

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN MEMBER STATES AND CANDIDATE COUNTRIES IN 2023

Country report: Turkey

Tirse Erbaysal Filibeli, Bahcesehir University

Can Ertuna, Bahcesehir University

Yagmur Cenberli, Bahcesehir University

Yasemin Inceoglu, Bahcesehir University

Research Project Report

Issue -

June 2024

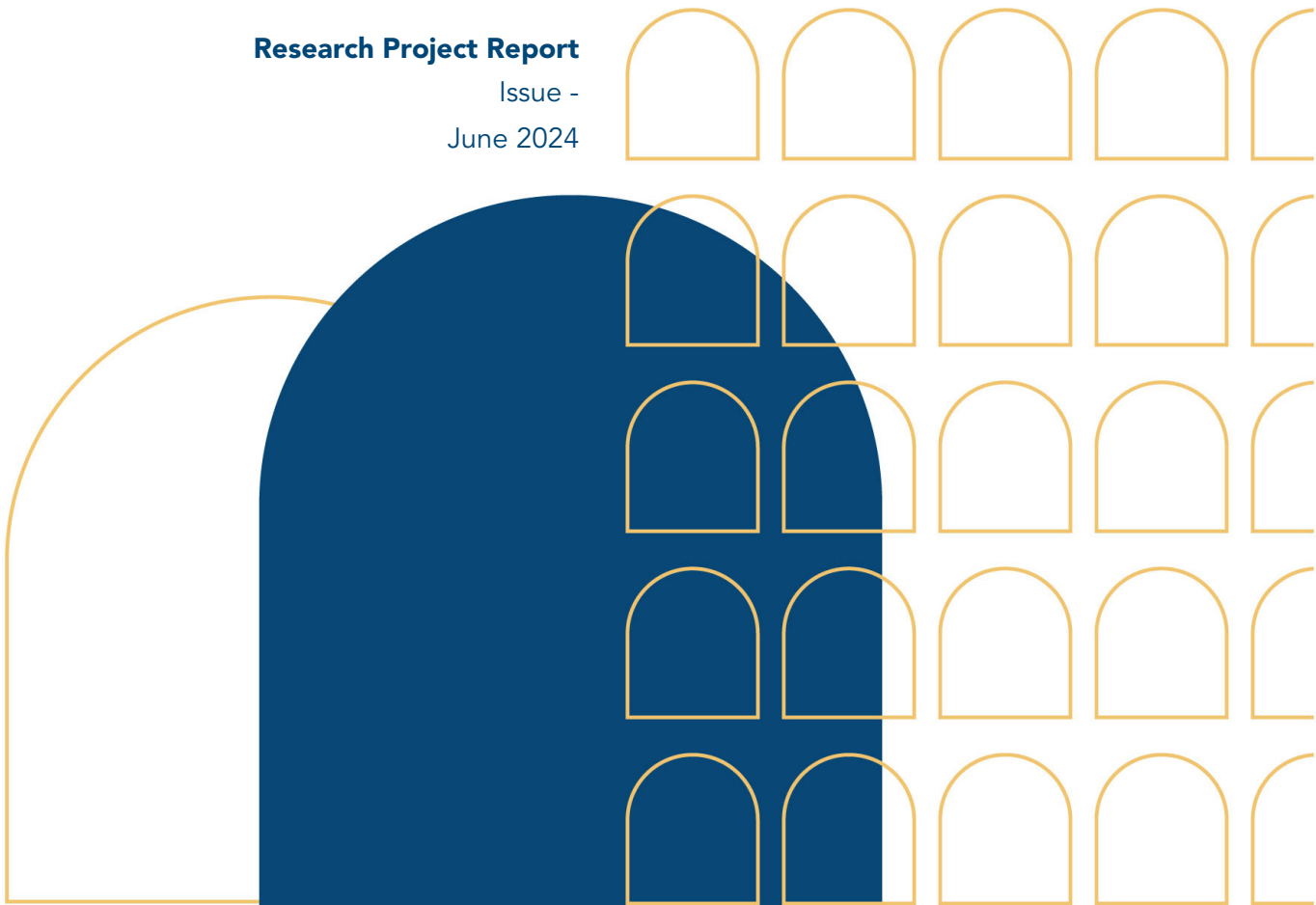


TABLE OF CONTENTS

1. About the project	4
1.1. Overview of the Project	4
1.2. Methodological notes	4
2. Introduction	6
3. Results of the data collection: Assessment of the risks to media pluralism	8
3.1. Fundamental Protection (75% - high risk)	11
3.2. Market Plurality (74% - high risk)	15
3.3. Political Independence (89% - high risk)	19
3.4. Social Inclusiveness (77% - high risk)	22
4. Conclusions	26
5. Notes	29
6. References	29
Annexe I. Country Team	
Annexe II. Group of Experts	

© European University Institute 2024

Editorial matter and selection © Tirse Erbaysal Filibeli, Can Ertuna, Yagmur Cenberli,
Yasemin Inceoglu, 2024

This work is licensed under the Creative Commons Attribution 4.0 (CC-BY 4.0) International license which governs the terms of access and reuse for this work. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the series and number, the year and the publisher.

Views expressed in this publication reflect the opinion of individual authors and not those of the European University Institute.

Published by

European University Institute (EUI)

Via dei Roccettini 9, I-50014

San Domenico di Fiesole (FI)

Italy

ISBN:978-92-9466-584-3

doi:10.2870/664316



**Co-funded by
the European Union**

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or EACEA. Neither the European Union nor the granting authority can be held responsible for them.

1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool that is 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 that was carried out in 2023. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This year a part of the MPM has also been piloted in Bosnia and Herzegovina and Moldova. 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. The research is based on a standardised questionnaire that was developed by the CMPF.

In Turkey the CMPF partnered with Tirse Erbaysal Filibeli, Can Ertuna, Yagmur Cenberli and Yasemin Inceoglu (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 Annexe 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).

• 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 digitally specific risk scores, and the report contains a specific analysis of the risks that 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 the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

• Methodological Changes

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

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 who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2024 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 MPM2024, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

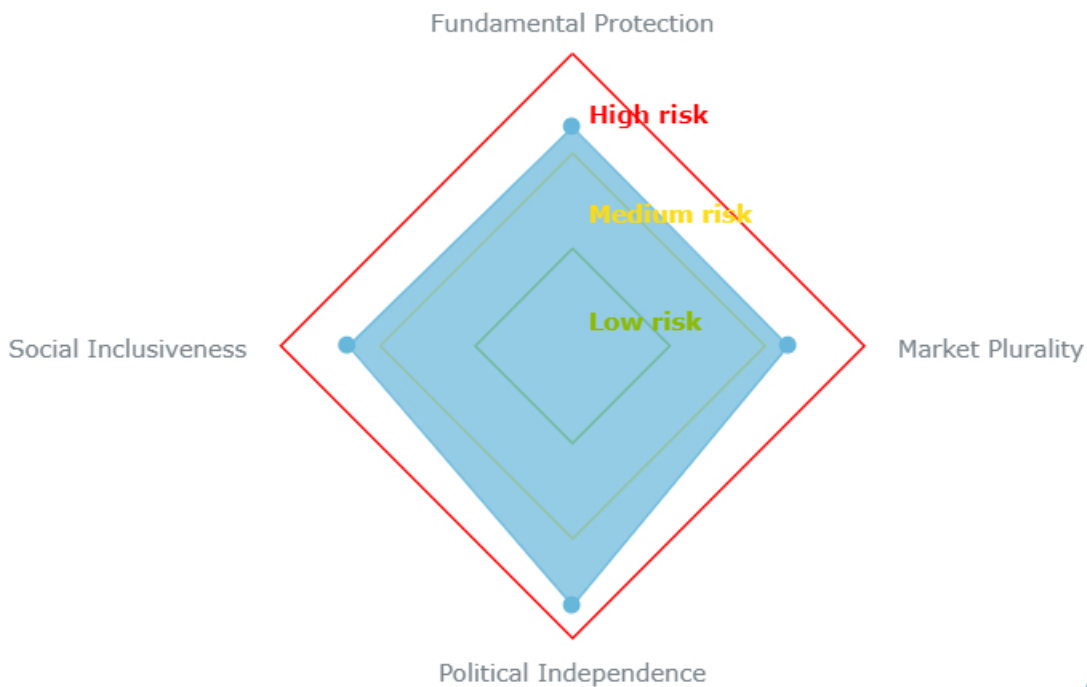
- **Country overview.** Türkiye is situated at the crossroads of the Balkans, Caucasus, Middle East, and the Eastern Mediterranean. The country has a population of 85,372,377 as of December 31, 2023 (TUIK, 2023).
- **Languages.** The official language is Turkish.
- **Minorities.** No exact data is available concerning the different ethnic groups in Türkiye. The last census data dates from 1965. Under the Treaty of Lausanne, the Republic of Türkiye recognizes Armenians, Greeks, and Jews as ethnic minorities. The Kurds (between 12-20 million), the largest minority in Türkiye, and other minorities such as Alevis (almost 15 million) (Baskın Oran 2018), which is the largest religious minority in Türkiye, 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](#) (as of June 2023), the number of Syrian refugees in Türkiye is 3.7 million.
- **Economic situation.** Despite 4.5% growth in GDP in 2023 (the Presidency of Strategy and Budget, 2023) and the return to the orthodox economic model including the tightened monetary policies in the second half of the year, the imbalances and risks such as domestic inflation, currency depreciation, and loss of external reserves continue to increase and the ongoing economic crisis has deepened due to the major earthquakes in the southeastern region on February 6, 2023, and the uncertainties caused by the general elections. According to the Turkish Statistical Institute, the annual inflation rate is 64.77%. However, the Inflation Research Group (ENAG), consisting of independent researchers, announced the annual inflation rate as 127% for 2023. The Turkish Lira's rate of loss of value reached to 80% in the last five years (BBC, 2024). Consequently, the poverty rate increased by 80% in 2023 in comparison to the rate in 2022 (Turk-Is, 2023). The net minimum wage was determined as 11.402₺ per month (approx. 356€) by the government, however, the poverty threshold for a family of four reached 47.009₺ per month (approx. 1.469€) in 2023 (Turk-Is, 2023).
- **Political situation.** Türkiye obtained the status of European Union candidate in 1999, and accession negotiations started in October 2005. Since 2018, Türkiye's accession negotiations have effectively come to a standstill. Following the coup attempt in 2016, Türkiye had been ruled under a state of emergency by decrees for two years. During this period, on 16 April 2017, Türkiye's constitutional referendum was held, and the amendments that would transform the country from a parliamentary democracy into a presidential system were accepted. With the power centralized at the level of the Presidency without effective checks and balances, the independence of the judiciary is systemically eliminated. In the general elections held in May 2023, President Erdogan won 52% of the votes and the ruling party the Justice and Development Party (AKP) secured another five-year term to govern the country. European Commission's Türkiye Report published in November 2023 states that "[d]emocratic backsliding continued during the reporting period. Structural deficiencies in the presidential system remained in place. ... The elections offered voters a choice between genuine political alternatives and voter participation remained high, biased media coverage and the lack of a level playing field gave an unjustified advantage to the incumbent." The report also underlines the threats to the freedom of expression and the press through the implementation of criminal charges on the base of national security and anti-terrorism. In spite of the government control over PSM and the mainstream media, the main opposition the Republican People's Party (CHP) managed to increase its votes from 25 percent in

May 2023 to 37 percent in the local elections in 2024 which gained the key cities such as Istanbul, Ankara and Izmir as well as Adiyaman, Denizli and Afyon which used to be considered as the strongholds of AKP.

