

# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

## APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, THE REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2021

Country report: Turkey

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**Research Project Report**

Issue -  
June 2022



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Published by

European University Institute (EUI)

Via dei Roccettini 9, I-50014

San Domenico di Fiesole (FI)

Italy

ISBN:978-92-9466-320-7

doi:10.2870/752785



With the support of the Erasmus+ Programme of the European Union. The European Commission supports the EUI through the EU budget. This publication reflects the views only of the author(s) and the Commission cannot be held responsible for any use which may be made of the information contained therein.

# 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 of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2021. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

## 1.2. Methodological notes

### Authorship and review

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 is carried out centrally by the CMPF team. The research is based on a standardised questionnaire that was developed by the CMPF.

In Turkey the CMPF partnered with Yasemin Inceoglu, Tirse Erbaysal Filibeli, Can Ertuna and Yagmur Cenberli (Bahcesehir University), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the 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 Annex II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

Risks to media pluralism are examined in four main thematic areas: Fundamental 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).

<b>Fundamental Protection</b>	<b>Market Plurality</b>	<b>Political Independence</b>	<b>Social Inclusiveness</b>
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 women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

## The digital dimension

*The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores, and the report contains a specific analysis of risks related to the digital news environment.*

## The calculation of risk

*The results for each thematic area and indicator are presented on a scale from 0 to 100%.*

*Scores between 0 and 33%: low risk*

*Scores between 34 and 66%: medium risk*

*Scores between 67 and 100%: high risk*

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, in order 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, nor the position of the members composing the Group of Experts. It 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, MPM2022 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2022, available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

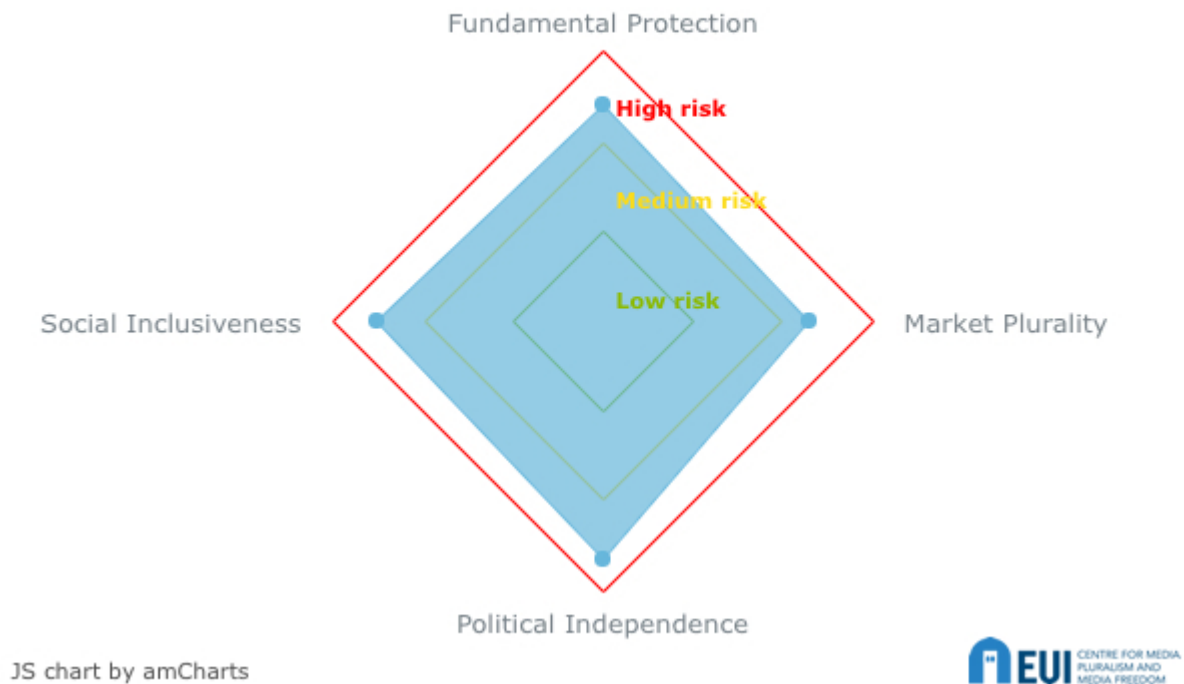
## 2. Introduction

- **Country overview.** Turkey is situated at the crossroads of the Balkans, Caucasus, Middle East, and the Eastern Mediterranean. The country has a population of 85,890,471 as of March 20, 2022 (Worldometer).
- **Languages.** The official language is Turkish.
- **Minorities.** No exact data is available concerning the different ethnic groups in Turkey. The last census data dates from 1965. Under the Treaty of Lausanne, the Republic of Turkey recognizes Armenians, Greeks, and Jews as ethnic minorities. The Kurds (between 12-20 million), the largest minority in Turkey, and other minorities such 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 started in 2011, the population of Syrian refugees has grown day by day. According to UNHCR's data (2021), the number of registered Syrian refugees in Turkey is almost four million.
- **Economic situation.** Despite 11 percent growth in GDP (TUIK 2022) with support provided through the banking sector, the imbalances, and risks such as domestic inflation, currency depreciation, and loss of external reserves increase. According to the Presidency of Strategy and Budget, the annual inflation rate is 36,08% and the exchange rate increased by 104 percent for US dollars and 90 percent for Euro in 2021 (Gazete Duvar 2021). Consequently, the poverty rate increased by almost 30 percent in 2021 in comparison to the rate in 2020 (Turk-Is 2021).
- **Political situation.** Turkey obtained the status of European Union candidate in 1999 and accession negotiations started in October 2005. Since 2018, Turkey's accession negotiations have effectively come to a standstill. Following the coup attempt in 2016, Turkey had been ruled under a state of emergency by decrees for two years. During this period, on 16 April 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. According to the EC Turkey Report (2020), despite the lifting of the state of emergency in July 2018, the restrictive constituents of the emergency rule have been integrated into law. With the power centralized at the level of the Presidency without effective checks and balances, independence of the judiciary is systemically eliminated. In April 2022, philanthropist Osman Kavala was sentenced to life in trial over Gezi Park protests. Seven other activists who are journalists, producers, directors, architects etc. including Mücella Yapıcı, Çiğdem Mater, Hakan Altınay, Mine Özerden, Can Atalay, Yiğit Ali Ekmekçi and Tayfun Kahraman were accused of assisting Kavala and sentenced for 18 years. These decisions were against freedom of assembly.
- **Media market.** Censorship and self-censorship are very widespread in the media. The media conglomerates that are affiliated with the government own nine of the ten most-watched TV channels, eight of the ten most read newspapers, and seven of the 10 most visited news websites (Bianet, MoM Report 2021). Regarding the Radio and Television Supreme Council (RTÜK), seven members out of nine are appointed by AKP, the ruling party, and its ally the Nationalist Movement Party (MHP). With the change in the management board structure due to the Presidential decree, in July 2021 TRT (PSM of Turkey) also completely fell under the control of the ruling party and its ally, the MHP.

