

Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019

Country report: Turkey

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Annexe 1. Country Team

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Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Union, Albania and Turkey in the years 2018-2019

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States and Candidate Countries of the European Union, and considering both online and offline news environments. This narrative report has been produced within the framework of the implementation of the MPM carried out in 2019, under a project financed by a preparatory action of the European Parliament. The implementation was conducted in 28 EU Member States, Albania and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF.

In Turkey the CMPF partnered with Yasemin Inceoglu, Ceren Sözeri (Galatasaray University), Tirse Erbaysal Filibeli (Bahcesehir University), who conducted the data collection, scored and commented the variables in the questionnaire and interviewed relevant experts. The report was reviewed by CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts).

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1 below).

| Basic Protection | Market Plurality | Political Independence | Social Inclusiveness |
|---|--|---|--|
| Protection of freedom of expression | Transparency of media ownership | Political independence of media | Access to media for minorities |
| Protection of right to information | News media concentration | Editorial autonomy | Access to media for local/regional communities and for community media |
| Journalistic profession, standards and protection | Online platforms concentration and competition enforcement | Audiovisual media, online platforms and elections | Access to media for people with disabilities |
| Independence and effectiveness of the media authority | Media viability | State regulation of resources and support to media sector | Access to media for women |
| Universal reach of traditional media and access to the Internet | Commercial & owner influence over editorial content | Independence of PSM governance and funding | Media literacy |

Table 1: Areas and Indicators of the Media Pluralism Monitor

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor allows for an extraction of a digital-specific risk score and the report contains a specific analysis of risks related to the digital news environment. The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are

considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk.

On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2020 scores may not be fully comparable with MPM2017 ones. For more details, see the CMPF report on MPM2020, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

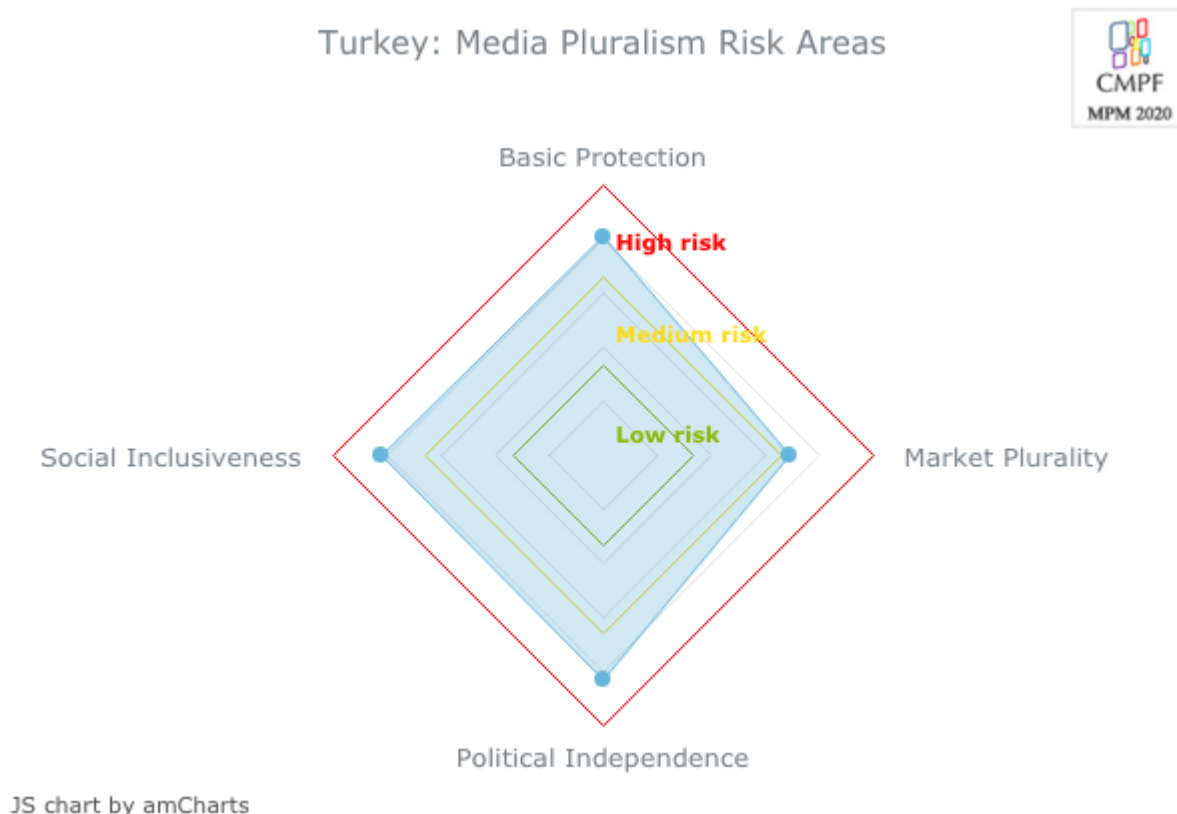
Turkey obtained the status of European Union candidate country in 1999 and accession negotiations started in October 2005. The government has adopted some progressive legal reforms such as the right to information act, and the right to broadcast languages traditionally used by Turkish citizens in their daily lives in accordance with the European Court of Human Rights (ECHR) standards since 2004. However, as pointed out in 2014 and 2015 ECHR Progress Reports on Turkey, serious backsliding has been observed on freedom of expression and press both online and offline. The Commissioner for Human Rights of the Council of Europe, Nils Muižnieks pointed out the concerns regarding the restrictive policies over freedom of expression and media freedom particularly risen after the 15 July 2016 coup attempt. On 6th July 2017, the European Parliament voted to suspend accession talks with Turkey.

The country has a population of 83.154.997, as of December 31, 2019 (Turkish Statistical Institute). The official language is Turkish. The last time the Turkish government counted the ethnic and religious minorities was the population census in the year of 1965. Over 50 years, there hasn't been a proper data for the size of the minority population. Regarding the Treaty of Lausanne, The Republic of Turkey recognizes Armenians, Greeks, and Jews as ethnic minorities. The Kurds (between 12-20 million), which constitute the largest minority in Turkey and any other minorities as Alevis (almost 15 million) (Baskin Oran 2018), which is the largest religious minority in Turkey, have not been recognized as minorities according to Turkish Law and regulations. After the Syrian Civil War which started in 2011, the population of Syrian refugees started to raise day by day in Turkey. According to UNHCR's data (January 30, 2020), the number of registered Syrian refugees in Turkey is 3,576,344.

On July 20, 2016, after the failed coup attempt, the government declared a three- month state of emergency. However, Turkey had been ruled under the state of emergency by decrees for two years and in July 2018, the state of emergency is ended. During the state of emergency, on April 16, 2017, Turkey's constitutional referendum was held and the amendments that would transform the country from a parliamentary democracy into a presidential system had been accepted. With the new constitution, the powers of the president have been expanded.