- **Media market.** Censorship and self-censorship are widespread in the media. Most majority of the mainstream media are affiliated with the government. After the change in the management structure in 2021, the board members of TRT (public service media of Türkiye) are elected by persons affiliated with the ruling party, and the appointments are under the direct control of the Presidency. The 2022 European Commission's Progress Report demonstrates no improvement as in the previous year. The report states that "the public service broadcaster Turkish Radio and Television Corporation (TRT) is affiliated with the Presidential Communication Authority, and the Radio and Television Supreme Council (RTÜK) with the Ministry of Culture and Tourism. There were no changes to TRT's editorial policy which reflects the government's official lines." On the third day of the earthquake, Twitter was throttled for nine and a half hours countrywide on the claims to prevent the dissemination of sensitive footage related to the debris, and injured or dead people. Radio and Television Supreme Council (RTÜK) imposed fines and program suspensions five times on Halk TV, Tele 1, and Fox due to their critical broadcasting during the earthquake period. According to the RSF Press Freedom Index 2023, Türkiye is 165 out of 180.
- **Regulatory environment.** The vast majority of the members of the Radio and Television Supreme Council (RTÜK) are also appointed by the ruling party and its ally, the Nationalist Movement Party (MHP), which jeopardizes the independence of the regulatory mechanism. Freedom on the Net defines internet freedom in Türkiye as "not free" (Freedom House, Freedom on the Net 2023). The amendment to Law No. 5651 (known as social media law-2020) and the amendment to Law No. 5187 (known as disinformation law) continue to pose serious threats to freedom of expression and freedom of the press. With this disinformation law, publicly spreading information that is misleading people and causing concern, fear, or panic among people is regarded as a crime under the Turkish Criminal Code. Disrupting the country's internal and external security, public order, public health, or domestic peace is also defined as a crime. Anyone disseminating false information in this manner is subject to be punished with imprisonment of 1 to 3 years. RTÜK imposed a total of 76 penalties throughout 2023. Most of those penalties (41 out of 76) were imposed on the oppositional channels TELE 1, Halk TV, Fox, and KRT (Bayar, 2023). Additionally, access to the websites of the Turkish divisions of Voice of America and Deutsche Welle has been banned due to the licensing issue.

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

Turkey: Media Pluralism Risk Areas



JS chart by amCharts



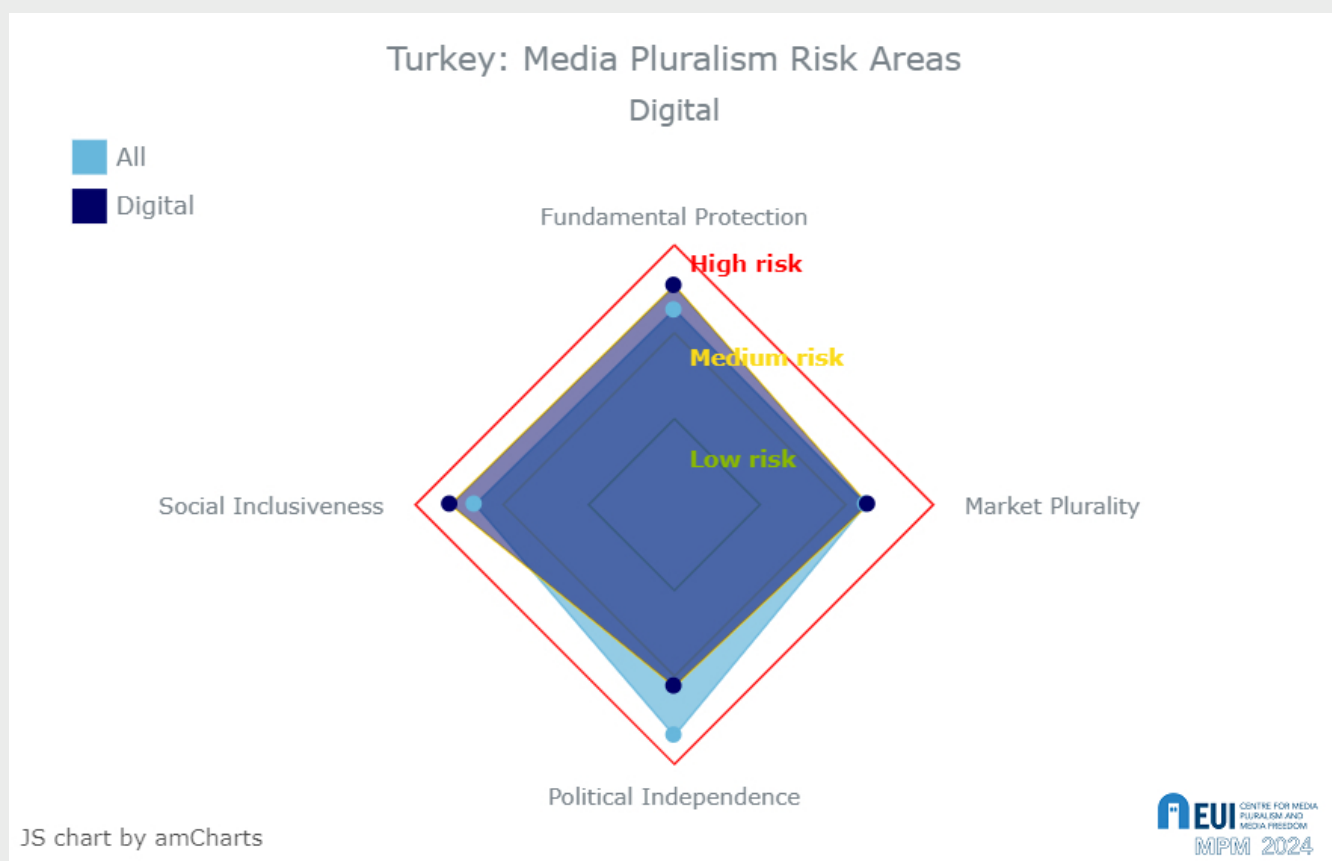
The **Fundamental Protection** area scores a high risk (75%). All the indicators in this area score high risk other than the indicator on the **Universal reach of traditional media and access to the internet** which is medium risk (63%) with a widely available but slow internet service. The indicators on **Protection of freedom of expression** and **Protection of right to information** are classified as high risk (83% and 88%, respectively) in 2023 with the continuation of the jailing of journalists, uneven distribution of fines by the official media authority, and access blocking decisions given by courts. The indicator on the **Journalistic profession, standards, and protection** in this area also scores a high risk (69%) with low-paid and insecure jobs in the industry, and censorship and self-censorship being common practices. The **Independence and effectiveness of the media authority** is also another high-risk (70%) indicator with the ever-increasing grip of authorities in the regulation of media actors.

The **Market Plurality** area scores a high risk (74%). In spite that the indicators on **Transparency of media ownership**, **Plurality of media providers**, and **Plurality in digital markets** preserved their risk situation in the previous year, the risk score for the indicators on **Media viability** decreased by four points, and **Editorial independence from commercial and owners influence** increased by nine points. The unchanged situation of the first three indicators is due to the unchanged structure of the ownership and concentration structure in the media market. Yet, the obscurity caused by the lack of data and the reflections of the general elections held in May 2023 along with the effects of the major earthquakes in February 6, 2023, are among the reasons behind the increased risk scores regarding to issues such as sustainability and independence.

The **Political Independence** area scores a high risk (89%). All of the indicator scores in this area are within the high-risk threshold and are above 80%. **Editorial Autonomy** has the highest risk score with 97%. The implementation of the Disinformation Law and the practices of the regulatory body Radio and Television Supreme Council play the most significant role in reaching high numbers. **Independence of public service media** follows with 92% risk score. The indicators **Political independence of the media** (89%) and **Audiovisual media, online platforms and elections** (84%) signaled a decrease by 1 percentage point; the indicator **State regulation of resources and support to the media sector** (83%) preserves its state of risk as in the previous year.

The **Social Inclusiveness** area scores a high risk (77%). 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, and new challenges arising from the uses of digital technologies, which are linked to the Protection against illegal and harmful speech. In 2023, there has been no positive change in laws, regulations, or state policies related to the Social Inclusiveness area. However, due to revisions in some sub-indicators, particularly in Media Literacy and Protection against disinformation and hate speech, the risk percentage has decreased.

Focus on the digital environment



The digital risk score for the **Fundamental Protection** area scores a high risk (75%). The revision to Press Law No. 5187, also referred to as the "disinformation law" resulted in the arrests of some journalists for allegedly "spreading false information". Court orders about blocking access to news contents critical about the government, circles close to the President and even about his family members has continued to be a widespread practice and the blocking of news sites DW Turkish and

Voice of America Turkish services were continued.