- **Regulatory environment.** Freedom on the Net defines internet freedom in Turkey as "not free" for the third year in a row (Freedom House, Freedom on the Net 2021). In July 2020, within a new amendment, no.7253/2020 to the Internet Law no.5651/2007, the foreign social network service providers should appoint a permanent representative in Turkey and take measures to store the data of users located in Turkey. Besides, the amendment that professional associations, journalists, and human rights defenders describe as the "new censorship law" (MLSA, 2021) introduces a version of the "right to be forgotten" which protects personality rights like name, image, voice, and private life via a court order. This version of the "right to be forgotten" allows space for the government to interpret the freedom of expression on the internet as a violation of the right to privacy. 3,000 Twitter accounts, 600 Facebook posts, and 1,600 Youtube videos were removed (Freedom on the Net 2021). The total amount of court cases due to defamation against the president is 8769 only for the year 2020 (Adalet için Hukukçular 2021). Tele1's Youtube account, an oppositional news media outlet, as well as many other websites were also blocked throughout the year (Freedom on the Net 2021).
- **COVID-19.** In addition to the ongoing economic and social crisis, COVID-19 has had a devastating effect on Turkey. The first case in Turkey was recorded on 11 March 2020. According to the official data by the Ministry of Health, the virus infected more than 5 million, and 49,874 people died as of July 3, 2021. The nationwide vaccination started in January 2021. However, after July 3rd, the Ministry started to declare only daily data and stopped declaring the total positive-case and death numbers. Considering the increase in the content removal orders, it is estimated that almost 50 court orders for removing/blocking content were held for pandemic-related news articles and other content (Akdeniz, Article19.org, 2022).

### 3. Results of the data collection: Assessment of the risks to media pluralism

#### Turkey: Media Pluralism Risk Areas



The freedom of expression and the freedom of the press remain as one of the most violated fundamental rights. Turkey is ranked 153 out of 180 countries in the RSF 2021 World Press Freedom Index. In 2021, 34 journalists were behind bars (TGS, 2021) and 75 journalists were physically attacked (ÇGD, 2021). The aforementioned state of condition of media in Turkey reflects itself in the country report. Turkey scores once more high risk in all four areas of the Media Pluralism Monitor. Only the "News media concentration" indicator in the Market Plurality area has the lowest threshold of high risk with 67%, the rest of the indicators come out in excessive risk. As in the MPM 2021 country report, the Political Independence area preserves the highest risk average with 88%. "Media viability" in the market plurality area, all indicators except "State regulation of resources and support to media sector" in the Political Independence area, and "Access to media for local/regional communities and for community media", "Access to media for women" and "Protection against illegal and harmful speech" in the Social Inclusiveness area are over 85 percent.

In the **Fundamental Protection** area, the indicators **Protection of freedom of expression**, **Protection of right to information**, and **oall** score a high risk above 80%. The Law on the Regulation of Broadcasts via Internet and Prevention of Crimes Committed through Such Broadcasts no. 5651, the main legal framework governing the Internet in Turkey, is used as a "stick" by authorities to curb the freedom of press and freedom of speech. Content removals, a significant amount of which are news stories and/or op-eds about political issues, business relations, corruption, fraud, and political misconduct are common. Court orders about blocking access to the websites containing stories on these topics and access blocking are also enabled by this law. The indicator on the independence of the media authority is in the threshold of high risk (70%) since the the majority votes of the members of the Radio and Television Supreme Council (RTÜK), the main body in regulating the audio-visual broadcasts rules, are from the governing Justice and Development Party and its ally Nationalist Movement Party. In 2021, the Supreme Council imposed heavy monetary punishments for critical and/or opposition channels in addition to sometimes ruling the numerous broadcast suspensions in such channels.



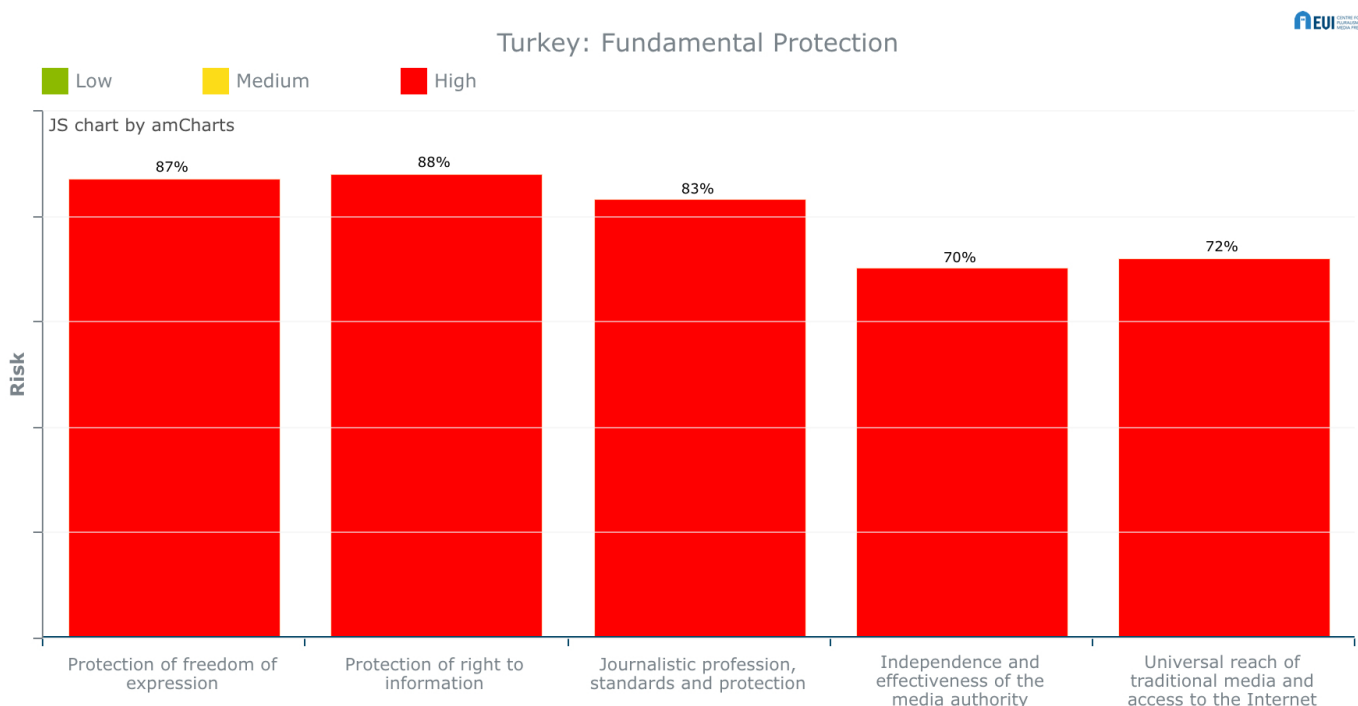
**Market Plurality** scores a high risk with 76%. The government's attempts to control the media market through some regulations and amendments as well as various economic methods (i.e. the manipulation of the advertising investments) have been continuing in 2021 as well. The risks for market plurality in the country- that has already been suffering from the lack of comprehensive regulation in terms of ownership, concentration, and transparency- have significantly increased due to the severe economic crisis that has begun in the second half of the year. As in the previous years, the political and economic pressure on the oppositional news media outlets are still ongoing.

**Political Independence** preserves the highest risk average with 88%. The great majority of the media outlets are owned by the conglomerates that are affiliated with the government and have businesses in the energy, construction, tourism, and mining, which directly affects editorial independence. The practices of the Radio and Television Supreme Council (RTÜK) along with the state ad agency BIK and the editorial policy and management structure of TRT (PSM of Turkey) and Anadolu Agency (state-run news agency) are some of the major obstacles in front of the Political independence of media in Turkey.

The **Social Inclusiveness** area shows a high risk again with 84%. The indicator on **Protection against illegal and harmful speech** scores the highest risk with 92%. **Access to media for local/regional communities and for community media** is the second highest one with 90% since the community media's independence is not defined by law or regulation, plus local/regional and community media struggle to access media platforms.