The economic situation also leads to a new crisis. The economic growth recorded the lowest rate of the last decade. The Turkish lira fell to a new record day by day against the US dollar and Euro. Recently, the prominent credit rating agencies downgraded the country's credit ratings due to rising risk premiums. The economic crisis and the worst performance of the Turkish Lira have affected the media market not only in terms of declining advertising revenues but also increasing paper costs. The dailies importing paper are having difficulty with the rise of the currency.

3. Results from the data collection: assessment of the risks to media pluralism



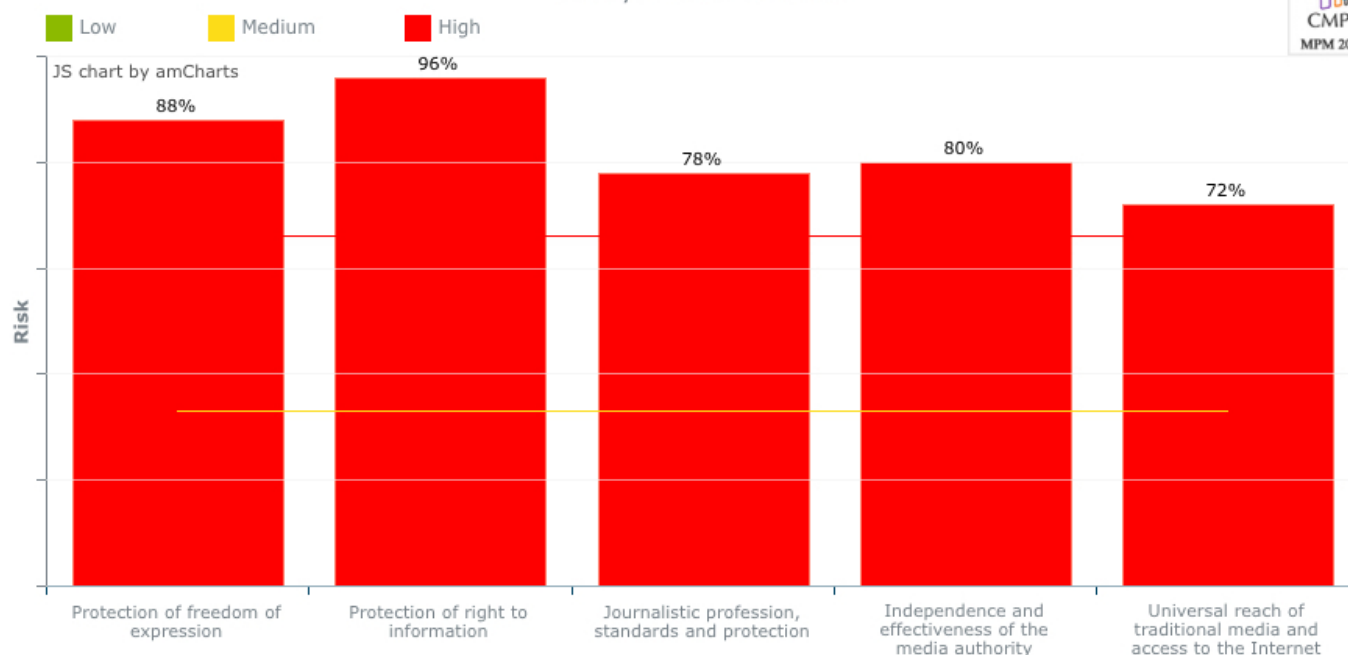
Turkey scores a high risk in all four areas of the Media Pluralism Monitor. In the areas of Basic Protection and Political Independence all indicators result in high risk, the highest one being on the Editorial autonomy (Political Independence), closely followed by the Protection of right to information (Basic Protection).

In the Social Inclusiveness area the indicators on Access to media for local/regional communities and for community media, as well as the indicator on Access to media for women, acquire the highest possible risk (97%), and are followed by the Access to media for minorities (96%). Access to media for people with disabilities is the only indicator in this area that performs within the medium risk band.

As regards Market Plurality, the highest risk of 86% percent is associated with the conditions of Media viability. None of the 20 MPM2020 indicators result in low risk for Turkey.

3.1. Basic Protection (83% - high risk)

The Basic Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The indicator on **Protection of freedom of expression** scores a high risk (88%). In the Constitution of the Republic of Turkey Articles 26 and Article 28 guarantee respectively freedom of expression and freedom of the press. According to the European Court of Human Rights statistics, Turkey is top of the list of violations by 3645 judgments between 1959-2019. The country has ranked first on violations of "right to a fair trial", "right to liberty and security", "freedom of expression", "freedom of assembly and association", "protection of property". In 2019, 35 of 113 judgments were related to the violation of freedom of expression.

The Committee to Protect Journalists reported that at least 47 journalists are in jail in Turkey as of December 2019. The Reporters Without Borders defined the country as "the world's biggest jail of professional journalists". Turkey ranks 157 of 180 countries in the RSF's 2019 World Press Freedom Index. BIA Media Monitoring 2019 Report shows that crackdown on media is not limited by the related article of the Penal Code (TCK) and Anti-Terror Law (TMK), the censorship climate became widespread through also the Law on Capital Market (SPK) and the Law on Banking in addition to new press cards dissemination process, cuts of state advertisements etc.

Freedom House Freedom on the Net 2018 Report ranked Turkey as "not free". Twitter and Facebook's transparency reports showed that the highest number of content removal requests come from Turkey. ISPs similarly to the rest of the media ecosystem are under the pressure of the government. The blocking process is opaque, the reasoning behind court decisions is not provided in blocking notices, and the relevant rulings are not easily accessible. There is no information on how many websites and content were blocked. In addition, for implementing ban decisions ISPs are obliged to log user activity and store the data for two years and submit to officials when requested by a court. That means all online activity is recorded.

Defamation laws, particularly Penal Code Article 299 is very problematic for press freedom in Turkey. According to European Commission 2019, Turkey Report mentioned the lack of an independent judiciary. The trend for the prosecution of writers, social media users and other members of the public, even children, for insulting the President has dramatically increased. The criminal justice system allowed journalists to be prosecuted and imprisoned on extensive charges of terrorism, insulting public officials, and/or committing crimes against the state. The right to a fair trial and the respect of the principle of the presumption of innocence were not always ensured in political cases.

The indicator on **Protection of right to information** scores at the top of high risk (96%). The Law on Right to Information (No.4982) has too many exemptions including the state secrets, the economic interests of the state, the state intelligence, the administrative investigations, and judicial investigations and prosecutions. Limitations also apply for the privacy of the individuals, privacy of communications, trade secrets, intellectual property (works of art and science), public authorities' internal regulations, and internal opinions, information notes and recommendations requests for

recommendation and opinions, and formerly classified information and documents. In 2014, the amendment to the Law on State Intelligence Services and the National Intelligence Organization (MIT) expanded the powers of MIT towards accessing all personal data without a court order. The National Intelligence Agency (MIT) was tied to the president by the state of emergency decrees on Aug. 25, 2017.