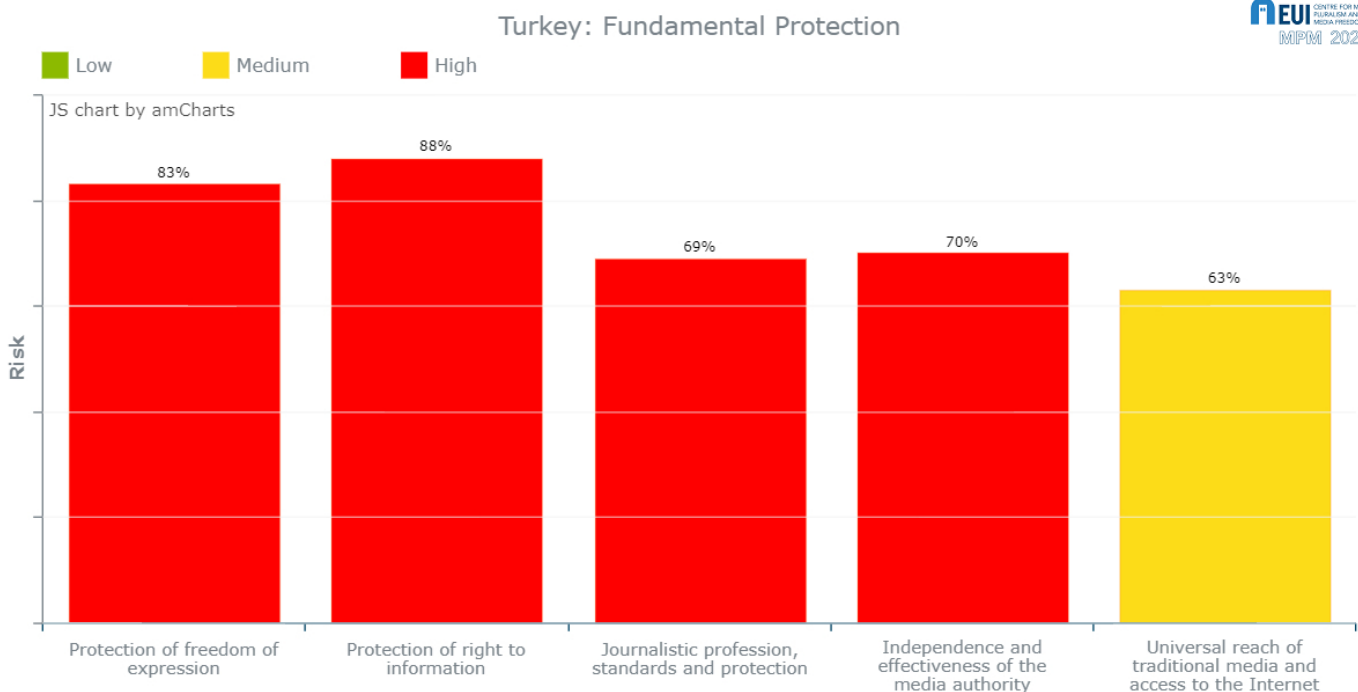
The digital risk score for the **Market Plurality** area is 75%, high risk. The ownership structure and concentration remains unregulated in the digital news environment. The Competition Authority and the Digital Media Commission in the Parliament, on the other hand, have started to work on the prevention of monopolisation in the advertising industry by the international big tech companies and on the copyright and royalty payments to the online content producers by the digital platforms such as Google and Meta. Alphabet, Meta and Twitter continue to position themselves among the top 4 online players and dominate the digital environment.

The digital risk score for the **Political Independence** area scores a high risk (70%). Although the rise of digital independent news media created a 19 points difference in the risk score between the assessment of digital and all, the implementation of Disinformation Law, the unregulated structure of online political advertising, and the ineffectiveness of the self-regulatory bodies cause a vulnerable environment for the independence and autonomy of the digital news media. The online public service mission of TRT (PSM of Turkey) is not regulated as well. On the other hand, the lack of data in the digital news industry appears as an obstacle when assessing the online ecosystem.

The digital score for the **Social Inclusiveness** area is 86.5 %, marking an increase of 12.5% from previous assessments. The amendment to Press Law No. 5187, commonly known as the "disinformation law" has harmed media pluralism in the digital area continually. The lack of precise definitions for hate speech and disinformation in this law has resulted in arbitrary detentions, arrests, and bans. Furthermore, increased regulatory oversight of online advertisements has caused self-censorship among digital news media and content providers.

3.1. Fundamental Protection (75% - 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 **Fundamental Protection** area scores a high risk (75%). The indicators on **Protection of freedom of expression** and **Protection of right to information** are classified as high risk (83% and 88%, respectively) in 2023. Turkey has continued to jail journalists, and repeated lengthy custody periods meant that a lot of journalists were sent behind bars with only preliminary charges. The enactment of a bill under which the crime of “publicly disseminating false information”, which is called “the disinformation law”, was brought forward to take critical journalists into custody, and anti-terror laws were instrumentalized further to tighten the pressure on critical media organs and journalists. Following the February 2023 earthquakes, the government blocked Twitter for 9,5 hours with the pretext of combating disinformation about those incidents (Sözcü, 2023). Access blocking decisions by courts resulted in the blocking of access to thousands of news stories that focused on fraud allegations and corruption of officials and political figures as the Radio and Television Supreme Court unevenly distributed monetary fines and broadcast bans targeting news organizations known about their critical stance towards the President and the government (Gazete Duvar, 2023).

The indicator on the **Protection of freedom of expression** still scores a high risk (83%). This indicator was measured at the same rate in MPM2023. According to the Journalists’ Union of Turkey (TGS), there were 14 journalists in prison by the end of 2023 and the first days of 2024 (TGS, 2024). However, the dramatic decrease in the number of journalists receiving prison sentences did not make Türkiye perform better in the Reporters Without Borders (RSF) press freedom index. In 2022, Türkiye ranked 149 in 180 countries. In 2023 its rank was 165. According to an RSF report, not being among the top three jailers did not mean Türkiye did not jail. On the contrary, journalists were taken into custody for lengthy periods and were jailed repeatedly. In 2023, a total of 43 Turkish journalists spent time in prison. Two days before the second round

of the Presidential elections, the BTK (Information Technologies Authority) allegedly blocked voter short-message service (SMS) communications from opposition candidate Kemal Kılıçdaroğlu, citing the ban on preelection "digital or analog" campaigning. Article 299 of the Turkish Penal Code says that "Any person who insults the President of the Republic shall be sentenced to a penalty of imprisonment for a term of one to four years. Where the offense is committed in public, the sentence to be imposed shall be increased by one sixth. In 2023, many journalists and politicians were arrested as well as ordinary citizens whose numbers are not kept and reported regularly for allegedly insulting the president.

The indicator on the **Protection of the right to information** scores a high risk (88%). Only a small percentage of appeals to access information are accepted by the official body. The Board of Review of the Access to Information (BEDK) decided on 1638 out of 1672 applications made by persons whose requests for information were rejected by administrative institutions in 2023, of which 150 were accepted, and 707 were rejected. Between June and December 2023, of the 6,789 written parliamentary questions submitted by MPs, 38% of the total number of parliamentary questions (2.569), were unanswered.

The indicator on the **Journalistic profession, standards, and protection** also scores a high risk (69%). Last year the risk level was measured higher (83%). The reason for this decrease is that there was no deliberate killing of a journalist in 2023. However, during the earthquakes on February 6, 2023, at least 26 journalists and press workers lost their lives. In addition to the jailing of journalists, there have been physical attacks and online threats targeting journalists with a critical stance. According to the latest statement by the Journalists Union of Turkey, based on data compiled from official sources, one out of every three journalists is unemployed. Journalism graduates have the third highest unemployment rate after social services and art school graduates. According to the latest report by the Journalists' Union of Turkey (TGS), only one-third of journalists in Turkey hold an official press card (Şahin Coşkun, 2023). Moreover, that report reveals that more than half of journalists see political pressure as the biggest obstacle to practicing journalism in Turkey (54.8%), followed by financial sustainability (37.1%), working conditions (29%), and employer pressure (24.7%). Other reasons include obstacles to the organization (20.3%) and the social reputation of the profession (17.6%). Among the journalists surveyed, 42.8 percent said they had been censored. Censorship usually takes the form of not publishing, removing, or changing news items. The Press Labor Law does not cover self-employed and freelance journalists. They cannot hold an officially recognized press card or be union members. They don't have insurance or a set income. A growing number of journalists are starting new news organizations or working as freelancers for foreign media due to the industry's high unemployment rate. But in these situations, journalists cannot benefit from the social security system unless they pay for their costs. Since SLAPP cases are so common and sometimes the definition of what is a SLAPP case or not is blurred there has not been a single dataset collecting the number of cases against journalists. However, very recently there have been various reports about journalists who are facing SLAPP cases and lawsuits opened by business people, bureaucrats, private and public entities because of their journalistic works covering fraud allegations, irregularities, usage of excessive force etc.

The indicator on the **Independence and effectiveness of the media authority** scores a high risk (70%). Last year it was a medium risk (65%). Because of the Presidential and parliamentary elections in 2023, official bodies' grip on the media further tightened. The Radio and Television Supreme Council (RTÜK) acts as a government tool to threaten news outlets critical of the government and silence the critical, independent media in Turkey through its punishments. Currently, the RTÜK governing board has five members from the quota allocated to the ruling Justice and Development Party (AKP), two from the Republican People's Party (CHP), and one each from the Peoples' Democratic Party (HDP) and Nationalist Movement Party (MHP) quotas. Decisions are taken by a vote of the members. The majority of votes are

enough to impose sanctions on TV channels. Furthermore, the council occasionally makes controversial decisions. The opposition party CHP member of the supreme council İlhan Taşçı reported that the council enforced just sanctions on pro-government TV channels in 2023 while the number of sanctions imposed on channels criticizing the government is 59 which is 15 times more. According to Taşçı the amount of fines imposed on channels that question and criticise the government is 35 times higher than on pro-government outlets. The former had been made to pay nearly 2 million 250 thousand USD in 59 different cases. Halk TV, KRT, Tele 1, FOX TV, and Flash Haber, which are known for their opposition stance, were issued administrative fines worth a total of TL 20,649,194 (nearly 660 thousand Euros). Among pro-government broadcasters, only Beyaz TV was issued a penalty and a fine of TL 342,526 (nearly 11 thousand Euros) during the first six months of the current year. A comparison by year of the administrative fines issued to opposition channels in the last three years shows that the fines issued in the first half of 2023 alone surpassed all the fines issued in the previous years in value. This was because that was the campaign period before the Presidential and parliament elections. In September 2023, RTUK decided that the promotion video of an anti-LGBTI rally organized the by Istanbul Family Foundation, will be broadcast with the label of “public service announcement” on television channels. The Press Advertising Council (BIK) uses the allocation of state advertising to put financially critical/independent newspapers. Recently, in the lawsuit filed by the Association of Journalists, Bakırköy 9th Civil Court appealed to the Constitutional Court (AYM) regarding the penalties imposed by the Press Advertisement Agency (BİK) on official advertisements. The court asked the Constitutional Court to annul Article 49 titled "Sanction" of Law No. 195 on the Organisation of the Press Advertisement Agency and stated that the Constitutional Court has pointed out the existence of a systematic problem in many of its decisions regarding this article.