### 3.1. Fundamental Protection (80% - high risk)

*The Fundamental 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 the competence to regulate the media sector, and the reach of traditional media and access to the Internet.*



The indicator on the **Protection of freedom of expression** scores high risk (87%). This indicator was measured as high as 95% in 2020. The slight improvement is due to the decreasing number of imprisoned journalists. Last year the number was 37. However, according to The Committee to Protect Journalists (CPJ) (2021), there were at least 18 journalists in jail as of 9 December 2021, and Turkey ranked 6th in the world as the world's worst jailer. The decrease in numbers was a result of two factors, according to CPJ: many critical journalists had already left the job, and "the government allowed more journalists out on parole to await trial or appeal outcomes". However, other statistics challenge these findings. According to the Media Monitoring Report of the Association of Journalists (2021), the total number of journalists in prison was 44 in 2021. The difference is the result of different definitions of "a journalist." The Association adopts a wider definition, which includes not only officially accredited reporters and editors, but also those who do not hold an official press card but work in the media sector. In the 2021 World Press Freedom Index of Reporters without Borders (2021), Turkey ranked 153th out of 180 countries. According to the report, "the government controlled 90% of the national media by means of regulators such as the Radio Television Supreme Council (RTÜK), while the Press Advertising Council (BIK), which allocates state advertising, and the Presidency of the Republic of Turkey Directorate of Communications (CIB), which issues press cards, use discriminatory practices to marginalize and criminalize the regime's media critics". Further, according to the Expression Interrupted Project (2021), in 2021, 71 fines were imposed on TV networks critical of the government, whereas no fines were imposed on pro-government networks in the same period. According to the Freedom on the Net report by Freedom House (2021a), the social media law amendment that passed in the parliament in July 2020 resulted in removing at least 658 news articles—primarily about political issues, corruption, and irregularities in governance.

The indicator on the **Protection of right to information** scores high risk (88%). According to the Freedom House 2021 report (2021b), in practice, the Turkish government "lacks transparency and arbitrarily withholds information on the activities of state officials and institutions. Civil society organizations and independent journalists are subject to arrest and prosecution if they attempt to expose government wrongdoing". In the last three years, the ministers of the cabinet were presented with 46,013 questions by the members of the parliament, and only 62.48% of them were answered, which in most cases were not considered satisfactory.

The indicator on the **Journalistic profession, standards, and protection** also scores a high risk (83%). The number of journalists who had been physically attacked increased dramatically in 2021. According to Progressive Journalists Association's report (2021), 75 journalists were attacked in 2021, and 27 journalists received threats from officials or politicians. The majority of journalists who were attacked were known to be critical of the government in Turkey. Further, in 2021, 82 women journalists were either physically attacked and/or obstructed while trying to perform their tasks. Further, 18 women journalists were taken into custody in the same period. On 9 March 2021, Hazım Özsu, a local radio host for Rahmet FM (Mercy FM) in Turkey's Bursa province, was shot dead in his home by a man who later said that he disliked some of Özsu's comments in his radio program during the pandemic regarding religious values. According to the 2021 data of the Turkish Journalists' Union (Evrensel, 2021), there are about 12,000 unemployed journalists in Turkey and those who are employed face wage erosion. "One of the most important problems of journalists is not being able to make contracts with their employers under the Press Labor Law, which causes significant losses of rights for them", the association said. Unlike journalists working under the Press Labor Law, those working under the Labor Law cannot get official press cards and actual service payments. The journalists working for foreign media outlets and foreign freelance journalists cannot avoid the government's crackdown. Those working for the Turkish services of foreign news

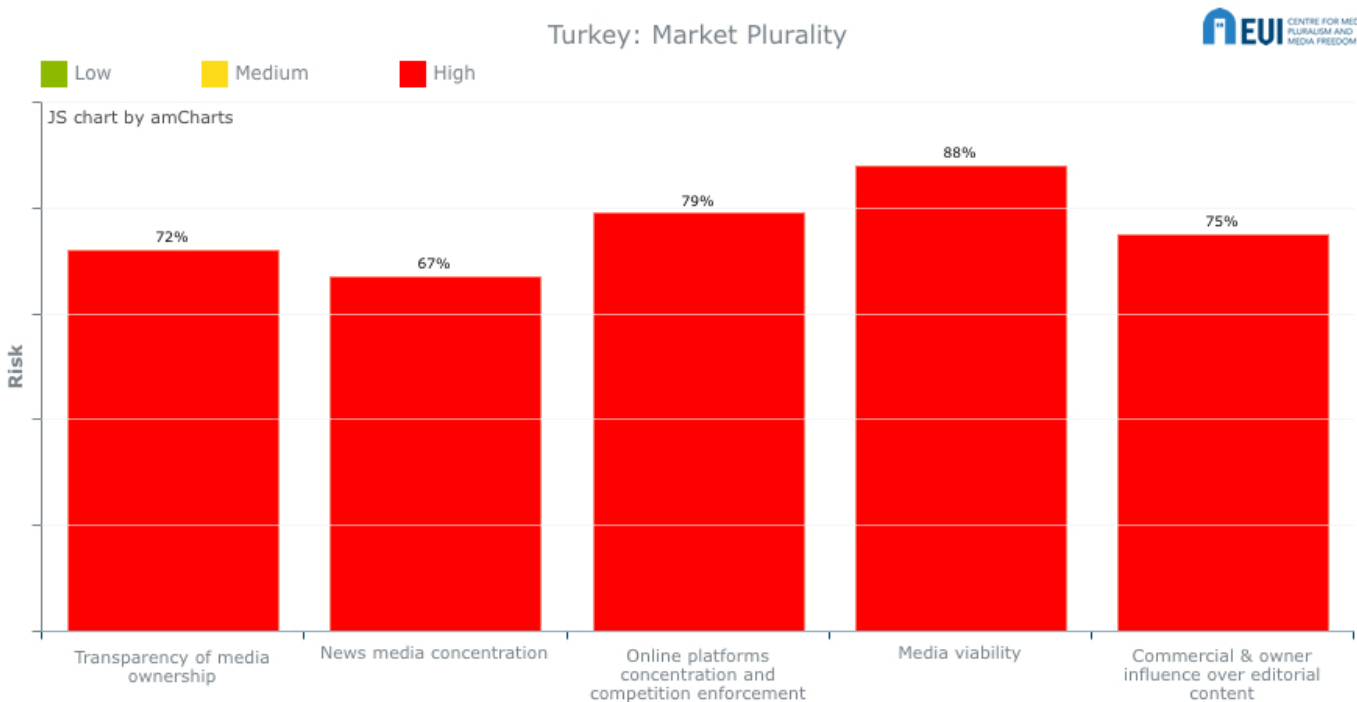
corporations are systematically targeted as “foreign agents” by pro-government social media users.

The indicator on the **Independence and effectiveness of the media authority** scores a high risk (70%). According to Article 35 of Law no. 6112/2011<sup>[1]</sup>, the Radio and Television Supreme Council (RTÜK) shall be composed of nine members elected by the Turkish Grand National Assembly in proportion to the size of the political party groups' membership. According to the organizational structure, out of nine members of the Supreme Council, four members are from AKP, two from CHP, two from MHP, and one from HDP. However, as part of the investigation carried out by the Ankara Chief Public Prosecutor's Office regarding the Kobane incidents on 6-8 October 2014, RTÜK's HDP member Ali Ürküt was detained and arrested. Further, there are no independent representatives of media associations, trade unions, academia, or audience in the organization. Besides, after the presidential election in 2018, with the decree in July 2018, RTÜK has been tied to the Culture and Tourism Ministry. The minister is appointed by the president, who at the same time is the head of the governing Justice and Development Party. One of the opposition party members of RTÜK, İlhan Tasci reported that in 2021, the Supreme Council gave 71 monetary punishments to different TV channels, all of which were considered critical and/or opposition TV channels. The total amount was 21,5 million Turkish liras (Around 1,9 million USD). However, no fines were imposed on the pro-government channels during this period, according to Tasci (BirGun, 2021).