According to Freedom House Freedom in the World 2019 Turkey Report "Although Turkey has access to information law on the books, in practice, the government lacks transparency and arbitrarily withholds information on the activities of state officials and institutions." Since 2004, The Board of Review of the Access to Information (BEDK) publishes the statistics on applications made and given responses. It was observed that after 2005, a radical decline occurred in the application due to political turbulence, the coup attempt and the state of emergency. European Commission noted that "Citizens' rights to administrative justice and their right to seek compensation have remained problematic and the backlog of cases has increased as a result of the measures taken under the state of emergency. After the presidential election in 2018, the web site of The Board of Review of the Access to Information (BEDK) became inaccessible. A parliamentary question of the main opposition party, CHP MP Sezgin Tanrikulu is left unanswered. A petition send via Presidency Communication Center (CIMER) responded by Minister of Justice Law and Legislation Directorate General as follow: "Instead of sending your request-appeal documents to The Board of Review of the Access to Information (BEDK), you can send it to us." (Burak Özgüner 2019)

The indicator on **Journalistic profession, standards and protection** shows high risk (78%) There is no need to get a license to become a journalist in Turkey. After a presidential decree in 2018, the responsibility for issuing the cards from the Directorate General of Press and Information transferred to the Presidency Directorate of Communication. The structure of the press card commission was changed and composed of pro-government and state-owned media representatives. According to the Journalists Association of Turkey (TGC), the number of press card applications which have been denied by the Presidential Communications Ministry reached 1954 as of July 2019.

According to the Turkish Statistical Institute, in 2018 journalists were the second-largest occupational group facing unemployment after social workers. In just one year, the number of unemployed journalists rose by 4.7 percentage points to 23.8%.

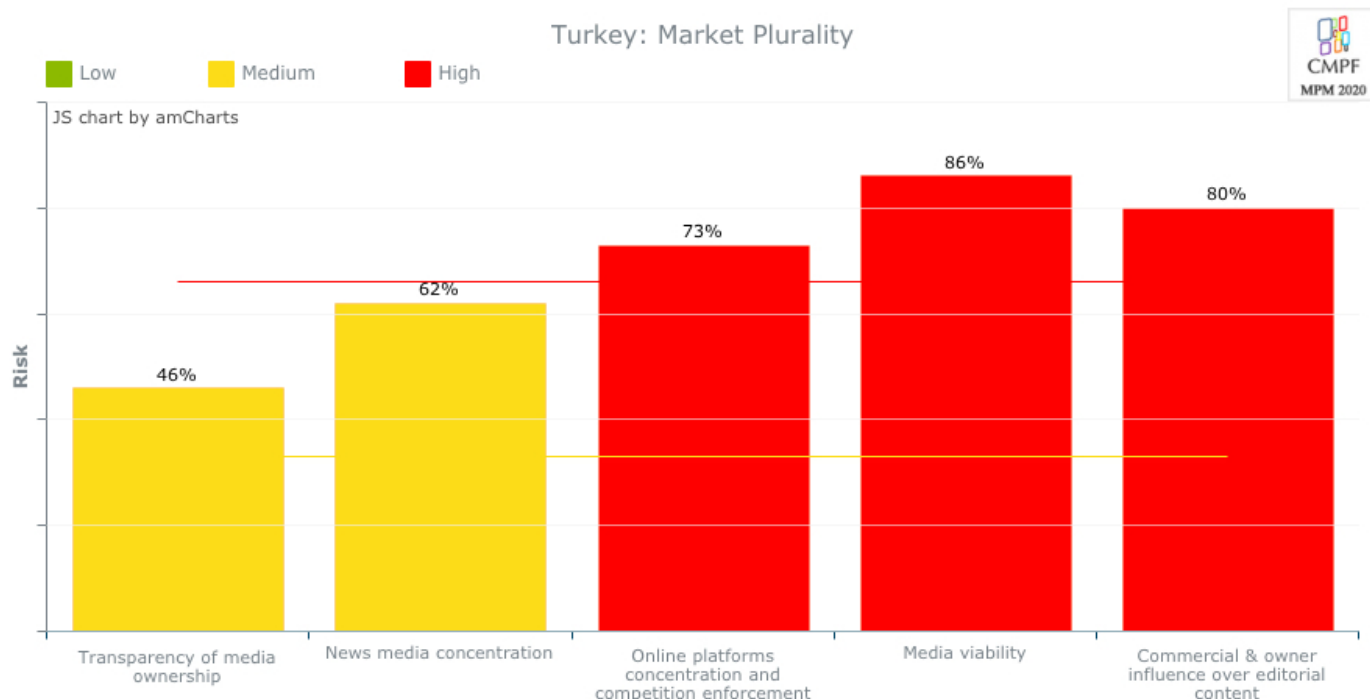
According to CPJ at least eight journalists faced physical attacks in the period following March 31 Local Elections and mostly targeted the ones critical of the People's Alliance partners AKP and Nationalist Movement Party (MHP), what came as no surprise and they were not met with any calming statements or actions on the part of government circles.

The indicator on **Independence and effectiveness of the media authority** scores high risk (80%). The composition of the Radio and Television Supreme Council (RTÜK) has been criticized for a long time. The selection and appointment process of the members is not transparent and cannot exclude political interference. There is no independent representative of media associations, trade unions, academia or audience to the strengthening of independence and professionalism of the regulatory body. Besides, after the presidential election in 2018, with the decree on July 2018, RTUK has been tied to the Culture and Tourism Ministry. The number of nominees depends on the political parties' seats in the Parliament. In accordance with the alliance between AKP and conservative nationalist MHP in the elections and the Parliament, the members of these two parties in RTUK started to liaise. RTUK fines dissident channels very often on the very ambiguous grounds like 'contrary to the national and moral values of society, general morality and the principle of family protection'. The membership of Faruk Bildirici, from the quota of CHP, was dropped from RTUK by the Chair Ebubekir Şahin at the end of October 2019 because he opposed and revealed that the RTÜK Chair is also a member of the Press Advertisement Agency (BİK) and TÜRKSAT, a state-owned satellite communications company. The Radio and Television Supreme Council (RTÜK) is not economically independent but subject to the Turkish Court of Accounts (TCA). The TCA reports are published online every year but many TCA recommendations are not systematically and timely implemented by the audited institutions.

The indicator on **Universal reach of traditional media and access to the Internet** also scores high risk (72%). This is due to a lack of net neutrality rules, lack of data on broadband coverage and internet access as well as low internet speed available to users.

3.2. Market Plurality (69% - high risk)

The Market Plurality indicators examine the existence and effectiveness of provisions on transparency of media ownership and the existence and effectiveness of regulation or self-regulation against commercial & owner influence on editorial content. In addition, they assess the risks related to market concentration in the production as well as in distribution of news: as for production, considering separately horizontal concentration in each sector and cross-media concentration; as for distribution, assessing the role of online platforms as gateways to news, the concentration of online advertising market, and the role of competition enforcement and regulatory safeguards in protecting information pluralism. Moreover, they seek to evaluate the viability of the news media market.



