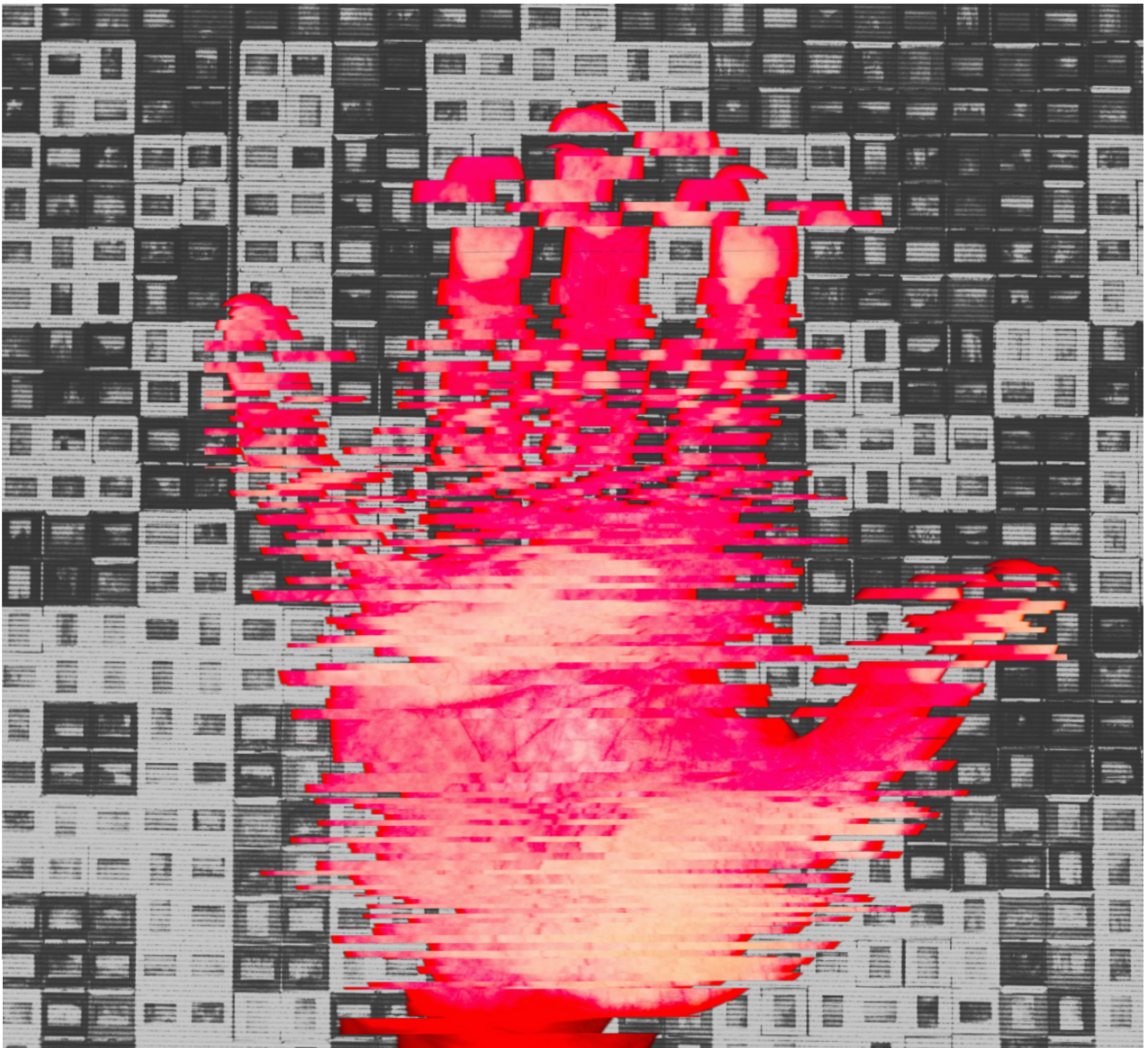
**“ While all eyes are set on the upcoming election in 2023, the future of internet freedoms in Turkey remains bleak ”**

This was not the first time that the Turkish Constitutional Court voted in favour of blocked websites. In October 2021, the top court ruled that, in nine cases that it evaluated, freedom of expression and the press were denied through access bans. The court returned all nine cases to the Turkish courts where the decision was made in the first place. At the time, the top court's decision set a precedent. The court remains a key player in protecting fundamental rights in Turkey where much of the judiciary has been politicised and is no longer able to protect fundamental rights (Article 19).

In a country where the state has undermined all branches of the government, even the top court's future is at stake. In 2020, the Ministry of Justice said it was looking into ways to restructure the top court in line with the country's presidential system.



Looking ahead, it is hard to predict any positive developments in light of ongoing censorship and crackdown. While all eyes are set on the upcoming election in 2023, the future of internet freedoms in Turkey remains bleak. In 2014, ahead of adopting changes to the Internet Bill, then Prime Minister Erdoğan vowed that the changes wouldn't restrict any freedoms. Fast forward eight years, and now President Erdoğan and his ruling AKP have done the total opposite.



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