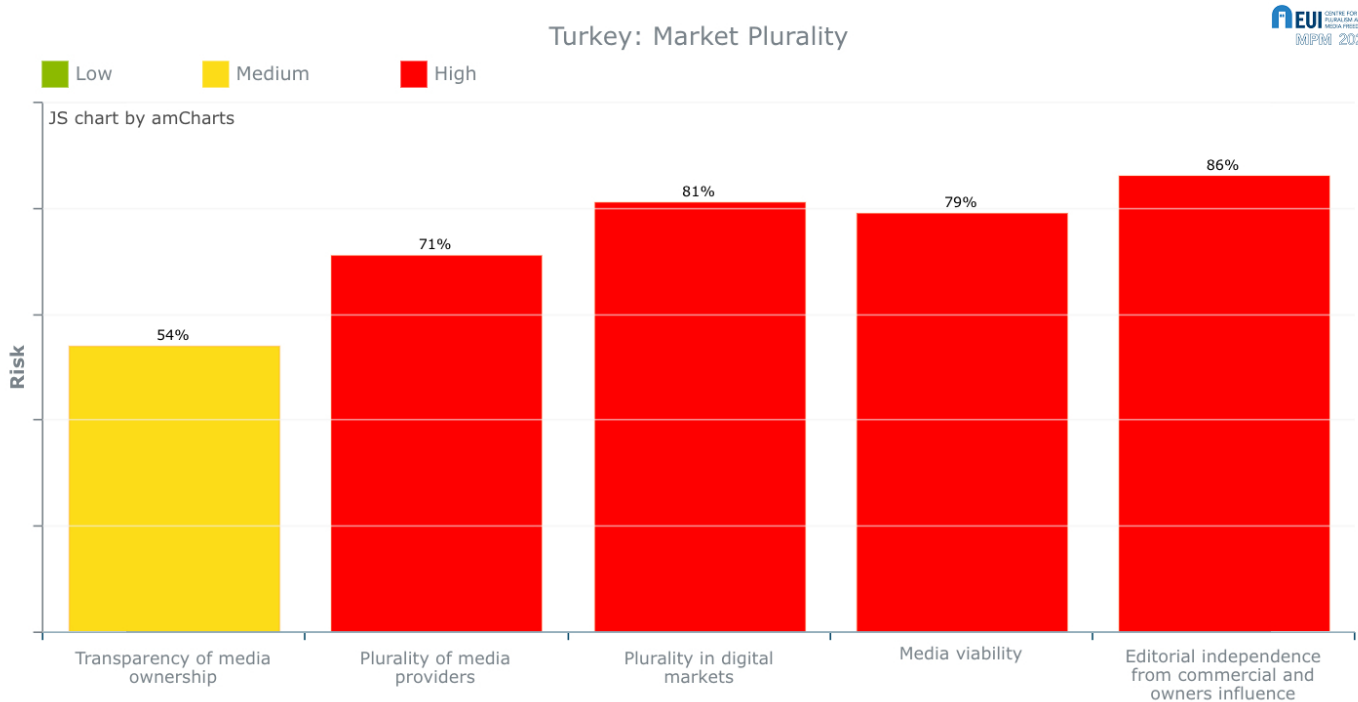
The indicator on the **Universal reach of traditional media and access to the internet** scores medium risk (63%). Last year the indicator scored also a medium risk (50%). Although the Internet is widely available, according to the data from the Worldwide Broadband Speed League data, Turkey ranks 127th (below 24.84 %, a high-risk country). There is a lack of regulation on the net neutrality of ISPs. ISPs do not have to manage network traffic transparently, impartial, fully, or neutrally. The top two ISPs TTNNet (56.5%) and Superonline (15%) government-linked members on their boards. With its 17 TV Channels, 19 different radio stations and 8 digital channels TRT (Turkish Radio and Television) is the most widely available PSM in Turkey. It is important to highlight, though, that the PSM serves as a vehicle for government propaganda rather than offering people a variety of options and plurality.

Focus on the digital environment

In 2023, 33 journalists have been investigated under the controversial amendment in the Turkish penal code (article 217/A) about spreading disinformation since the law was passed in 2022. Six journalists were detained and four were arrested. Following the February 2023 earthquakes, the government blocked Twitter for eight hours with the pretext of combating disinformation about those incidents. Authorities met with Twitter's policy team and later announced that the company had agreed to cooperate with authorities to remove disinformation from the platform. Further, in response to a request from the government, Twitter restricted access to specific content ahead of the general elections scheduled for May 2023. Following the filing of a criminal complaint against multiple social media networks by the Presidential Communications Directorate for permitting coordinated disinformation campaigns, the blocking occurred. Further, according to a report by Free Web Turkey, access blocking decisions were made for 35 thousand 66 domain names, 3 thousand 196 news, 2 thousand 90 social media posts and 184 social media accounts. In January 2024, The Constitutional Court (AYM) cancelled the article 9 of Law No. 5651 on personal rights, which was enacted in 2017 frequently used to curb content on the internet. However, the cancellation decision will enter into force nine months later. The current practices continued by citing this article as a basis during the period including in local elections that took place on March 31, 2023.

3.2. Market Plurality (74% - high risk)

The *Market Plurality* area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including *Transparency of media ownership*, *Plurality of media providers*, *Media viability*, *Editorial independence from commercial and ownership influence*, and *digital intermediaries* (with the indicator on *Plurality in digital markets*).



The **Market Plurality** area is associated with a high risk (74%).

The indicator on **Transparency of media ownership** scores a medium risk (54%) same as last year. The ownership structure of different media outlets could be learned by utilizing publicly accessible data from official papers like the Trade Registry Gazette. The law does not require media service providers to post their ownership structure on their website or other online platforms, even though they are required by law to notify authorities of any changes to the names and surnames of shareholders and their shareholding structure. Furthermore, there are currently no media-specific regulations governing the disclosure of financial data by the digital native media industry to the appropriate authorities, nor does the law hold financial reporting to be mandatory. Furthermore, for a few highly well-known social media accounts and the websites that link to them, there is no ownership information available, and occasionally not even editorial information. You can check the Trade Registry Gazette to see who owns what. To disclose the name of the individual owner, however, one may need to go through several connected firms in the trade registry, which adds to the procedure's complexity. This is because many media outlets have companies as their sole shareholder.

The indicator on **Plurality of media providers** scores a high risk (71%). The media ownership and concentration in Türkiye are regulated with Law No. 6112 on the Establishment of Radio and Television Enterprises and Their Media Services and Law No. 4054 on the Protection of Competition. The Radio and Television Supreme Council and the Competition Authority are two public institutions that oversee the structure of the media market. However, only audiovisual media is subjected to regulation to prevent media

concentration. Article 19 of Law No.6112 on the Establishment of Radio and Television Enterprises and Their Media Services regulates the establishment and share ratios of radio and television organizations and aims to prevent monopolization through limitations based on the share of commercial communication, advertising revenues, and other sponsorships. The Radio Television Supreme Council has recently extended its power towards online radio, television, on-demand broadcasters, private media service providers, and platform operators transmitting such broadcast services in 2019. However, it includes just licensing and authorization and does not aim to prevent monopolization in the online news media market. By these, it's perceived as a censorship attempt on online platforms (Ok, 2024). Digital and print media are subjected to the Competition Authority. According to the most recent reliable data, traditional news media organizations still hold the top 4 players list who are Demirören Group, Kalyno/Turkuvaz Group, Doğuş Media Group and BEME Media AG/Estetik Publishing (Media Ownership Monitor Audience Concentration, 2021). No digital native news organization was able to enter the list. Yet, the lack of data in the media market creates an obscure media environment.

The indicator on **Plurality in digital markets** scores a high risk (81%). Current laws and regulations do not guarantee to prevent a high degree of ownership concentration in the digital media market. Despite that this indicator is not on media providers, it aims to assess concentration of the digital intermediaries to the news. According to the preliminary report published by The Competition Authority (2023), the biggest player in the online advertising arena in Türkiye is Google and its increasing concentration has been evaluated as problematic for the market due to the suffocation of the small actors to a degree that harms the development of a competitive market. The second biggest player is seen as Meta by the Authority. The closed ecosystems of both companies are deemed to create a market environment that prevents new rivals from entering to protect Google and Meta from any possible competition, which will deprive consumers of new and innovative products in the future. Since Facebook, Instagram, and YouTube are the most popular social media platforms in Türkiye, their infrastructural system of algorithms and data processing provide an unfair advantage. In terms of the audience share calculation by Semrush ranking top 4 online players respectfully consist of Alphabet (289 m unique visitors combined with Google and Youtube), Meta (76.6 m unique visitors combined with Facebook and Instagram), Eksisozluk.com (30.1 m unique visitors) and Twitter.com (53.7 m unique visitors). The top 4 share is approx. 70 percent (we are social, 2023). The preliminary report of The Competition Authority also touches on the problems that news media organizations deal with these platforms in terms of copyright issues and advertising revenue. Towards the end of 2023, the Parliament's Digital Media Commission announced that they have accelerated the process to pass a new law called the Digital Copyright Law (Free Web Turkey, 2023). If the Parliament manages to legislate the copyright regulation, digital platforms such as Meta or Google will be obliged to pay royalties to the online content producers. Law No. 7194 on Digital Services Tax and Amendment to the Legislative Decree No. 375 and Other Laws aims to implement a structure by which businesses that provide services in digital platforms will pay 7,5 percent tax out of the profit they make from their users in Türkiye and sets forth the scope of the Digital Services Tax ("DST") as well as the exemptions from paying such tax. However, the effectiveness of the law continues to remain unclear.