The indicator on **Transparency of media ownership** scores medium risk (46%). The Law No. 6112 on the Establishment of Radio and Television Enterprises and Their Media Services obliges the media companies to notify their identification details to the Radio and Television Supreme Council and publish their web sites. For a researcher, the names of the shareholders, the board of directors can be tracked (unless a company is a 'Limited') via the Trade Registry Gazette archive on ticaretsicil.gov.tr. However, to dig the company's records, the real name of the company should be known.

Within the scope of the "Presentation of Radio, Television and Optional Broadcasts on the Internet" published in the Official Gazette on Aug.1, 2019, radio and TV broadcasts on the internet will be under the authority of the Radio and TV Supreme Council (RTÜK) and the Information and Communication Technologies Authority (BTK). However, it is widely perceived as a new step of censorship by the government. There is no regulation for online news sites; they are still out of the Press Law.

The indicator in **News media concentration** shows medium risk (62%, close to the threshold of high risk). Only audiovisual media is subject to regulation for preventing media concentration. Article 19 of the Law No.6112 on the Establishment of Radio and Television Enterprises and Their Media Services the establishment and share ratios of radio and television organizations and aim to prevent monopolization through the limitations based on the share of commercial communication, advertising revenues, and other sponsorships. However, RTÜK who is charged with overseeing limit excess has not published yet the market shares since 2012 when the law came into force.

According to the available data, horizontal concentration in audience (measured with Top4 index) is higher for newspapers than for AVMS and radio. Considering the cross-media audience share, it can be seen that the concentration of ownership in the different sectors (across TV – Print – Radio – Online) is very high. The top four owners of media in

Turkey share approximately 71% of the cross-media audience in the country (Media Ownership Monitor Turkey 2019). The indicator on **Online platforms concentration and competition enforcement** scores high risk (73%). This assessment depends on the fact that people use mainly side-door access to consume news online, on the concentration of online audience, and on the low competition enforcement. But the role of digital platforms in the Turkish environment has to be closely analyzed (see Chapter 4).

The indicator on **Media Viability** scores high risk (86%). According to the Association of Advertising Agencies, the revenues of the audio-visual sector constantly decreased since 2011. In the first half of 2019, television advertising revenues decreased by 7%, newspaper revenues by 30.9%, radio revenues decreased by 5.1%.

It is very difficult to reach the number of employees in the media by sector in Turkey. According to The Journalists Union of Turkey, many journalists work informally or outside the scope of journalism labor law. The Union also they also claim that the total number of registered employees in the sub-classes, which they can say to be mainly engaged in journalistic activities are only 22,483.

On the other hand, the Minister of Family, Labour and Social Services has regularly published the mainline of business statistics; according to these data, after the coup attempt, the formal number of registered journalists decreased by 12 percent.

Only the state advertisement can be considered as public support for print media. However, the legitimacy, function, and lack of autonomy of The Directorate General of Press Advertisement (BİK) which is tasked with distribution, official advertisements have been contested issues ever since it was founded due to its dependency on the state and lack of transparency.

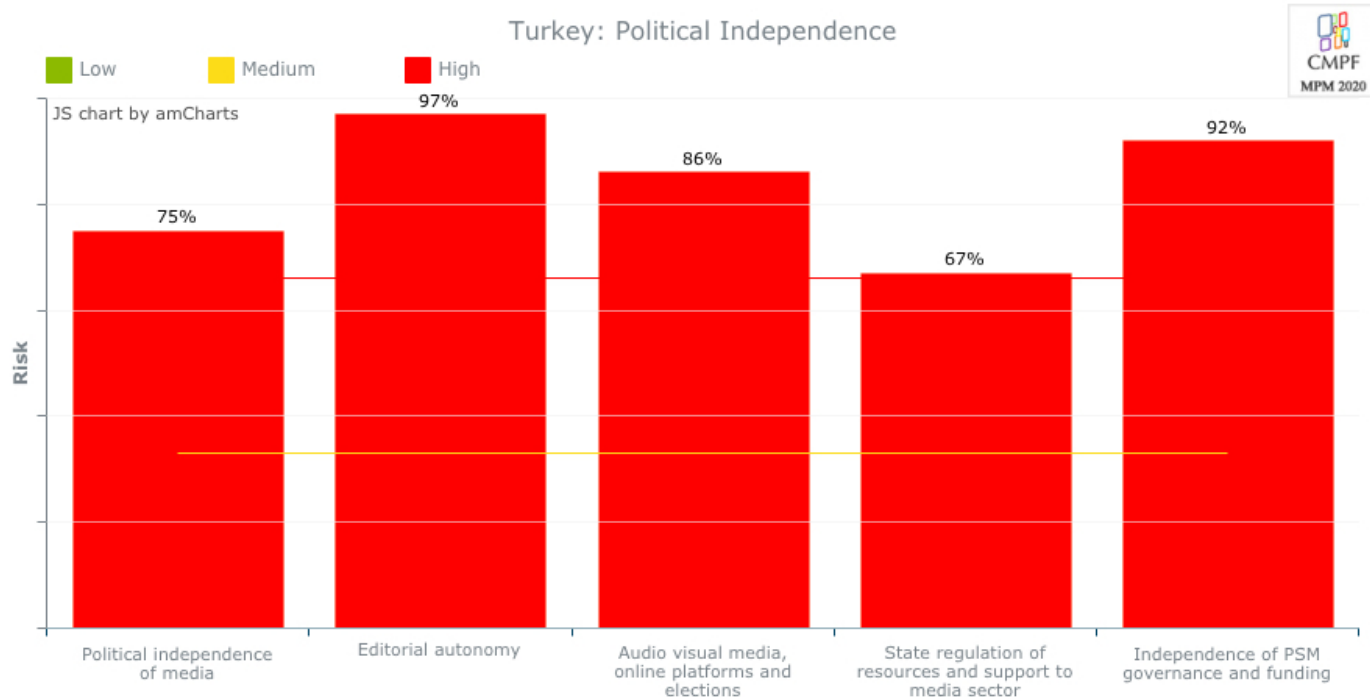
The new revenue models are tired by small and independent media due to restrictions on freedom of expression and biased advertising expenditures. These attempts aren't effective still but crucial for surviving.

The indicator on **Commercial & owner influence over editorial content** shows high risk (80%). There is no regulatory or self-regulatory instruments seek to ensure that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests. After the takeover of the biggest Doğan Media outlets by pro-government Demirören Group in 2018, first, all the editor-in-chief changed, and then 45 journalists lost their jobs by sending written notifications to their homes.

The newsrooms of mainstream /central media depend on directly to the government. The owners are only intermediaries, the economic conditions are totally irrational, they are functioning as a propaganda tool even though many ideologically independent journalists still working in such outlets, who suffer from the constant pressure from the extremely partisan pro-government editorial policies.

3.3. Political Independence (83% - high risk)

The Political Independence indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of public service media. Furthermore, the area concerns with the existence and effectiveness of (self)regulation in ensuring editorial independence and availability of plural political information and viewpoints, in particular during electoral periods.