The indicator on the **Universal reach of traditional media and access to the internet** scores high risk (72%). The coverage area of Turkey Radio-Television Corporation (Türkiye Radyo Televizyon Kurumu, TRT) is 99%. Currently, Turkey does not have a clear stance on net neutrality, which creates a legal gap and leads to applications that are far from being best practices. The percentage of market shares of the TOP 4 ISPs is 93%, and they do not have to manage network traffic transparently, impartially, or neutrally.

### 3.2. Market Plurality (76% - high risk)

The Market Plurality area focuses on the economic risks to media pluralism which derive from a lack of transparency and the concentration of ownership, the sustainability of the media industry, the exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on the transparency of media ownership. Lack of competition and external pluralism are assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), and we consider separately horizontal and cross-media concentration; the concentration of the online advertising market; and the role of competition enforcement. The indicator on media viability measures the trends in revenues and employment, in relation to GDP trends. The last indicator aims to assess the risks to market plurality that are posed by business interests, in relation to the production of editorial content, both from the influence of commerce and owners.



The **Market Plurality** area is associated with a high risk (76%).

The indicator on **Transparency of media ownership** scores a high risk (72%). The government has used media ownership to reconfigure the media landscape and to restrict freedom of the press in Turkey. The media outlets that have been seized by TMSF (The Savings Deposit Insurance Fund) after the 2001 financial crisis, were sold to investors who have a close relationship with the government. Moreover, the second media group Sabah –ATV was resold in 2013 to a construction company that won some prominent public contracts like the construction of a third Istanbul airport from the government. After these allegations, the pro-government media were denominated as “pool media” by the opposition. The names of the companies that own the newspapers that meet the criteria of the official advertisement are on the website of the Press Advertising Agency (BİK), but not all of them have the names of the proprietor.

Media company owners and their shares can be found most of the times in the Trade Registry Gazette archive on [ticaretsicil.gov.tr](http://ticaretsicil.gov.tr). The archive can be searched by the names of companies. However, many of the media outlets have companies as their only shareholder, so to reach the name of an actual person it can

be necessary to go through a bunch of connected companies in the trade registry. The name search function in the chamber's search motor only shows the Board of Directors the person is a member of and (unless a company is a 'Limited') doesn't show which companies they own shares in. To find this, the only way is to learn the name of the company and dig through its records in the Trade Registry Gazette. Some of the old records can't be opened online using the Trade Registry Gazette, so it's impossible to reach information on the shareholders if the shares haven't been changed for a long time.

The indicator on **News media concentration** scores a high risk (67%). The audiovisual sector remains as the only regulated area in terms of preventing the concentration of ownership (see Law no. 6112) and the administrative authority is the Competition Board within the scope of the protection of competition (Law no. 4054), which leaves the other areas of media, especially digital media, vulnerable to unfair competition and disproportionate concentration. The extension of the scope of the Radio Television Supreme Council's (RTÜK) licensing and authorization to the digital platforms is interpreted as a censorship attempt on online platforms, i.e. RTÜK's decision on removing the movie "More the Merrier" on Netflix due to its unsuitable storyline for the values and morality of the society in Turkey.

The indicator on **Online platforms concentration and competition enforcement** scores a high risk (79%). 81% of people in Turkey access news online, and Twitter (34%) has the highest rank among all digital sources (Reuters Institute Digital News Report, 2021). Due to the lack of law and regulation and market data in terms of ownership, revenues, concentration, and competition enforcement, the plurality of the digital sphere is quite in a fragile state of condition. The government introduced a new regulation and amendments (Law no. 7194) in order to tax the services of the digital platforms in Turkey; however, the regulation is not implemented effectively.

On the other hand, there are no regulatory safeguards ensuring that State funds granted to TRT do not exceed what is necessary. Moreover, the PSM channel competes with private televisions in the advertising market, and this raised criticism due to its partisan and biased broadcasting policy and the government's interference with the change in the management board structure. The Bill of Law on Amendments to Some Laws removed the TRT 2%-tax share on electricity bills.

The indicator on **Media viability** scores the highest risk with 88% in this area. The advertising revenue trends, as shown by WARC and Deloitte estimates, fell behind the growth of GDP and inflation, demonstrating perduring risks in media economic sustainability. Especially, local media outlets which barely survive faced the worst effects. In terms of diversity of revenues, the habit of holding onto the traditional revenue streams continues for the offline news media, whereas the subscription and grant programs are two of the most preferred business models for online news media. The precarious work conditions are ongoing as well, especially for freelance journalists majority of whom has full-time job in another sector (Cigdem and Erdogan, 2019). The unemployment rate among journalists is approximately 30 percent, including undeclared work and unemployed graduates (Uzunoglu and Uyar, 2021). Another injustice was brought out by Kenan Sener. Sener's investigative study (Gazete Duvar, 2021) demonstrated that the public banks favored pro-governmental news media organizations such as Turkuvaz Group, Demiroren Group, and some other right-wing small outlets over critical and alternative outlets in terms of advertising investments. Oppositional news media outlets (Halk TV, Tele 1, KRT, Sözcü, Evrensel, and BirGün) receive zero amount of investment from the same public banks, which reveals the efforts to minimize pluralism and diversity in media.

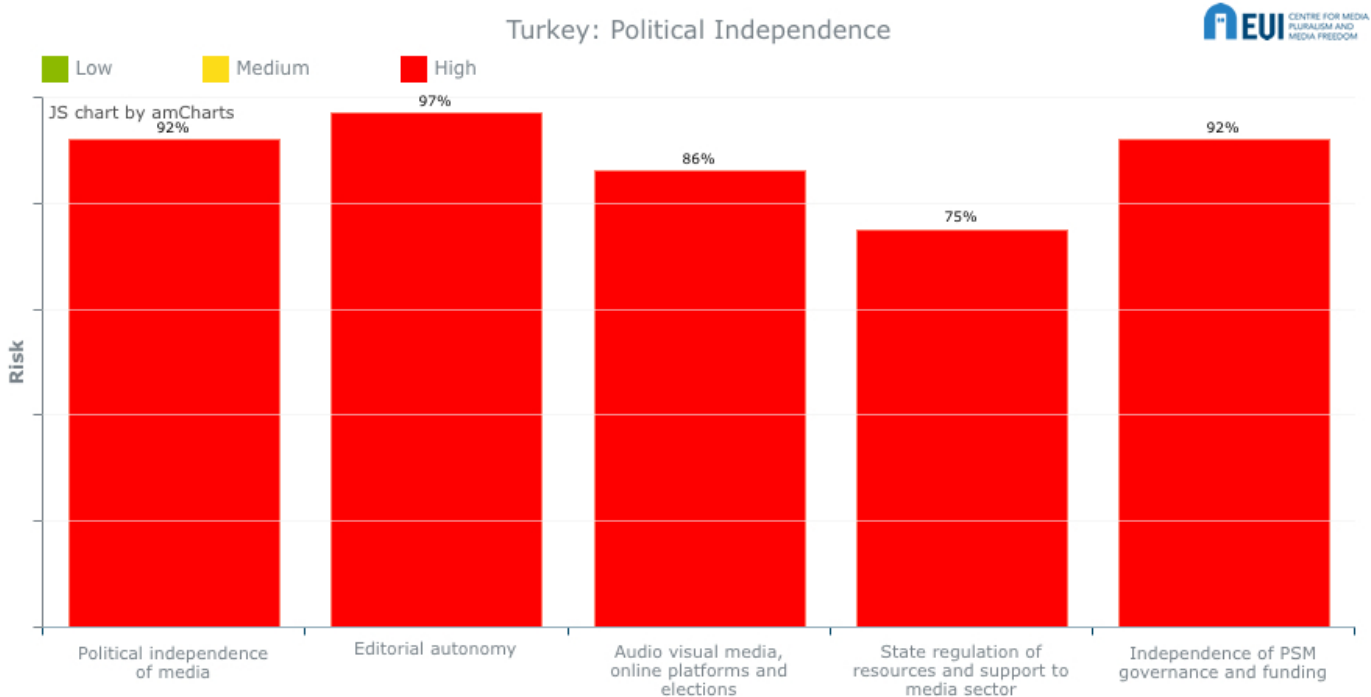
The indicator on **Commercial and owner influence over editorial content** scores a high risk (75%). In

spite of Article 11 of the Labor Law no. 5953 that aims to protect journalists from the media owners and preserve their independence, and ethical codes of conduct of the Turkish Journalists Association and Turkish Journalists' Declaration of Rights and Responsibilities, there is no mechanism or self-regulatory measure to ensure the editorial independence and journalistic autonomy in terms of appointments/dismissals of editors-in-chief, the prevention of influence by the commercial interests both in offline and online news media. Additionally, the cross-media concentration of the pro-governmental business groups is a major obstacle in front of editorial independence.