The indicator on **Media viability** scores a high risk (79%). 2023 has been a year that the effects of the February 6th earthquakes were seen on the media market, especially on the local media. Advertising on television and radio stopped for more than one month causing a halt in revenues. According to the report prepared by Deloitte for the advertising industry that covers the first half of the year, the most invested area is television with ₺9,76 billion-ad investment (€350 million approx.), which is 26 percent of all the investments in the media market and the newspaper is the least invested area with ₺350 million-ad investment (€12 million approx.), which is 0,93 percent of all the investments. The local journalism continues

to suffer further this year. Whether it is the north of Turkey or its south-eastern regions, the traditional newspapers are shutting down one by one due to the lack of economic resources, state subsidies, and significant shift in audience behavior towards digital media, which causes traditional newspapers to lose readership. On top of these hardships, the earthquakes in February 2023 in the southeast of Türkiye damaged the buildings of local media outlets, which left the journalists of the region with another economic burden to replace the equipment, offices, and resources to do journalism. Therefore, the overall assessment of the sustainability and viability of local media in Türkiye is at grave risk. In this challenging environment, digital news media initiatives experiment with new ways of storytelling such as vertical storytelling and oriented news production and different types of revenue models to sustain their business, i.e. supporting the newsroom through a separate division of creative agency under the same umbrella. Yet, there is still a long way for digital news media to compete with the mainstream media in Türkiye. According to the Press Freedom Report (2022-2023) of the Journalists' Union of Turkey, the number of employed journalists rose to 27.241 from 23.907 (2021-2022 period). Even though the numbers might indicate an increase, the new regulation known in public as the Disinformation Law has brought a new amendment, article 26, that adds the "internet news websites" word after the "newspaper" which allows digital news media organizations to register as press under the Press Law No. 5187 and also register their employees as press workers under the Law No. 5953 on the Relationship between Journalists and Their Employers. Before this new amendment, only journalists who worked for traditional media were allowed to register as journalists, and the journalists who were employed in the digital news media organizations were registered as office workers which deprived them of their rights as journalists and caused discrimination within the news industry. Once the Disinformation Law came into effect in October 2022, many digital news organizations started to change their legal status to press and register their journalists as press workers in 2023. That's why, the numbers might probably seem to increase whereas it might only indicate a shift to a legal status. Precarity and working unregistered remain the most serious threats to freelance journalists.

The indicator of **Editorial independence from commercial and owner influence** has the highest risk score (86%) in this area. The job security of journalists is under the protection of Law No. 5953 on the Relationship between Journalists and Their Employers. Article 11 of the Law granted the right to terminate their contracts for default without giving up their severance in case of changes of ownership or editorial policy. However, the law fails to guarantee editorial independence and journalistic autonomy due to the clientelist relationship between media owners and the government and that some journalists' contracts are under General Labor Law No. 4857, which deprives them of the rights in the Law No. 5953 such as severance pay and unilateral rescission. In addition to the ineffectiveness of the implementation of the law on editorial independence and journalistic autonomy, self-regulatory bodies are also ineffective in terms of granting any protection in case of violation or arbitrary interference against editorial independence. In Türkiye, the concentration of media capital in the business groups that operate in different business areas and cross-media ownership (the ownership of the same capital owners in different media types) continues to be a major obstacle to the independence of editorial content. The owner of more than 80 percent of the media outlets in Türkiye has economic or political ties with the ruling party AKP (Media Ownership Monitor Turkey, 2021), which results in the inevitability of the commercial and political influence on the editorial content. The repercussions of this media structure were seen apparently after the Presidential and Parliamentary elections held in May 2023. The editorial pressure on journalists has been increased which resulted in either dismissal or resignation of at least five journalists due to the disagreements on editorial processes. The media outlets were Cumhuriyet (oppositional), Halk TV (oppositional, unofficially affiliated with the main opposition party CHP), TV100 (owned by a businessman), and Habertürk TV (owned by Ciner Group). As also stated in many international reports the editorial content of the commercial media is heavily affected by the interests and affiliations of the owners and lost its independence and impartiality. In terms of

the prevention of commercial influence both regulatory and self-regulatory bodies have efforts to designate the borders. Law No.6112 on the Establishment of Radio and Television Enterprises and Their Media Services and Law No. 6502 on the Protection of the Consumer prohibit disguised advertisement. The Journalists Declaration of Rights and Responsibilities published by the Türkiye Journalists's Association clearly defines the boundaries between journalists and activities in the field of advertising, however, the Association has no power to implement any sanction in case of violation. The self-regulatory frameworks, also, do not have a direct article regarding the separation of departments in terms of editorial jobs and business model-related activities. Therefore, both legal and self-regulatory measures fall short of preventing the commercial influence in media.

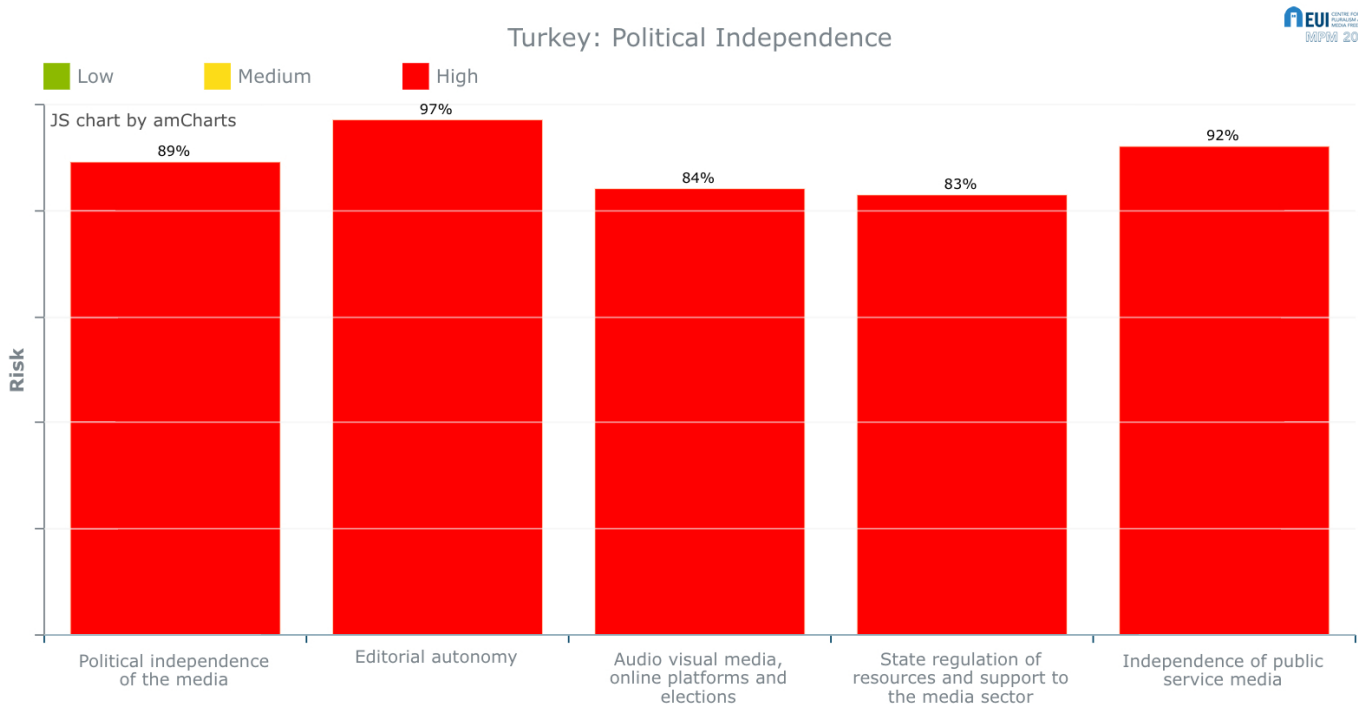
Focus on the digital environment

With the amendment introduced to Law No. 6112 on the Establishment of Radio and Television Enterprises and Their Media Services in 2018, the Radio and Television Supreme Council (RTUK) became the enabler and controller authority regarding the Internet. The Internet broadcasts have become subject to the control and “monitoring” of the RTUK. After the inclusion of the digital news media within the definition of the press with Law No. 7418, the digital news media are obliged to publish their company and staff information on their website. Despite the ambiguity in the definition of disinformation and the censorship risk caused by it, once registered as office workers digital journalists have gained the right to be registered as journalists and benefit from the same rights as their colleagues in the traditional media. Even though many aspects of digital news media are regulated, the concentration and ownership structure remain unregulated.

Finding a sustainable business model for digital news media is still the toughest problem to tackle. Some small initiatives sustain their business by relying on sponsorships and paid content whereas others try to generate revenue from their subscribers. On the other hand, there are a few local digital-born news outlets located in the eastern and southeastern regions of Türkiye that aim to improve the reach of the Kurdish media through the opportunities of the internet. Their business models are based on short-term grants which creates a precarious situation for their sustainability. Nonetheless, all of those initiatives are small and struggle to sustain their business in addition to their lack of capability in terms of reaching a bigger crowd.

3.3. Political Independence (89% - 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 high risk (89%).

The indicator on **Political independence of media** scores a high risk (89%). Article 19(b) of Law No.6112 on the Establishment of Radio and Television Enterprises and Their Media Services prohibits public figures and entities from being a shareholder of a media service provider directly or indirectly. In addition, Article 133 of the Constitution ensures the autonomy and impartiality of the public service media (TRT) and public news agencies (Anadolu Agency). However, TRT is under direct control of the Directorate of Communications of the Presidency and Anadolu Agency has been criticized for many years for biased broadcasting policy when announcing the election results in favour of the ruling party. The commercial media is also dominantly owned by business groups that are affiliated with the government and the President. According to the most recent data published by Media Ownership Monitor, those business groups (Demiroren, Albayrak, Dogus, Ciner, Kalyon, and İhlas) that have operations in energy, construction, tourism, and mining hold more than two-thirds of the commercial media companies. As stated in many reports such as Media4Democracy Media Monitoring Report 2023-1, the International Press Institute's report on the 100th anniversary of the Republic of Turkey, Human Rights Watch Turkey 2023 Report, and the 2023 Turkey report published by the European Commission state that the editorial content of the commercial media is heavily affected by the interests and affiliations of the owners and lost its independence and impartiality.