The indicator on **Political independence** scores high risk (75%). There is a clientelist relationship between media owners and the government. The ruling party has controlled the media via media mergers. According to the RSF's Media Ownership Monitor Turkey Report in 2018, out of 10 most-watched TV channels and 10 most read dailies, 9 belong to owners that are affiliated with the government. In their previous research, seven of them were government affiliated, but in 2018 the biggest media group who has two TV channels was sold to an investor who has a very close tie to the government. The new owner Demirören Group used a big amount of bank loan (675 million dollars) from a state-owned bank (Ziraat Bankası) with two years no-payment period and a 10-year term (RSF, 2019).

The indicator on **Editorial autonomy** shows at the top of high risk (97%). There is no effective self-regulatory system to protect editorial independence from political interference in the media in Turkey. No newspaper currently has an ombudsman. The prominent case of political interference with media content is Cumhuriyet daily trial. 17 journalists and executives of the daily were on trial, five of them stayed in jail for months, the editor-in-chief was released after 495 days on charges of aiding a terrorist organization through the news contents and columns. In the indictment against Cumhuriyet, there are accusations such as "changing the paper's editorial policy", preparing "violent and divisive news" and "interviewing leaders of terrorist organizations". In September 2019, the Supreme Court of Appeals ruled that the execution of the prison sentences of former daily Cumhuriyet administrators Musa Kart, Güray Öz, M. Kemal Güngör, Hakan Kara and Önder Çelik shall be suspended and then the journalists were released.

The indicator on **Audio visual media, online platforms, and elections** also scores a high risk (86%). The Supreme Board of Election's power to sanction on private televisions to provide impartial coverage and political parties equal access to the media was removed by an emergency decree on February 9, 2017, two months before the constitutional referendum. During the 31 March (2019) municipal election period, TRT was criticized once more by a member of the Radio and Television Supreme Board, for giving fifty-three hours of air time in February to the "People's Alliance" (the ruling Justice and Development Party, AKP and the Nationalist Movement Party, MHP) and only six hours to the opposition alliance. Worse yet, pro-Kurdish HDP (People's Democratic Party) received only seven minutes of airtime consisting exclusively of propaganda against it. Islamist SP (The Felicity Party) just received two minutes. There are no rules and no practice on transparency, and techniques which are used in political campaigning online. Alphabet (Google) also does not implement the transparency reports on political ads in Turkey, unlike other countries.

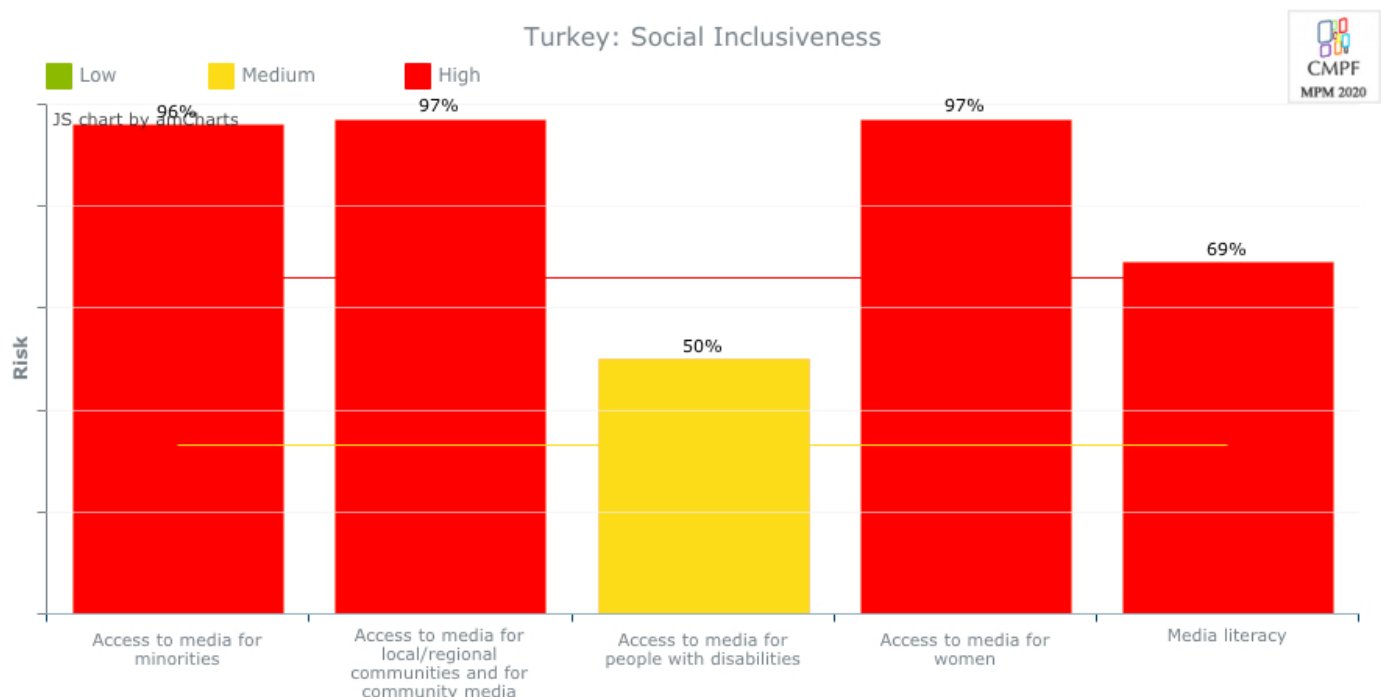
The indicator on **State regulation of resources and support to media sector** shows high risk (67%). The legitimacy, function, and lack of autonomy of The Directorate General of Press Advertisement (BİK) have been contested issues ever since it was founded. Since last year, BİK has been blocking the ads of opposition dailies *Evrensel* and *BirGün* in a move that journalists describe as an attempt to silence critical media. "They are carrying out a system that aims to

eliminate the newspapers as a whole,” *BirGün* Board Chairman İbrahim Aydın said, while *Evrensel*’s Editor-in-Chief Fatih Polat pointed out that the press institution has been implementing a systematical siege on the newspapers critical of the government.

The indicator on **Independence of PSM governance and funding** scores high risk (92%). TRT (state TV channel) was defined as an “impartial public legal entity” in the Constitution. However, there is no legal safeguard for appointment and dismissal procedures for director-general of the PSM. On May 12, 2017, the director-general of TRT resigned by saying “considered it to be necessary.” Then, İbrahim Eren was elected in July 2017. He was one of the former director-general of pro-government ATV television channel and also a high school friend of President Recep Tayyip Erdoğan’s son, Bilal Erdoğan. Eren is also the Chairman of the Executive Board of TIAK A.Ş (Television Audience Research Committee Joint Stock Company), a Director of International Emmy and a member of the Board of Directors at Turk Telekom (one of the biggest telecommunication companies which 25% of share belongs to Republic of Turkey Ministry of Treasury and Finance and 5% belongs to Turkish Wealth Fund Within the decree on July 2018, TRT has been tied to Directorate of Communications, which means it is directly under control of the Presidency.