The issue of interference by owners is not very bright for alternative media. Due to the attempts by the owners to influence the editorial content, Ali Duran Topuz who was the editor-in-chief of Gazete Duvar decided to resign, which is a significant indication that similar jeopardies could happen in alternative and oppositional media outlets as well.

### 3.3. Political Independence (88% - 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 the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



The **Political independence** area is associated with a high risk (88%).

The indicator on **Political independence of media** scores a high risk (92%). There are some regulatory safeguards but these are not adequate for media sector or are not implemented effectively. Anadolu Agency (joint-stock company, founded by the state) is highly criticized for its pro-governmental editorial policy as well as TRT (PSM of Turkey). On the other hand, there is no regulation for private media sector in terms of preventing conflict of interests. More than two thirds (8 newspapers, 9 television channels, 9 radio stations

and 7 websites) are owned by business groups that also operate in sectors such as construction, energy, mining and tourism (Media Ownership Monitor Turkey, 2021). Turkey shows problematic results in most of the key internet controls on how government censors and controls the digital sphere. The government has been preparing a new proposal that aims to extend the scope of the code 5651 Internet Law which is mostly used to censor the digital content, particularly on news outlets with a total of 658 removal orders (Impact of Social Media Law on Media Freedom in Turkey Monitoring Report, 2021). Within the new revision of the Social Media Law yet to be proposed in the Parliament, it has been claimed that digital native media will be included in and required to declare their funders and source of income to the government and also to publish the names of their owner, editor-in-chief, the staff and an official address on their website.

The indicator on **Editorial autonomy** scores the highest risk with 97% in this area. There are no regulatory safeguards to guarantee the autonomy of editors-in-chief as well as no guarantee for independence in appointments and dismissals of editors-in-chief. The dismissal of Habertürk TV's representative of Ankara Bureau and the resignation of the channel's editor-in-chief is a direct consequence of the political interference. Additionally, filling the management board positions with people affiliated with the government in TRT (PSM of Turkey) after the change in the management structure with a Presidential decree has been another strike to editorial autonomy in the country. The resignation of the editor-in-chief of Gazete Duvar due to the attempts to interfere with the editorial content by the owners of the outlet also demonstrated that the state of editorial autonomy is fragile in the independent/alternative digital media outlets as well.

The indicator on **Audiovisual media, online platforms and elections** scores a high risk (86%). Even though there are laws and regulations (Law no. 2954, Law no. 298 and Law no. 6112) that ensure the impartiality and fairness, they are almost ineffective in practice. EC Progress Report (2021) on Turkey shows no improvement of independence and neutrality of RTÜK (Radio and Television Supreme Council) and also states that the editorial policy of TRT is in line with the government's official discourse. On the other hand, there is no regulation that ensures transparency on the digital platforms in terms of political advertising and spending. The only regulation exists for the data processing under the control of the Data Protection Authority, however the main oppositional party claimed that the voters' data was given to the ruling party without consent during the renewal election for the Municipality of Istanbul. This claim was left unanswered by the government and the authorities.

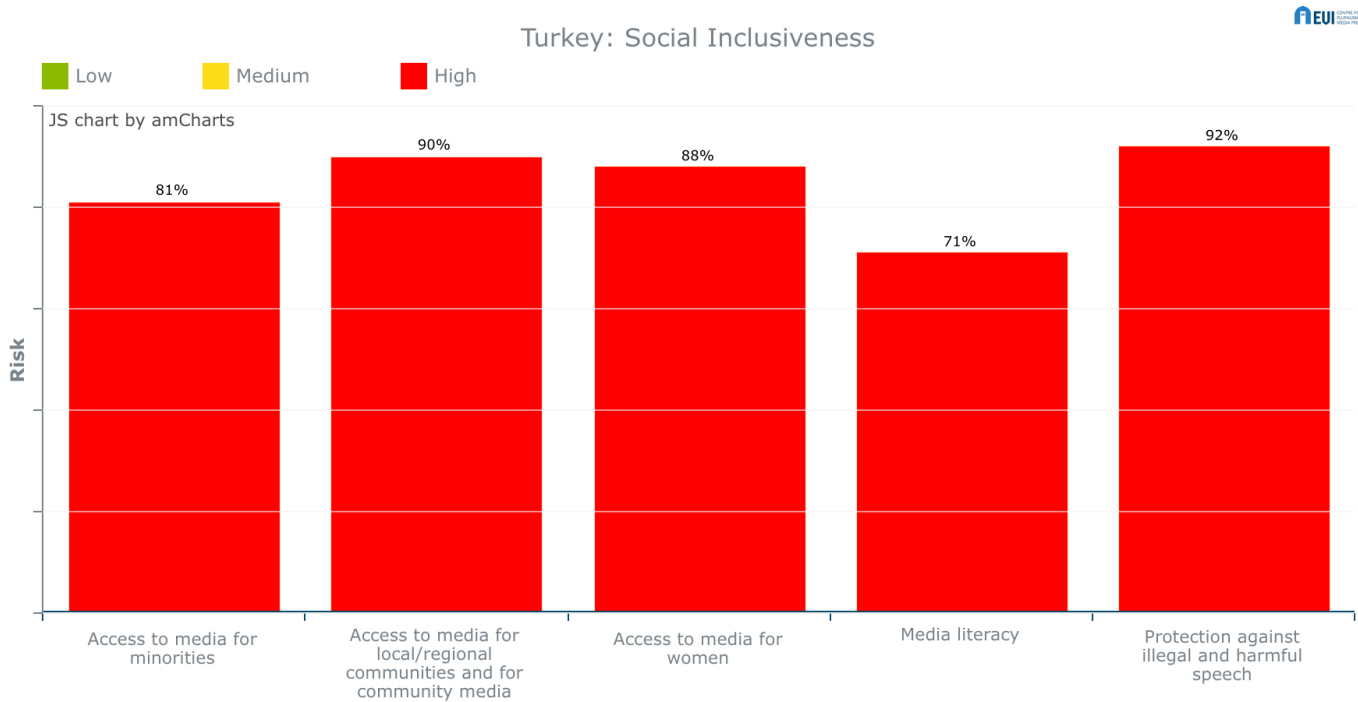
The indicator on **State regulation of resources and support to media sector** scores a high risk (75%). There are no direct subsidies to support the media sector. Though, the exemption of VAT for newspapers (Article 7, Law no. 7166) could be seen as an indirect support. On the other hand, the Directorate General of Press Advertisement (Basın İlan Kurumu-BİK) functions as a financial censorship body for the oppositional newspapers (Evrensel, 2021). The legislation on spectrum allocation is not implemented effectively since 1994, which causes delays in the transition from the terrestrial broadcast to digital broadcast. Even though a judgment ruled RTÜK (Radio and Television Supreme Council) to put out a tender for reallocation of spectrum immediately, any move has not been made yet (Cumhuriyet, 2021).