The indicator on **Editorial autonomy** has the highest risk score in this area (97%). Editorial autonomy is not legally ensured and the self-regulatory bodies remain ineffective. Some key journalist arrests demonstrated the damage caused to the independence of journalism and editorial autonomy by the implementation of the Disinformation Law. One of those journalists Tolga Sardan wrote an investigative article on an alleged report prepared by the National Investigation Bureau for the corruption in the judiciary before his arrest. Sardan spent five days in prison despite that none of the documents in his report were denied by the authorities in question. In addition to the Disinformation Law, criminal charges under the Turkish Penal Code such as praising terrorism and insulting the President have also continued to be used as a political instrument to silence critical journalists. The editor-in-chief of Tele1 Merdan Yanardag and journalist Baris Pehlivan were among those imprisoned. Besides, the Radio and Television Supreme Council (RTÜK) and the Press Ad Agency (BİK) continue to systematically fine politically independent news media and threaten their viability. RTÜK increased its fines by 90% compared to last year and according to Tuncer Keser, RTÜK members from the quota of the main oppositional party CHP, the critical television channels Tele1, Halk TV, and Fox, hold the top of the list of fines and sanctions (Gazete Duvar, 2023).

The indicator on **Audiovisual media, online platforms, and elections** scores a high risk (84%). Article 5 of the Turkey Radio and Television Law No. 2954 prohibits one-sided, partisan broadcasting for the interests of a political party, group, or interest circle to form a free and healthy public opinion. However, the law is not implemented effectively. As has been the case for many years, TRT's (PSM channel of Turkey) broadcasting policy was far from impartiality in 2023 as well. The PSM's long-term policy of biased coverage favoring President Recep Tayyip Erdogan, his ruling party AKP, and their allies continued during the general elections held in May 2023. The violation of the propaganda ban, the unfair time allocation in favor of President Erdogan and his supporting alliance People's Alliance, and the dissemination of a fake video of the main oppositional bloc's candidate Kemal Kilicdaroglu on social media are some of the most significant practices regarding the biased broadcasting policy of PSM. The bias was not specific to TRT. During the election period in 2023, the polarization in the private media between pro-government and critical became more visible. According to the data reported by OSCE and ODIHR (2023), the pro-governmental TV channels demonstrated a clear bias toward President Erdogan and the People's Alliance whereas the oppositional broadcasters demonstrated a bias towards Mr. Kilicdaroglu and the Nation's Alliance.

The indicator on **State regulation of resources and support to the media sector** scores a high risk (83%). The media sector in Türkiye is not subsidized directly by the state. However, due to the February 6 earthquakes, the Radio and Television Supreme Council (RTÜK) decided to postpone the declaration of communication revenues for four months, and the spectrum payments, annual fees, installment payments of the cable-satellite licenses, and default interests of the broadcasters for three months to minimize the economic burden on the local media in the earthquake region that covers eleven cities in the southeast region (TRT Haber, 2023). Press Advertisement Institution (Basın İlan Kurumu-BİK) is tasked with allocating official advertisements and announcements to the print media according to their circulation. However, it functions as a public body that has sanctioning powers to prohibit advertisements to any publication it deems to have violated media ethics, and the counter-terrorism clause in the regulation or has acted against the constitutional order. This has a censorship effect on the news media. BİK also published a new regulation that covers the digital news media in 2023. The regulation categorizes the news organizations according to their size, news production number, and singular visit numbers per day which could be required to reach to minimum of 500,000 audience numbers with 240 news stories per day produced by 32 employees according to the category one belongs to. Türkiye Journalists' Association and Journalists' Union of Turkey filed a legal case with the claims that this new regulation violates the Constitution, the right to press freedom, and the right to work (Medyascope, 2023).

The indicator on **Independence of public service media** has the second highest risk score (92%) in this area. The existing law (Law No. 2954) does not guarantee independence from government or other political influence since the appointments and dismissals of TRT's management structure are proceeded directly by the President himself according to the decree law no. 703. TRT's head of the management board Ahmet Albayrak is a member of the Albayrak family known as in-laws of President Erdogan and its general manager Mehmet Zahid Sobaci is a scholar known to be in line with the government policies. The other board members are also known for their close ties with the ruling party AKP. Because of TRT's unfair time allocation favoring the ruling party's candidates in the last elections and its role as a propaganda tool, criticisms were raised on the sources of income since the majority of it relies on tax shares. TThe PSM published a financial report on its expenditure in 2022. According to this report, TRT's expenditure was calculated as almost 7.5 billion Turkish lira which indicates a raise by 73% in 2022 compared to 2021 (BirGün, 2023b). Its external expenses cost more than 4 billion Turkish lira. In 2022 the bandrole fees collected from the citizens reached to almost 8 billion Turkish lira, which was 3,3 billion Turkish lira in 2021. Additionally, the salaries of the board members most of whom are affiliated with the ruling party and/or the President Erdogan increased by 92 percent in the 2020-2022 period. The total annual salary paid to the board members is almost 1,5 million Turkish lira. This does not include the extra expenses such as accommodation, daily allowance and transportation fees (BirGün, 2023c). The government does not create an environment where the financing of PSM is discussed. A proposal to investigate the reasons why TRT violates the impartiality principle was given in Parliament by the oppositional parties in November 2023. The proposal suggests that TRT is funded by the public but only serves the perspective and representation of the ruling party and President Erdogan. The oppositional parties accused the board members of TRT of violating the Constitution due to its partial and unfair broadcasting policy. The proposal was rejected by AKP and its ally MHP (Artı Gerçek, 2023).

Focus on the digital environment

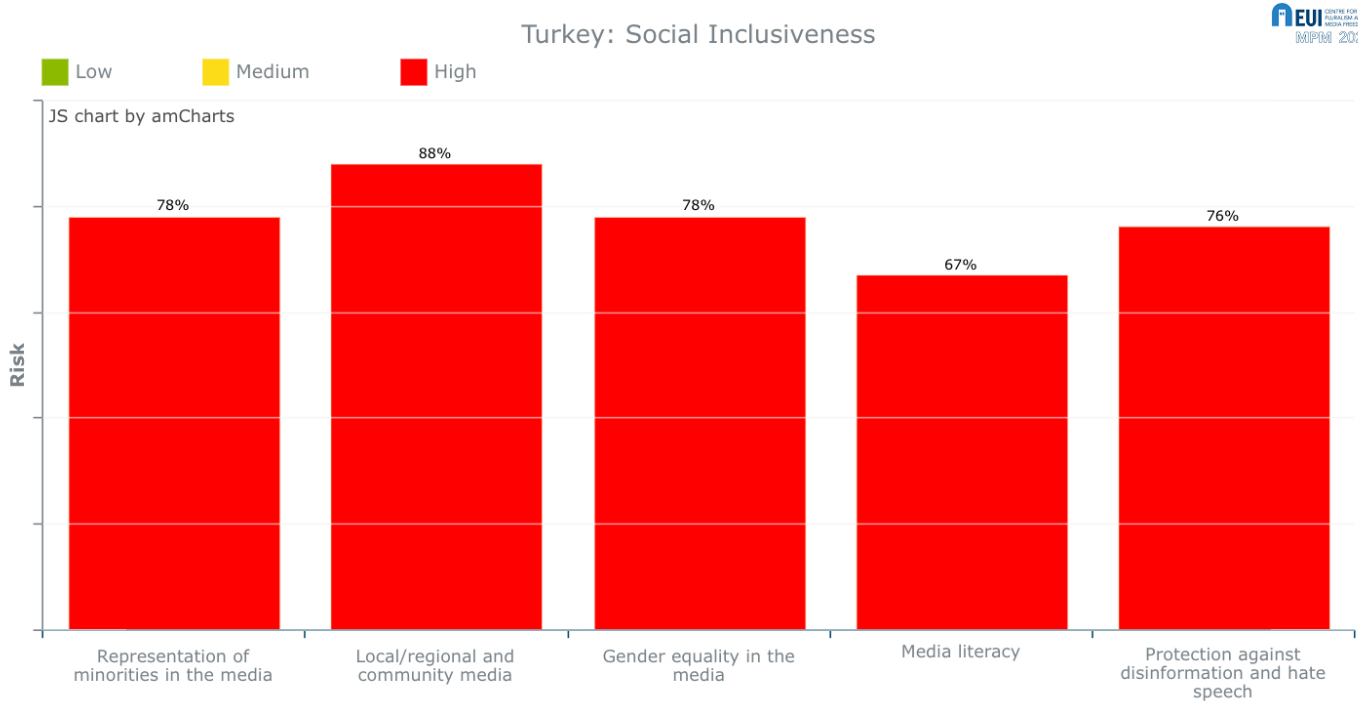
The digital risk for the **Political Independence** area is also associated with high risk (70%). The eight point decrease in the risk score compared to the last year is due to the lack of up-to-date and reliable data on the ownership structure. This lack of data has been assessed as low-risk.

No regulation aims to ensure transparency of political advertising on online platforms during electoral campaigns in Turkey. Despite the lack of official data disclosed by the political parties and candidates, Gözlemevi, a civil activist organization on the big tech in Turkey, published a detailed report derived from ad libraries of Facebook and Instagram about social media ad spending of political parties, candidates and two rival alliances between February, 14 and May 14, 2023. During the reported period 66% of total Facebook and Instagram ad spending belong to the People's Alliance (the pro-governmental alliance) while 24% of them belong to the Nation's Alliance (the oppositional front).

The online public service mission of TRT is not regulated separately from its offline operations. In 2023 the digital platform of TRT announced its digital platform called "Tabii" as an alternative to Netflix. The platform was criticized for producing shows and documentaries only with people and actors who are known to be pro-governmental. Also, TRT has not announced how much it spends on the production of Tabii (BirGün, 2023).