3.4. Social Inclusiveness (82% - high risk)

The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country’s media literacy environment, as well as the digital skills of the overall population.



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The indicator on **Access to media for minorities** scores high risk (96%). The 2001 constitutional amendments removed the restrictions on the use of ‘language prohibited by law’ in expressing and disseminating ideas in media. To implement the reforms, a new regulation came into force on January 25, 2004, allowing private broadcasting in minority

languages at the national level for the first time. As a result of the reforms, on June 7, 2004, the Turkish Radio-Television Corporation (TRT) started to broadcast in five minority languages and dialects (Zaza and Kurmanci dialects of Kurdish language, Arabic, Bosnian and Circassian languages). However, broadcasting in different languages does not mean there is media pluralism. The minority expert consulted by the country team stressed that minority groups in Turkey do not have proper access to public and/or private media outlets. Also, in the very recent history, many media outlets had been shut down by the state (Inceoglu et al. 2016, 2017). The content of programmes on PSM channels is not independent. Besides, there are no PSM channels for legally recognized minority groups (Greeks, Armenians, Jews).

The indicator on **Access to media for local/regional communities and for community media** scores high risk (97%). In Turkey, the community media are not defined by a specific law or regulation which grants community media access to media platforms and guarantees the independence of community media. The community media outlets do not have any privileges and should conform the same rules with the commercial media outlets, which are determined by the Law No.6112 on the establishment of radio and television enterprises and their Media Services. Under the previous law no. 3984, RTÜK imposed heavy sanctions against dissident and minority media and suspended the broadcasting of local, regional and national operators thousands of times. In practice, even though the implementation of law no. 6112, there are still unfair sanctions against community media. Especially, after the failed coup attempt, over 150 TV and radio channels had been closed with the decrees under the state of emergency, including local and regional TV and radio channels as Van TV, Can Erzincan TV, etc. In 2014, the Internet Law No.5651 was amended, broadening the scope of administrative online blocking and allowing the authorities to access user data without a warrant. With this law, in Turkey the community online news outlets are constantly targeted and blocked by the Information and Communication Technologies Authority (BTK). In July 2019, The Ankara 3rd Penal Judgeship of Peace blocked access to 136 new sites including one of the oldest independent news outlets *Bianet* and individual social media accounts (Facebook, Twitter, Youtube, and Pinterest) upon a request made by the Gendarmerie General Command. The court issued the order of access block on the same day. After the reactions of national and international organizations, the Gendarmerie General Command made another application the next day, stating that the request regarding *Bianet* was made "by mistake." A few weeks later, the ban on access to *Gazete Fersude* was canceled.

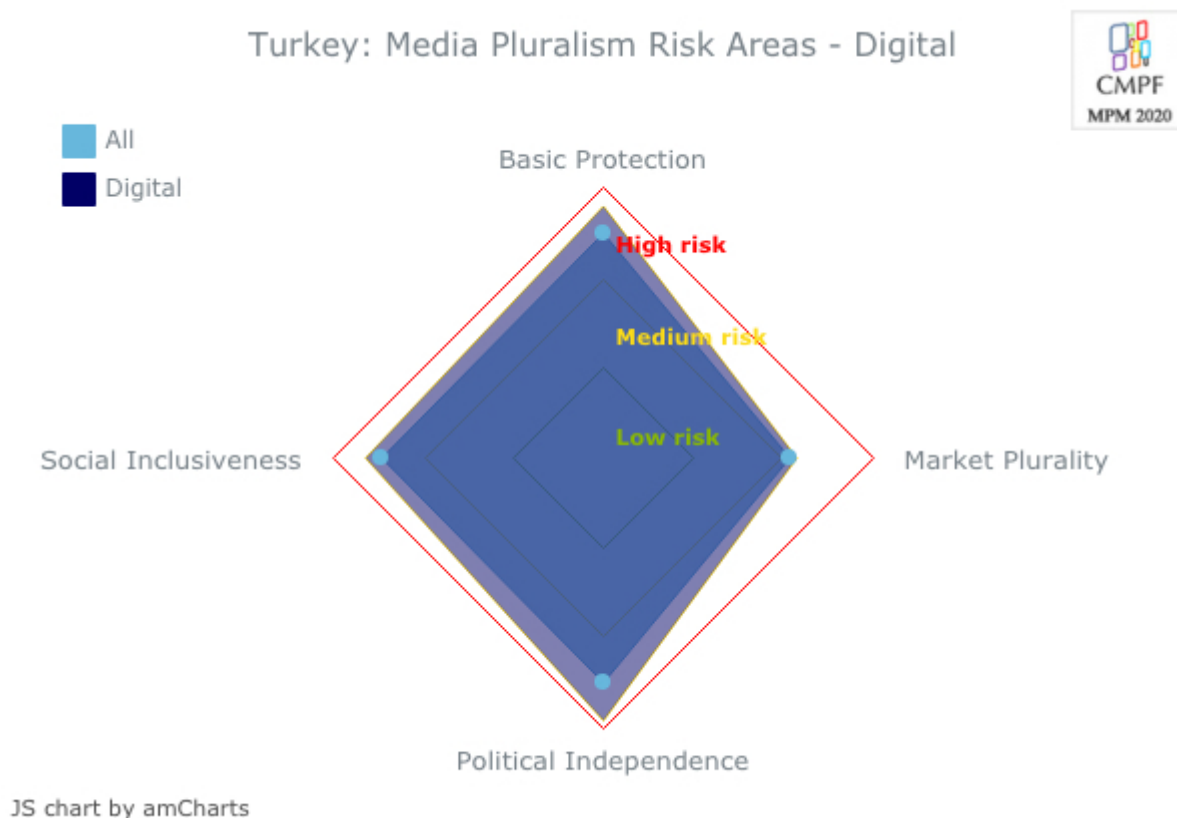
The indicator on **Access to media for people with disabilities** scores medium risk (50%). There was a regulation on access to broadcasting services for people with disabilities. According to this regulation, which was published in 2014, PSM channels should provide subtitles for deaf people in 30% of all the programs in three years, in 50% of all the programs in five years; and private TV channels in 20% of all the programs in three years, in 40% of all the programs in five years. However, no steps have been taken to implement this regulation. This regulation did not include any article on audio-description. On October 11, 2019, a more comprehensive regulation on "the accessibility to broadcasting services for persons with disabilities" was published. This regulation has many articles that require tv shows and tv channels to provide services for people with disabilities. It regulates not only subtitles but also sign-language and audio description.

The indicator on **Access to media for women** scores high risk (97%). In Turkey PSM does not have a comprehensive gender equality policy and there is not a single woman on the PSM's Board of Directors. According to TRT's website, TRT has 54 executive positions, and there is only one woman executive who is the director of Erzurum Directorate of TRT. The share of women among members of management boards of private TV companies is calculated as 17 % which is very low compared to the rate of men. There is no accurate data on the share of women among executives of private TV companies.