The indicator on **Independence of PSM governance and funding** scores a high risk (92%). The president's decisions determine the appointments and dismissals in the PSM of Turkey, TRT. With the new management board structure, TRT is completely under the political control of the president and the government, which causes it to be referred as the government's propaganda tool. The funding is provided by banderole fees of the audiovisual material and devices, a share allocated from the national budget, advertising, any commercial partnerships as well as a proportion of the tax on electricity bills. The oppositional groups have long been calling for the removal of the banderole fee and tax share since TRT

fails to represent the Turkish public fairly. After heavy criticisms on TRT's biased and partisan content, and heavy tax burden on the people, 2%-tax share of TRT on electricity bills was removed in November 2021 (Bianet, 2021).

### 3.4. Social Inclusiveness (84% - high risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against illegal and harmful speech.



The indicators in the **Social Inclusiveness** area are associated with a high risk (84%), similar to previous years. In 2021 there was no change in the laws and regulations, plus no progress on the state policies related to the Social Inclusiveness area.

The indicator on **Access to media for minorities** scores high risk (81%). As mentioned in previous MPM country reports, since 2004 the PSM has been broadcasting in five minority languages and dialects, but broadcasting in minority languages does not mean that media pluralism is being guaranteed. The PSM has always been under state control. Additionally, none of the minority groups in Turkey has proper access to both public and private media outlets. Access to media for people with disabilities is still problematic. First, in 2014, a regulation was published on "access to broadcasting services for people with disabilities". From 2014 to 2019, there was no progress. On October 11, 2019, a more comprehensive regulation on "the accessibility to broadcasting services for persons with disabilities"<sup>[3]</sup> came into force, which consists of articles on both blind and deaf people and regulating not only subtitles but also sign language and audio description. According to experts <sup>[4]</sup> (former employee of Six Dots Foundation for the Blinds) and Gülsüme Şenocak <sup>[5]</sup> there is a rise in the number of sign language, audio description, and subtitles, and it might be defined as small progress but still, there is a lot to do, because the sanctions are not properly enforced, and media outlets do not respect the law.



The indicator on **Access to media for local/regional communities and for community media** scores a high risk (90%). Since the community media's independence and access to media platforms are not defined by law, local/regional and community media struggle to access media platforms. On May 1st, 2021, the Directorate General of Press Advertisement (BIK)<sup>[6]</sup> made a small change to the current law, and with this change media outlets that stay out of the mainstream (small scale media outlets) are allowed to be supported by the public ads. Despite the change, the BIK still shares public ads not transparently and arbitrarily. As stated in IPI's Turkey report, in recent years, "the government has systematically increased pressure on media via several methods including judicial harassment, disproportionate laws, online attacks, and smear campaigns, regulatory fines, and advertising and broadcast bans" (December 2021).

The indicator on **Access to media for women** scores a high risk (88%). PSM does not have a comprehensive gender equality policy. Differently from previous years, in 2021, the TRT's management board has been restructured; two women, Hilal Kaplan Öğüt and Meryem İlayda Atlas Çetin became board members. According to the Global Media Monitoring Project' 'Who makes the news?' report (2020), 44% of presenters, 16% of reporters, and only 22% of subjects and sources are women. The Gender Equality in the News Media score of Turkey is -68,697 which is very close to -100, it means that women are underrepresented and in a disadvantaged position in the news media.

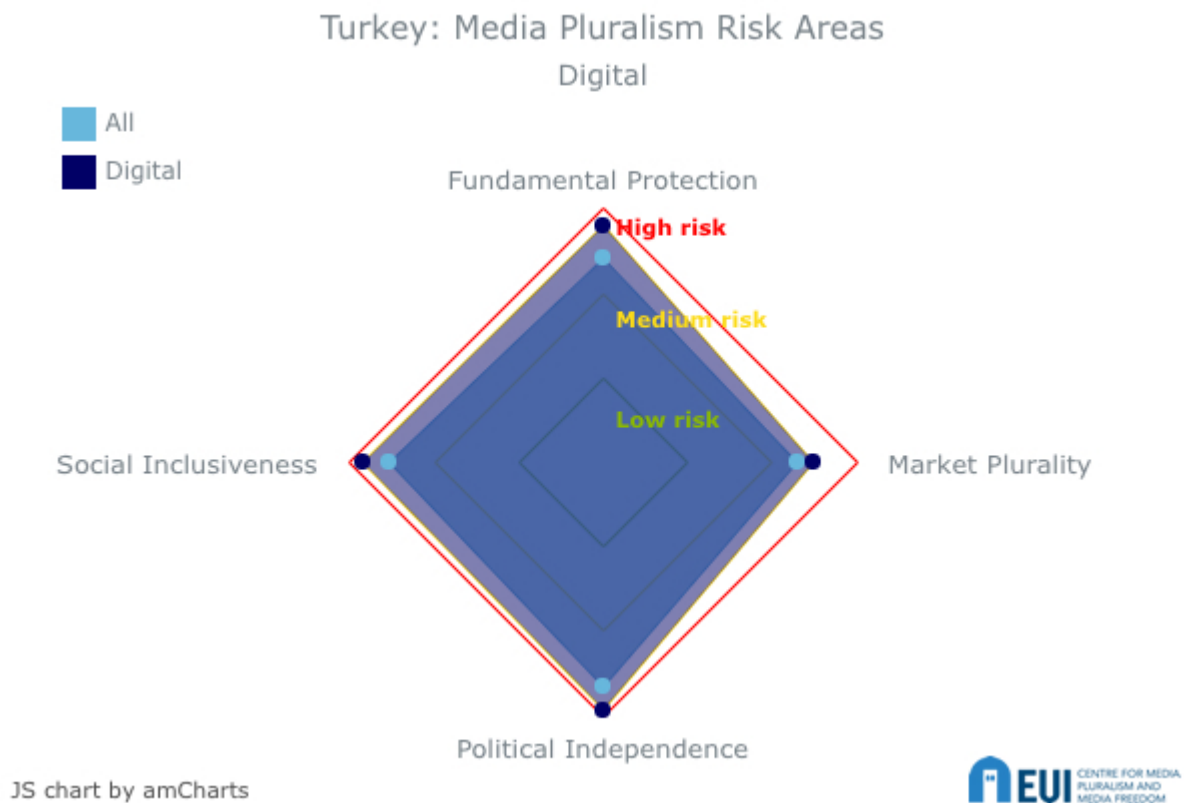
The indicator on **Media literacy** shows high risk (71%). As mentioned in previous years' reports, there is a protocol on media literacy signed by RTÜK and the Ministry of Education (MEB) in 2012 for establishing media literacy elective courses in secondary schools only for 7<sup>th</sup> and 8<sup>th</sup> grade students. The current curriculum does not enclose topics such as digital security, cyberbullying, digital identity, digital literacy, etc. Media literacy activities do not embrace adults, elderlies, women, migrants, and other vulnerable groups. As the expert, Cansu Aydemir Coşan<sup>[7]</sup> mentioned, NGOs, academia, independent researchers and the government should work together to evaluate the policy on media literacy to provide education for all to develop media literacy skills. On the other hand, civil society tries to develop some projects on digital media literacy. In October 2021, the fact-checking organization Teyit and non-governmental organization Teachers' Network (Öğretmen Ağı) developed a project to empower the digital media literacy of teachers via preparing a *Handbook on critical digital literacy in education* (2021).