3.4. Social Inclusiveness (77% - 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 disinformation and hate speech.



Social Inclusiveness area is associated with a high risk (77%). In 2023, there is a minor change from 79% to 77% due to revisions in some indicators, particularly in **the Representation of minorities** and **the Local/regional and community media**.

The indicator on Representation of minorities in the media scores a high risk (78%). Despite Turkey's PSM channels broadcasting in a variety of minority languages such as Kurdish, Arabic, Bosnian, and Turkic languages, legally recognized minorities under the Lausanne Treaty (Armenians, Greeks, Jews) have lacked programming in both private and public channels. Prof. Dr. Samim Akgönül (2023) noted that in 2023, Türkiye's most significant religious minority, the Alevi community's visibility increased in parallel to the ruling AKP party's politics. During his campaign for the presidency, Kemal Kılıçdaroğlu, the prior leader of the main opposition party, declared his Alevi religious identity. This disclosure had an impact on the policies of the AKP as well. Despite these improvements, Akgönül argued that minority representation is still not proportional to the size of their populations in Türkiye. The increased visibility of minorities such as Alevis is seen as progress, yet the overall landscape remains between high and medium risk concerning equitable representation.

Media accessibility for people with disabilities is also still problematic. Although a more comprehensive regulation on "the accessibility to broadcasting services for persons with disabilities" came into force (October 11, 2019), people with disabilities still face difficulties in accessing media. Psychologist Gülsüme Şenocak (2023) criticizes the lack of effective implementation of these regulations, noting that non-compliance is widespread among private TV channels due to insufficient enforcement and sanctions. This has led to a significant gap between the legal framework and practical accessibility for people with disabilities.

^[1]In 2022 and 2023, TRT aired public-service announcements promoting anti-LGBTQI+ sentiments through supporting the protests organized “to protect family values.” This move is endorsed by RTÜK’s request for private channels to air these public broadcasts. The promotion of anti-LGBTQI+ sentiments through public broadcasts has sparked significant concern among human rights advocates, underscoring the need for a more inclusive and equitable approach to broadcasting in Turkey. As editor-in-chief of KAOS GL, Yıldız Tar determined, KAOS GL filed complaints against RTÜK, emphasizing that such broadcasts serve as clear instances of the authority’s anti-LGBTQI+ policy.^[2]

The indicator on Local/regional and community media scores a high risk (88%). The risk percentage is still high. In 2022, it scored 91%. Since this year indicators in this area have revised, and although there is no significant progress the risk percentage decreased. The local media research in Turkey^[3] which involves 3,240 local media outlets across 81 cities reveals issues rooted in ownership mechanisms, content limitations, and financial struggles. Both regional and community media face significant challenges due to restrictions on media freedom and a lack of legal recognition and support. The chair of the Southeastern Journalist Association of Türkiye and DW Diyarbakır correspondent Felat Bozarlan (2023) says that the government and local authorities control and influence over the media through financial and administrative means, and dependence on governmental and regional authorities results in a media environment where critical reporting, especially on regional problems, is scarce and often left to international media organizations. The Press Advertising Agency (BİK) plays a pivotal role in the financial sustainability of local media through the distribution of official advertisements and announcements. However, the agency’s policies, including advertising bans and fines on local media, exacerbate financial challenges and encourage self-censorship among journalists. This dynamic undermines the independence and viability of local outlets, with many operating under poor conditions and compensating staff below minimum wage levels. The recent legislative changes for online advertisements strain the media’s financial sustainability and operational independence. These conditions, alongside the censorship and blocking of online media outlets, paint a concerning picture of the freedom and pluralism of the media landscape in Turkey.

The indicator on Gender equality in the media (78%) scores high risk. PSM does not have a comprehensive gender equality policy. TRT’s management board still consists of two women. In 2023, women executives of TRT increased from 7 to 9. The percentage of women editors in private media increased from 38% to 50%. However, the representation of women in media is still problematic. As mentioned in previous years’ reports, two initiatives (Sensiz Olmaz Sessiz Olmaz and Mor Fihrist) have been established in Türkiye to promote the studies and expertise of female academics, journalists, and experts. Journalists and the Project leader of "Sensiz Olmaz Sessiz Olmaz" Gülbin Ayşe Karabat (2023) said that there is progress. The number of women experts invited to TV programs is increasing day by day. Especially, alternative media outlets and international media outlets with bureaus in Turkey tend to invite women experts. However, the situation is more problematic with pro-governmental media outlets.

The indicator on Media literacy shows medium risk (67%). There is no change in the law and regulation. Despite a 2006 initiative between RTÜK and the Ministry of Education to introduce media literacy courses for 7th and 8th graders, current programs lack coverage on crucial topics like digital security, cyberbullying, digital identity, digital literacy, etc. Efforts to broaden media literacy beyond children to include adults and vulnerable groups have been limited, through civil society and municipalities. Despite these efforts, which led to an increase in the risk percentage from 62% to 72% in 2023. The reach and effectiveness of these initiatives remain insufficient, especially among vulnerable populations such as elderly women, who significantly underutilize social media. The vice president of the Media Literacy Association, Cansu Aydemir

Coşan said that after the earthquake in February 2023, disinformation spread faster than the truth. The government has initiated some projects, but their impact has been minimal. Additionally, in 2023 leading up to the elections, numerous organizations focused on increasing awareness about disinformation. Teyit.org initiated a program to teach university students how to identify and debunk false information online related to the electoral process, partnering with multiple universities for this purpose. For a year, Teyit dedicated efforts to enhancing the fact-checking capabilities of students and compiled a report detailing the knowledge and experiences acquired throughout this project.

The indicator on Protection against disinformation and hate speech shows high risk (76%). On October 18, 2022, the government published the amendment to Law No. 5187 in the official gazette. This amendment is popularly known as the "disinformation law" in society. The dissemination of disinformation, particularly in critical times such as elections and natural disasters, has tangible consequences on society and democracy. In the context of combating disinformation in Turkey, the establishment of the Center for Combating Disinformation (Dezenformasyonla Mücadele Merkezi-DMM) within the Republic of Türkiye Directorate of Communications and the introduction of a fact-checking department within Anadolu Agency (AA) represent significant steps by the government. However, Emre İlkan Saklıca, editor-in-chief of Teyit, underlines critics and concerns regarding these efforts' effectiveness and impartiality due to their close ties with the government. Despite the establishment of DMM and AA's fact-checking department, both entities, along with TRT (Public Service Media), are under significant government control. This situation raises questions about the potential for bias in their reporting and fact-checking processes, undermining the credibility of their efforts to combat disinformation.

Furthermore, the negative impact of the disinformation law is evidenced by the legal actions against journalists, with 33 facing investigations, six detentions, and four arrests, highlighting the substantial concerns surrounding the contentious nature of this legislation.

Editor-in-chief of Teyit, Emre İlkan Saklıca points out that the approval of potentially biased or false information by government-affiliated bodies like DMM poses a significant challenge to independent fact-checkers. As Saklıca said, it is difficult to maintain public trust in independent fact-checking when DMM endorses information aligning with government politics. Independent fact-checking organizations face an uphill battle in asserting their credibility against government-affiliated narratives broadcast across numerous media channels.

The discourse surrounding the legal and social framework for managing hate speech and disinformation in Türkiye remains fraught with complexities and ambiguities. Nayat Karaköse, program coordinator at Hrant Dink Foundation, underscores a persistent challenge due to the lack of a clear definition of hate speech within the legislative context. This ambiguity particularly surrounds Article 27 of the "disinformation law" and Article 122 of the Turkish Penal Code. Article 27 states *"Anyone who publicly disseminates false information regarding the internal and external security, public order and general health of the country, with the sole motive of creating anxiety, fear or panic among the public, in a way that is suitable for disturbing the public peace, is sentenced to imprisonment from one year to three years."* It penalizes the dissemination of false information that could create public unrest, yet does not explicitly define hate speech. Article 122 of the Turkish Penal Code states *"Anyone who prevents a person from being hired... because of hatred stemming from differences in language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion or sect... punishable by imprisonment of up to one year."* Similarly, it does not define hate speech.

Institutionally, the Hrant Dink Foundation (HDV) emerges as a pivotal actor in the landscape of hate speech monitoring and advocacy in Türkiye. Since 2009, the foundation has undertaken comprehensive media monitoring efforts through analyzing a wide array of national and local newspapers for hate speech. The HDV's engagement with an extensive network of academics, NGOs, and international stakeholders, as highlighted by Karaköse, signifies the collaborative efforts required to address hate speech effectively. Furthermore, projects like the use of artificial intelligence for online hate speech detection reflect innovative approaches to combating this issue.

The reportage and actions by organizations such as KaosGL and MülteciDer, alongside the systematic efforts of the HDV, indicate a multi-faceted response to hate speech. However, the legal framework's ambiguities, particularly concerning the definition of hate speech and the application of laws like Article 27, pose significant challenges. The arbitrary application of laws, coupled with the government's changes to legislation such as Law 5651, raises concerns about censorship and the suppression of free expression under the guise of protecting public order and security. For a more effective response, there is a need for legal clarity and a consistent application of laws, underscored by the principle of safeguarding both public order and the right to free expression.

Focus on the digital environment

In 2023, a year marked by elections and a devastating earthquake impacting 11 cities in Turkey, it was observed that misinformation and disinformation circulated more rapidly than factual information. Frequently, the propagation of inaccurate information led to the spread of hate speech. The increased instances of legal actions against journalists highlight worries regarding the disinformation law. Furthermore, modifications to the press law, particularly concerning online advertising, adversely affected alternative media outlets, including community and regional media outlets. These media's main income relies on online advertisements for financial support and for this reason, they face challenges in maintaining their impartiality and independence while trying to finance their operations.

4. Conclusions

Fundamental Protection (74,6% - high risk) All indicators, except Universal reach of traditional media and access to the internet (63%), score high risk. In 2023, arbitrary detention of journalists and long pre-trial detention periods continued. 33 journalists have been investigated under the controversial “disinformation” amendment in the Turkish penal code about spreading disinformation 217/A since the law was passed in 2022. Six journalists were detained and four were arrested in line with this new amendment.