The indicator on **Media Literacy** shows high risk (69%). In 2006, a protocol on media literacy had been signed by the Radio and Television Supreme Council (RTÜK) and the Ministry of Education (MEB) for establishing media literacy elective courses in secondary schools. These courses are supposed to mainly focus on training children on the utilization of media and protecting them from the harmful effects of media outlets, not on developing their digital skills. The media literacy expert consulted by the country team says that media literacy activities are usually targeted at children and adolescents, not adults, elderly, women, and migrants. Konda's interactive on social media and internet usage in Turkey shows that especially 65% of elderly women do not utilize social media effectively. The rates of social media

usage (Twitter, Facebook, Instagram etc.) are really low. In countries such as Turkey where the mainstream media is dysfunctional, the utilization of social media is a necessity for being informed. Within this context, it is necessary to develop digital media literacy skills of the most vulnerable groups in society. New indicators on hate speech in the media literacy part show high risk again. There are several laws and regulations (Constitutional Law 10, TCK 5237 article 122, etc.) to counter hate speech however as it is clearly written in ECRI Report on Turkey, "there is not a system in place for systematically screening the web in order to detect and combat criminal online hate speech." Law no 5651 on Regulation of Publications on the Internet and Combating Crimes does not have an article on online hate crime (ECRI 2016). On the other hand, there are several civil initiatives like Media Literacy Foundation which organizes educational activities on media literacy, and like Hrant Dink Foundation which has a center named "Asulis Language, Dialog, Democracy Laboratory", aims to prevent or counteract hate speech and to develop project projects as "Media Watch on Hate Speech".

4. Pluralism in the online environment: assessment of the risks



Basic Protection

Guarantees for FoE online

In Turkey, Internet Law no.5651 does not comply with international human rights standards as evidenced by two prominent European Court of Human Rights cases (Ahmet Yıldırım v. Turkey in 2012, Cengiz and Others v. Turkey in 2015). From April 29, 2017, to January 15, 2020, Wikipedia was blocked in Turkey. In November 2019, the Council of Europe Commissioner for Human Rights published her written observations submitted to the European Court of Human Rights concerning the case of Wikimedia Foundation, [INC. v. Turkey](#). Commissioner Mijatovic identified that Turkish administrative authorities and courts routinely have recourse to internet blocking is unacceptable in a democratic society and not compatible with Article 10 of the European Convention on Human Rights which protects freedom of expression. On December 26, 2019, the Constitutional Court of Turkey ruled that the block of Wikipedia violated Human Rights and with an order of the court, the ban was lifted.

Blocking orders have been issued by the Telecommunication and Communication Presidency (TİB) and its successor, The Information and Communication Technologies Authority (BTK), which is run by government appointees. ISPs have to implement these orders. In addition, for implementing ban decisions ISPs are obliged to log user activity and store the data for two years and submit to officials when requested by a court. Besides, According to Freedom House Freedom on the Net 2018 Report, Turkey ranked among the countries with the highest number of content removal requests sent to Twitter and Facebook, as reported in the companies' transparency reports.

Journalism and data protection

Under Internet Law No. 5651, hosting and access providers must retain all traffic information from one to two years and maintain the accuracy, integrity, and confidentiality of such data. In addition, access providers must file the data together with a timestamp and provide assistance and support to the Information and Communication Technologies Authority (BTK) in monitoring internet traffic. Besides, the MIT (National Intelligence Organization) received expanded powers to conduct surveillance in April 2014. Law No. 6532 on Amending the Law on State Intelligence Services and the National Intelligence Organization grants intelligence agents unfettered access to communications data without a court order. The Data Protection Law was prepared based on Directive 95/46/EC on data protection (Data Protection Directive) in 2016. However, after GDPR, the Law is now further away from its EU counterpart.

There are no reliable data on broadband coverage and specific regulation on net neutrality in Turkey. The BTK's intervention to the fair usage cap practice may be considered as enforcement aiming to maintain or at least bring Turkish one step closer to net neutrality[2].

Market Plurality

In this area, the legislative reforms forward **Transparency of media ownership** for digital news media are debated, being widely perceived as a new step of censorship by the government.

Within the scope of the regulation "Presentation of Radio, Television and Optional Broadcasts on the Internet" published in the Official Gazette on Aug.1, 2019, radio and TV broadcasts on the internet will be under the authority of the Radio and TV Supreme Council (RTÜK) and the Information and Communication Technologies Authority (BTK) so the Article 6 of Law No.6112 on the Establishment of Radio and Television Enterprises and Their Media Services obliges the media companies to notify their identification details to the Radio and Television Supreme Council and publish their web sites. The law also applies to publishing services of broadcasting institutions even if their broadcast language is not Turkish but broadcasts commercial communications services to Turkey.

As regard market concentration indicators, the financial data on market share and the audience share of digital native media outlets were not available in Turkey. However, online media outlets largely coincide with major print outlets. 5 out of 10 online news portals with a high audience are web sites of four print or TV holdings. The new regulation - which includes just licensing and authorization - is not aimed to prevent monopolization in the online news media market. By these, it's perceived as a censorship attempt on online platforms.

In the Turkish media environment, the role of online platform in fostering pluralism has been highlighted. (Konda Medis Report 2019). In 2018 Doğan Media Holding (the biggest mainstream media) passed to Demirören Holding which is a pro-governmental holding. As it is determined in Konda Research's Media Report , when the mainstream media became dysfunctional, qualified journalists started to look for new digital platforms to report the news; so the social platforms like Twitter, Instagram, Facebook, Youtube, and WhatsApp became important both for the journalists and the people who want to get information from trustable & experienced journalists. In recent years the number of people who access news via online platforms is augmented. Despite the rise of the number of people who access news via online platforms, in Turkey, there is no regulation on digital media concentration. Besides, the Competition Authority in Turkey just regulates unfair competition on commercial advertisements in digital media and gives sanctions only if there are complaints.

As regards **Media viability** in digital environment, the Association of Advertising Agencies has regularly published digital advertising revenues since 2007, however, these data comprise of all digital media advertising investments including search engine revenues, there is no data specifically on digital-native news media. The journalists who work for digital-native news outlets are out of press labor law no.5953, so they are registered under other branches of business, such as office workers. Online media cannot benefit from official advertisement distribution. The new revenue models are tired by small and independent media due to restrictions on freedom of expression and biased advertising expenditures. These attempts aren't effective still but crucial for surviving.

Law Numbered 7193 on Digital Services Tax and Amendment to the Legislative Decree Numbered 375 came into force on 7 December 2019 aims to ensure that digital businesses pay a tax that reflects the value that they derive from the Turkish market. There is no regulation on the usage of digital services tax revenues for sustaining media viability and pluralism.

Political Independence

Although the biggest news portals are operated under the big media group which are controlled indirectly by the government, the most popular online media listed in Reuters Institute Survey include also two outlets which are critical of the government (Sözcü and Cumhuriyet). However, the sample of the Reuters Survey is limited to urban users of higher income and education. The popular native digital platforms like Diken, Duvar, T24, Medyascope are not being able to reach the pro-government audience but are effective for the opposition in terms of agenda-setting and being a watchdog.