The indicator on **Protection against illegal and harmful speech** shows high risk (92%). In Turkey, there is no law or regulation to counter online hate speech and disinformation. In 2021, with the effect of false information spread on social networks about the Covid-19 pandemic, the amendment of Law No. 5651, namely the so-called "new social media law" came into force. This change in Law No. 5651 was very controversial, it has articles on the regulation of social media platforms that may harm freedom of expression. In just a few months, the rising numbers of content removal and bans on the Internet (Akdeniz & Güven, 2021), showed how this amendment harmed media pluralism. Besides, in 2021, the head of the Directorate of Communication Fahrettin Altun said that they were working on a fact-checking platform named "Doğru mu?". According to the fact-checking expert Gülin Çavuş<sup>[8]</sup>, this attempt proves how the spread of disinformation in Turkey is crucial. On the other hand, as mentioned in the previous report (MPM Turkey, 2021), civil society initiatives are working hard to fight against disinformation.

In Turkey, as mentioned in the ECRI Report on Turkey, "there is not a system in place for systematically screening the web 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). Several NGOs as the Hrant Dink Foundation, try to contend with online hate speech and

discrimination by organizing training, conferences, events, etc. (please see <https://hrantdink.org/tr/asulis>).

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



### Fundamental Protection- (93% High Risk)

The digital indicators in the **Fundamental Protection area** score a high risk (93%). The Law on the Regulation of Broadcasts via Internet and Prevention of Crimes Committed through Such Broadcasts no. 5651 is the main legal framework governing the Internet in Turkey. According to a report by the Media Research Association (2021), with the latest amendment in 2020, content removal orders by courts sped up. Between October 2020 and October 2021, 1197 news articles received removal orders. According to the same report, most of these articles were about corruption, fraud, misconduct, political conflict, and murder. The primary sources of removal requests were ministers, district governors, high-level bureaucrats, and businesspeople. Law no. 5651 also enables access blocking orders to be issued. According to the BiaNet Media Monitoring report, only in the last quarter of 2021, Criminal Judgeships of Peace imposed access blocks on at least 547 news reports for reasons such as bribery, corruption, irregularity, favoritism, violence, and sexual harassment. "Personality rights" brought forefront in the court orders is the typical pretext for access blocking.

Further, with the new amendment (no. 7253) to Internet Law no. 5651 in 2020, foreign social network service providers whose services are accessed from Turkey more than 1 million times a day were required to appoint a permanent representative in Turkey and to take measures to store the data of users located in Turkey within the territory of the country. Further, the law also required companies to comply with content removal orders from the government or individuals within 48 hours; noncompliance could result in fines of up to 700,000 USD. The majority of blocking orders are issued by the Information and Communication Technologies Authority (ICTA) rather than by the courts.

According to the transparency report of the social media platform TikTok, Turkey ranked second in the world in terms of requests for removal of content and ranked third in terms of content removals in the first half of 2021. In the last six months of 2021, 200 contents were blocked in Turkey. According to Twitter data,

Turkey ranked fourth in the world in content removal requests in 2021 with 5454 requests. Turkey ranked second in the world in requesting an access block to the content/account of journalists (Korkut, 2022). In its transparency report, Facebook revealed that the company had restricted access in Turkey to 76 items in response to reports from Turkey's Information and Communication Technologies Authority in the first six months of 2021. This included 67 items in response to court orders and nine items alleged to violate local laws pertaining to gambling. The company also restricted access to 340 items in response to other valid court orders. The Information and Communication Technologies Authority is run by government appointees. The reasoning behind court decisions is not provided in blocking notices, and the relevant rulings are not easily accessible. There is no publicly announced information on how many websites and content were blocked.

### **Market Plurality - (82% High Risk)**

The digital indicators on **Market Plurality** score a high risk (82%), which is a higher score than the overall risk for Market Plurality (76%) in general. The Radio Television Supreme Council's (RTÜK) expansion of powers into the online environment via licensing and authorization to operate aims to control the digital platforms instead of preventing monopolization in the online media market. In spite of the fact that 81% of people in Turkey access news online (Reuters Institute Digital News Report, 2021), there is no law and regulation for competition enforcement, transparency, and cross-media concentration content in the digital media. There is a code of conduct under the name Turkish Journalists' Declaration of Rights and Responsibilities to prevent commercial influence over editorial content, however, it is ineffective to take any measures in case of violation.

Because of the lack of reliable data on the market share of the media outlets and business groups, it is almost impossible to assess the risks and degree of online media concentration. The Digital Services Tax (Law no. 7194) and Amendment to the Legislative Decree No.375 that came into force in 2019 aim to tax pro-rata the businesses that provide services on digital platforms; however, the effectiveness of the law is not clear. The prominent business models of online news media are subscription, crowdfunding, and grant programs other than advertising (Revenue Model of Digital Newsrooms, 2021).

### **Political Independence- (95% High Risk)**

The digital indicators on **Political Independence** score the highest risk (95%) among all the risk areas. There is no law and regulation on transparency of online political advertising and spending and no legal insurance on the independence of the editorial content. The government's preparations to propose amendments to the Internet Law no. 5651 to fight disinformation cause significant concerns for online media freedom. It is expected that the new amendment will aim digital media outlets to reveal their source of income to the government and publish publicly the names of their owners, the editor-in-chief, staff, and an official physical address, which is interpreted as an indication of censorship in case of the disapproval of the government. On the other hand, in October 2021 the Turkish Constitutional Court judged that blocking access to news articles due to the violation of personal rights threatens both the press freedom and freedom of expression online (Global Freedom of Expression, 2021). Yet, the violation of personal rights remains as the most used justification for digital content removal (MEDAR, 2021) and the verdict is far from being effective considering the ongoing arrests and imprisonments of journalists. The Freedom on the Net 2021 report categorizes Turkey as "not free".

## **Social Inclusiveness- (95% High Risk)**

The digital indicators on **Social Inclusiveness** score a high risk (95%). According to Eurostat 2019 report<sup>[9]</sup> the percentage of the population that has overall low digital skills is 37. There are some civil initiatives that have some training programs on digital media literacy. But those programs are not enough to sustain a well-developed information sphere. There aren't any laws or policies that directly aim to counter online hate speech and disinformation in Turkey. As mentioned several times, the change in Law No. 5651 is very controversial. Article 9 on 'the right to be forgotten' can be evaluated in the context of 'hate speech' and 'disinformation' (Dirini & Özsü 2020: 4). According to this article, a court can order that the name of a person must not be associated with a website in search engine services if it is found that the related online content violates personality rights—that is, rights under Turkish civil law protecting one's life, bodily integrity, health, name, image, voice, and private life. In 2021, we saw how Article 9 affected freedom of expression via the rising number of content removal and bans on the net as Yaman Akdeniz and Ozan Güven mentioned in EngelliWeb Report 2020 (Fahrenheit 5651). Akdeniz says that the burning effect of censorship is starting to be felt, with a possible new regulation on disinformation, 2022 will be a difficult year in terms of internet and social media restrictions. On the other hand, there are several fact-checking organizations that aim to fight against disinformation and NGOs that work on hatred and discriminative language. All those civil initiatives are working efficiently.

## 5. Conclusions

**Fundamental Protection (80%- high risk).** The indicator Protection of freedom of expression in Turkey is classified as high risk (87%) in 2021. Although the number of journalists in prison slightly decreased, threats and physical assaults have considerably increased in the same period. Further, governmental regulatory bodies (such as Radio Television Supreme Council) in the media sector used punishments such as banning the broadcast of some political talk shows and imposing heavy fines as a stick against TV channels that have a critical stance. The Directorate General of Press Advertisement which distributes official adverts among newspapers as a way of support as defined by law, also discriminated against opposition newspapers, imposing long-term advertising bans, whereas no such bans were imposed on any of the pro-government papers.

The blocking of access to various websites and news stories after easily obtained court rulings has continued to be the tool of the government to limit freedom of speech, and the main target was news stories about corruption, fraud, bribery, and violence-related issues. Further, Turkey also ranked among the top countries in the list of removal requests from social media platforms such as Twitter, Facebook, TikTok, etc.

### *Recommendations:*

- **to the State: Court rulings imposing long-term pre-trial detention periods for journalists should be abolished in line with the rulings of the European Court of Human Rights. The attacks and threats targeting journalists should be punished accordingly especially when they are organized acts.**
- **to the State: Imposing heavy fines against critical media outlets by public regulatory bodies as a censorship mechanism should be avoided and public resources for the state subsidy of the media should be evenly distributed.**
- **to the State: The access blocks imposed by criminal judgements of peace on critical news reporting, should be considered a violation of freedom of expression and the press in line with the decision of the Constitutional Court which asked for a new law to be enacted by the Parliament.**

**Market Plurality (76% - high risk).** All indicators concerning market plurality score high risk. The risks stated in the MPM 2021 report on Turkey in terms of concentration and consolidation in news media show no improvement this year. The economic crisis with a record-breaking inflation rate in the second half of the year worsened the situation, especially for local media outlets, freelancers, and unemployed journalists, as well as caused a decrease in revenues for all media sectors. The disclosure of the unfair advertising investments of the public banks on the pro-governmental media organizations demonstrates the grave attempts to suppress oppositional voices via economic methods. The unregulated structure of digital media creates a vulnerable environment regarding competition enforcement, concentration, and freedom from commercial influence. Even though a more pluralistic landscape seems to exist in the online environment due to the abundance of alternative digital media outlets, the government constantly tries to control the digital media sector through amendments, court orders, laws, and regulations. The concepts such as “right to privacy” and “fight against disinformation”, especially during the Covid-19 pandemic, are the most used justifications to censor online news media.

*Recommendations:*

- **To the State: the regulations on cross-media ownership in order to prevent oligopoly in media should be tightened with new laws and regulations.**
- **To the State: the transparency and fairness of the allocation of indirect subsidies and advertising investments of public organizations should be ensured.**

**Political Independence (88% - high risk).** The results score high risk for all indicators in the political independence area. In spite of some regulations on media concentration to ensure political independence of media, their ineffectiveness in practice leaves the news media sector open to political and economic suppression. The editorial content of the mainstream media is dominated by the commercial interests of the media conglomerates' owners who have investments in energy, mining, construction, and tourism. The cases such as the resignation of the editor-in-chief and the dismissal of the representative of the Ankara Bureau of Habertürk TV, TRT's sudden decision to end the live-press conference of the Ministry of Foreign Affairs in Qatar, and the circular letter that bans the journalists reporting in public spheres demonstrate the government's ongoing interference with the editorial autonomy. The Directorate General of Press Advertisement's fines for the oppositional newspapers are also another censorship mechanism in front of media pluralism. TRT, PSM of Turkey, acts as a propaganda tool of the government, which fails its existential duty to represent the public in an impartial, unbiased, and fair manner.

*Recommendations:*

- **To the State: Laws and regulations should be developed to ensure that the owners of media organizations stay only in the media business in order to prevent conflict of interest regarding the political and commercial independence.**
- **To the State: The editorial independence of PSM should be guaranteed by providing an autonomous environment in the election and appointment of the management board.**
- **To the State: The independence of the Directorate General of Press Advertisement should be ensured and guaranteed, especially in terms of decisions such as arbitrary advertising bans on certain newspapers in order to preserve and strengthen press freedom.**
- **To the State: The transparency of political advertising should be regulated and monitored especially in times of election.**

**Social Inclusiveness (84% - high risk).** In the Social Inclusiveness area, this year all results score high risk again. The rise of disinformation online still affects state policies. There is an ongoing discussion on a developed version of the social media law. As declared by the Directorate of Communication Fahrettin Altun, they are working on a fact-checking platform that belongs to the presidency named "Doğru mu?" In addition, in January 2022, The head of the General Directorate of Directorate General of Press Advertisement (BIK) said that to prevent information pollution, they will shape social media with a new law and regulate online ads like the traditional media. If the new social media law includes articles on online

ads, possible arbitrary punishment such as advertising bans would affect the income of alternative media outlets, and it may harm both freedoms of expression and information, and cause censorship.

*Recommendations:*

- **to the State: to develop a policy for guaranteeing access to media for minorities.**
- **to the media industry: to promote representation of minority groups in Turkey, media outlets should give proper access to media for minority groups.**
- **to the PSM: to represent all the minority groups, PSM should broadcast independently and stay away from biases.**
- **to the State, to the PSM, and to the media industry: to promote gender equality in the newsrooms, there is a need to adopt a well-developed gender policy.**
- **to the State: to develop media literacy skills of children, media literacy courses should be a mandatory course which is given by media professionals and experts.**
- **to the State: to develop especially digital media literacy skills of all, there is a need to adopt a policy on the education of elderly, minority groups, and other disadvantaged groups of people.**
- **to the State: to fight against harmful speech and disinformation, the state should work with other stakeholders such as NGOs, fact-checkers, academics, journalists, opposition parties, and representatives of digital platforms; and while doing so should not harm freedom of expression.**



## 6. Notes

- [1] Law no. 6112/2011 on the Establishment of Radio and Television Enterprises and Their Media Services, <https://www.rtuk.gov.tr/en/audio-visual-media-law/5350/5139/the-law-no6112-on-the-establishment-of-radio-and-television-enterprises-and-their-media-services-march-3-2011.html>
- [2] Former employee of Six Dots Foundation for the Blinds.
- [3] <https://www.resmigazete.gov.tr/eskiler/2019/10/20191011-15.htm>
- [4] Telephone, 04.02.2022, a former employee of Six Dots Foundation for Blinds.
- [5] Telephone, 04.02.2022, İstanbul Municipality Directorate of People with Disabilities.
- [6] <https://bik.gov.tr/kurumsal-haberler/resmi-ilan-ve-reklam-yonetmeliginde-degisiklik/>
- [7] Telephone, 04.02.2022, the head of Media Literacy Association.
- [8] Telephone, 03.02.2022, Editor in Chief of Teyit.
- [9] <https://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

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## ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2022 CT Leader
<i>Yasemin</i>	<i>Inceoglu</i>	<i>Prof. Dr.</i>	<i>Bahcesehir University</i>	X
<i>Tirse</i>	<i>Erbaysal Filibeli</i>	<i>Associate Professor</i>	<i>Bahcesehir University</i>	
<i>Can</i>	<i>Ertuna</i>	<i>Assistant professor</i>	<i>Bahcesehir University</i>	
<i>Yagmur</i>	<i>Cenberli</i>	<i>Research Assistant</i>	<i>Bahcesehir University</i>	

## ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 that make up the MPM2022. Consulting the point of view of recognized experts was aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as being subjective, and, therefore, to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflect the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

First name	Last name	Position	Institution
<i>Orhan</i>	<i>Sener</i>	<i>Representative of a journalist association</i>	<i>TGS (the Journalists' Union of Turkey) Academy</i>
<i>Sinan</i>	<i>Aşçı</i>	<i>Representative of a media users/consumers organization.</i>	<i>Media Literacy Association</i>
<i>Duygu</i>	<i>Güvenç</i>	<i>Representative of a broadcaster association</i>	<i>Deputy Chair of Diplomatic Correspondents' Association and Director of Ankara View</i>
<i>Burak</i>	<i>Özçetin</i>	<i>Academic on social/political/cultural/legal/economic issues related to the media</i>	<i>Istanbul Bilgi University</i>
<i>Uraz</i>	<i>Kaspar</i>	<i>Representative of internet platform</i>	<i>Podfresh</i>

**Research Project Report**

Issue -

June 2022

doi:10.2870/752785

ISBN:978-92-9466-320-7

QM-07-22-570-EN-N



Publications Office  
of the European Union