There is no effective self-regulation mechanism for online and offline media. However, the Journalists Association of

Turkey updated the Turkey Journalists' Declaration of Rights and Responsibilities in 2018 and added some new codes on using social media, which prevents the use of misleading methods for advertising, promotion, product placement.

Audiovisual media, online platforms and elections

Article 31 of Law No. 6112 on the Establishment of Radio and Television Enterprises and their Media Services regulates online propaganda, and it is forbidden to conduct political advertising by sending video, audio or text messages to citizens' e-mail addresses, portable or fixed phones excluding the party members.

Rules on political advertising online and on social media

There are no rules on transparency on spending and techniques used in political campaigning, neither there is transparency in practice. Alphabet (Google) also does not implement the transparency reports on political ads in Turkey, unlike in other countries.

Social Inclusiveness

According to the Turkish Statistical Institute's 2019 Information Society Research, the rate of Internet usage in Turkey is 75.3% and the rate of households with access to the internet is 88.3%. WeAreSocial Report 2020 indicates that the rate of active social use by eligible audience is 81%. Apparently, social platforms play an important role to shape the digital information sphere.

Digital Competencies

The high rate of access to the internet or social media use do not mean that all internet users have good digital media literacy skills. In 2016, Facebook's Cambridge Analytica Data Scandal showed that the misuse of personal data might harm democracy. In Turkey, as WeAreSocial report shows; Facebook's advertisements reach 58% of the platform users. This rate is a lot more than the rates of many other countries. This rate makes it easy to transmit fake news to the platform users with promoted content. For this reason, developing digital media literacy skills of vulnerable people is really important in this post-truth era. Within this perspective, at first, it is a must to determine who are affected by this kind of promoted content. In other words, we need to answer who is the target audience in case of micro-targeting?".

Protection Against Hate Speech Online

In Turkey, there is no well-developed hate crime law, but there are several laws and regulations as Constitutional Law 10, TCK 5237 article 122, etc. to counter hate speech. However, as it is clearly written in ECRI Report on Turkey, "...there is no system in place for systematically screening the web in order to detect and combat criminal online hate speech." Besides, the Law no 5651 on Regulation of Publications on the Internet and Combating Crimes do not have an article on online hate crime. To remove hate speech or to close the websites that include hate speech, we need to fulfill a complaint about it. However, deleting the related content is mostly up to the policy of these social platforms. People/users should be sensitive enough to fulfill complaints and report online hate speech.

On the other hand, in Turkey, there are several non-governmental organizations that work on hate-speech like Media Literacy Foundation, Hrant Dink Foundation, SEHAK (Civil and Ecological Rights Association), etc. Hrant Dink Foundation has a center named "Asulis Language, Dialog, Democracy Laboratory" and also runs a media monitoring project on hate speech named "Media Watch on Hate Speech". All of those organizations organize academic conferences, workshops and panels on hate speech, discrimination and related topics.

In addition, disinformation against minority groups like refugees also causes the spread of hate speech and discriminative language online. For this reason, to sustain a healthy digital information sphere, it is necessary to detect fake news. At this point, in Turkey fact-checking initiatives (Teyit.org, Doğruluk Payı) started to play an important role.

5. Conclusions

The results of Media Pluralism Monitor in Turkey present high risk. There are only a few indicators that pose medium risk. As the results of the previous years, this year Turkey might be defined as one of the worst countries for media pluralism and media freedom in European Countries. In the World Press Freedom Index of Reporters Without Borders (2019) Turkey has ranked 157 out of 180 countries, and in the Freedom House's Freedom of the Press Index 2019, Turkey is categorized as "not free" like in previous years. According to the report of the Committee to Protect Journalists (2020), the number of journalists imprisoned in Turkey is 47. With this number, Turkey is categorized as one of the worst jailers of journalists in the world again. Since September 2019, Turkey's Press Ad Agency has banned advertisement for leftist dailies *Evrensel* and *BirGün*. Additionally, in January 2020 the Directorate of Communications canceled press cards of hundreds of reporters who work for *Evrensel*, *BirGün* and *Cumhuriyet*.

On February 18, 2020, Turkish court decided to acquit Gezi Park defendants consisted of journalists, activists, NGO members, and businessman/philanthropist Osman Kavala etc. Few hours later, Osman Kavala is detained immediately after his release, and he is rearrested hours after the court decision with new charges on his connection with the coup attempt in 2016.

Alongside those negative incidents, some positive events should also be noted. From April 29, 2017, to January 15, 2020, Wikipedia was blocked in Turkey. On December 26, 2019, the Constitutional Court of Turkey ruled that the block of Wikipedia violated Human Rights and with an order of the court, the ban was lifted.

In countries where the freedom of speech and the right to information are at risk, most people tend to access news online to gather information on daily issues. There is a number of alternative independent media outlets that are functional mostly on the web. Besides, there are some very active international media outlets that have bureaus in Turkey, mostly in Istanbul like Deutsche Welle, BBC Turkey, Voice of America (VoA), Euronews, etc. Both alternative media outlets that serve online and local bureaus of international news outlets provide mostly freelance job opportunities to unemployed journalists and/or newly graduated young people. In addition, there are some initiatives and/or NGOs which have projects to develop especially digital media skills of journalists and young professionals. UMAG, TGS Akademi, NLTR, MedyaPod, Transparency International, Atölye Bia (Bianet) organize totally free training activities for journalists and young professionals on topics such as data visualization, digital storytelling, English course for journalists, digital media ethics, media law, fact-checking, mobile journalism, podcast etc. In addition, there are very important organizations/platforms that have different angles but the same aim which is to fight against fake-news that harm the information sphere like Doğruluk Payı, Teyit.org, Malumatfuruş, Yalansavar. In Turkey, there is not a specific case on the utilization of algorithms to manipulate people through micro-targeting and fake news, but it does not mean that people do not use digital tools to manipulate masses. We know that there are troll armies that try to influence people, and also bot accounts have been utilized to raise the interactivity of some sharings or accounts. At this point, it is necessary to say that there is a need to see future threats; especially digital threats that may damage this semi pluralistic new media environment. Within this perspective, we need to find ways to face the new threats while still struggling with the long standing risks to media freedom and pluralism in Turkey.

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ANNEXE I. COUNTRY TEAM

| First name | Last name | Position | Institution | MPM2020 CT Leader |
|------------|-------------------|-------------|------------------------|-------------------|
| Yasemin | Inceoglu | | Galatasaray University | X |
| Ceren | Sözeri | Team member | Galatasaray University | |
| Tirse | Erbaysal Filibeli | Team Member | Bahcesehir University | |

ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

| First name | Last name | Position | Institution |
|------------|-----------|------------------------------------|---|
| Suncem | Koçer | Assoc. Prof. | Kadir Has University |
| Faruk | Bildirici | Representative of media regulators | Radio ve Televizyon Üst Kurulu [The Radio and Television Supreme Council] |
| Orhan | Sener | Director | TGS (the Journalists' Union of Turkey) Academy |