Recommendations:

- To the State: Prosecutions without evidence of criminal wrongdoing that are frequently brought under anti-terrorism laws should be stopped. In accordance with the decisions of the European Court of Human Rights, court orders imposing lengthy pre-trial custody periods on journalists ought to be repealed. Journalists should be defended against any attacks or threats they receive, particularly if they constitute coordinated crimes.
- To the State: Public funds for the state's media subsidies should be dispersed equally, and public regulatory authorities should refrain from using harsh fines as a censorship tactic against critical media outlets.
- To the State: The access blocks imposed by criminal judgeships 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.
- To the State: The public's right to knowledge should be protected, and access to social media platforms and the Internet should not be restricted due to arbitrary rulings.
- The operation of the public broadcaster TRT as a propaganda organ of the government should be abandoned and it should be restored to an autonomous broadcasting policy at an equal distance to all views.

Market Plurality (74% - high risk). All indicators, except Transparency of media ownership (54% - medium risk), score high risk. The increase in ad investments in the audiovisual media and periodical earthquake-support to local media lowered the risk score of the media viability indicator by four points compared to 2022. However, the sustainability issue continues for digital journalism. Overall editorial policy of the news media during the election period further jeopardized the editorial independence, which increased the risk score by nine points compared to 2022.

Recommendations:

- To the State: Law and regulations should be amended in a way that prevents cross-ownership including the prevention of ownership in non-media sectors. The ownership structure should be regulated in the digital media as well.
- To the State: Local media should be directly subsidized without any discrimination through new law and regulations. New incentives should be considered to encourage for establishment of local media outlets, which aim to increase employment in the regions outside Istanbul.
- To the State: Instrumentalization of the sanctions and fines as a threat to media viability imposed by the

Radio and Television Supreme Council should be prevented through law and regulations. A control mechanism should be established to ensure the objectivity of RTÜK.

- To the Sector: News organizations, both traditional and digital, should create up-to-date ad libraries visible to public to ensure a transparent and fair political campaign environment.
- To the Sector: Digital native news media should embrace a reader/audience-oriented business approach to sustain their viability in addition to common revenue models such as advertising and private ownership.
- To the Self-Regulatory Bodies: In order to ensure independence of and protect journalists from commercial and owner influence effective measures should be implemented in case of violations against the journalistic integrity.

Political Independence (89% - high risk). All indicators in this area score high risk. The consistency in risk scores of all the indicators demonstrates the lack of improvement in the media freedom of Türkiye. The effects of the Disinformation Law, the lack of impartiality of TRT (PSM of Türkiye) and Anadolu Agency (official news agency of the country), the attitude of the Press Ad Agency as a censorship mechanism continue to pose serious threats to independence and autonomy of journalism.

Recommendations:

- To the State: The independence and fairness of Radio and Television Supreme Council (RTÜK) should be ensured. A control mechanism should be established to ensure the impartiality of RTÜK.
- To the State: The independence of TRT and Anadolu News Agency should be ensured. In order to do that, the regulations on the appointments and dismissal of the public service media should be changed in favor of guaranteeing the impartiality of the management as well as its editorial policy.
- To the State: The accountability of TRT should be ensured through law and regulations. TRT should be held responsible of announcing its annual income and expenses to the public.
- To the State: The transparency and fairness of online political advertising, especially during the election periods, should be regulated and monitored. The public should be informed about the paid political advertisement clearly. Effective measures should be taken in case of violations.
- To the Sector: The solidarity and cooperation among journalists should be encouraged to protect the independence of media, especially in times of unfair practices. Actions such as publishing articles or organizing meetings in support of each other could be considered.
- To the Self-Regulatory Bodies: In order to protect and sustain editorial autonomy against any political interference effective measures should be taken and implemented.

Social Inclusiveness (77% - high risk) All indicators in this area score high risk. The year 2023 was full of crises, including a catastrophic earthquake that impacted 11 cities across Türkiye, adding to the complexities of an election year. It also highlighted the harmful effects of the "Disinformation Law," on the freedom of expression and democracy.

- To the State: to develop a policy to guarantee access to media for minorities.
- To the media industry: to promote the representation of minority groups in Turkey. Media outlets should give proper access to media for minority groups.
- To the PSM: to represent all minority groups. PSM should broadcast independently and stay away from biases.
- To the State, PSM, and media industry: to promote gender equality in 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 mandatory courses given by media professionals and experts.
- To the State: to develop digital media literacy skills of all. There is a need to adopt a policy on the education of the 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. While doing so, they should not harm freedom of expression
- To the State: not to use the amendment to the Press Law for censorship or to limit online media.

5. Notes

- [1] Please see <https://kaosgl.org/en/single-news/hatred-is-a-public-service-announcement-once-again>
- [2] For other news and reports check the KAOS GL's website <https://kaosgl.org/en/search-result?q=rtük>
- [3] For more information please check <https://yerelmedyavt.com/en/default/>

6. References

- 13 journalists and media workers in prison (2024). Union of Journalists in Turkey (TGS). <https://tgs.org.tr/cezaevindeki-gazeteciler/>
- 2023 Press Freedom Index: Türkiye. (2023). Reporters Without Borders (RSF). <https://rsf.org/en/country-t%C3%BCrkiye>
- 2023 Türkiye Raporu. (2023). Avrupa Birliği Komisyonu. <https://ab.gov.tr/siteimages/resimler/2023%20T%C3%BCrkiye%20Raporu.pdf>
- 2023 World Press Freedom Index – Journalism Threatened by Fake Content Industry. (2023). Reporters Without Borders (RSF). <https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry>
- 2023'te yıllık enflasyon TÜİK'e göre yüzde 64, ENAG'a göre yüzde 127. (2024, January 3). BBC News Türkçe. <https://www.bbc.com/turkce/articles/c9927ve14xdo#:~:text=Enflasyon%20Ara%C5%9Ft%C4%B1rma%20Gruhu%20g%C3%B6re,y%C3%BCzde%20127%2C21%20olarak%20ger%C3%A7ekle%C5%9Fti>
- Adrese Dayalı Nüfus Kayıt Sistemi Sonuçları, 2023. (2024, February 6). Türkiye İstatistik Kurumu (TÜİK). <https://data.tuik.gov.tr/Bulten/Index?p=Adrese-Dayali-Nufus-Kayit-Sistemi-Sonuclari-2023-49684>
- Amendment Of Press Law And Certain Laws (2022). Turkish Presidency. <https://www.resmigazete.gov.tr/eskiler/2022/10/20221018-1.htm>
- Anayasada Yapılan Değişikliklere Uyum Sağlanması Amacıyla Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılması Hakkında Kanun Hükmünde Kararname [Decree Law No. 703]. (2018, February 20). <https://www.resmigazete.gov.tr/eskiler/2018/07/20180709M3-1.pdf>
- Basın Kanunu, Law No. 5187. (2004). <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.5187.pdf>.
- Basın Kanunu ile Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun [Law No. 7418]. (2022). <https://www.resmigazete.gov.tr/eskiler/2022/10/20221018-1.htm>
- Basın Mesleğinde Çalışanlarla Çalıştıranlar Arasındaki Münasebetlerin Tanzimi Hakkında Kanun, Law No. 5953 (1952). <https://www.mevzuat.gov.tr/MevzuatMetin/1.3.5953.pdf>
- Bayar, C. (2023, December 26). RTÜK 2023'te 76 yaptırım uyguladı, para cezaları yüzde 90 arttı. Gazete Duvar. <https://www.gazeteduvar.com.tr/rtuk-2023te-76-yaptirim-uyguladi-para-cezalari-yuzde-90-artti-haber-1656686>
- Büyüme. (2024). T.C. Cumhurbaşkanlığı Strateji ve Bütçe Başkanlığı. <https://www.sbb.gov.tr/buyume/#:~:text=Mevsim%20ve%20takvim%20etkilerinden%20ar%C4%B1nd%C4%B1r%C4%B1m%C4%B1m%C4%B1%C5%9F,4%2C5%20oran%C4%B1nda%20b%C3%BCy%C3%BCme%20kaydetmi%C5%9Ftir>
- Çevrim İçi Reklamcılık Sektör İncelemesi Ön Raporu. (2023). Rekabet Kurumu. <https://www.rekabet.gov.tr/Dosya/cevrimici-reklamcilik-on-raporu-20231009170548088.pdf>
- Digital 2023: Turkey. (2023). we are social & Meltwater. <https://datareportal.com/reports/digital-2023-turkey>
- Dijital Hizmet Vergisi İle Bazı Kanunlarda ve 375 Sayılı Kanun Hükmünde Kararnamede Değişiklik Yapılması Hakkında Kanun [Law No. 7194].

(2019). <https://www.resmigazete.gov.tr/eskiler/2019/12/20191207-1.htm>

Dolar/TL kuru 30'u Astı. (2024, January 10). BBC News Türkçe. <https://www.bbc.com/turkce/articles/c19y2gek83lo>

DW'ye erişim engeli getirildi. (2023, November 17).

Medyascope. <https://medyascope.tv/2023/11/17/lisans-ureti-odemeyen-dwnin-iki-alan-adina-erisim-engeli/>

Establishment of Radio and Television Enterprises and Their Media Services, Law No. 6112 (2011). <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6112-20120704.pdf>

Freedom on the Net 2023 – Türkiye (2023). Freedom House. <https://freedomhouse.org/country/turkey/freedom-net/2023>

General Elections 14 May and Presidential Election, Second Round 28 MAY 2023: ODIHR Election Observation Mission Final Report. (2023). OSCE & ODIHR. <https://www.osce.org/files/f/documents/1/f/553966.pdf>

İnternet haber sitelerine ilişkin Resmi İlan ve Reklam Yönetmeliği BİK Genel Kurulu'nda Kabul edildi | Gazeteciler Cemiyeti: "Anayasaya ve çalışma hürriyetine aykırı". (2023, January 13). Medyascope. <https://medyascope.tv/2023/01/13/internet-haber-sitelerine-iliskin-resmi-ilan-ve-reklam-yonetmeli-gi-bik-genel-kurulunda-kabul-edildi-gazeteciler-cemiyeti-anayasaya-ve-calisma-hurriyetine-aykiri/>

İş Kanunu [Law No. 4857]. (2003). <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=4857&MevzuatTur=1&MevzuatTertip=5>

Journalism in Turkey: Low wages, political pressure, mobbing (2023). Union of Journalists in Turkey. <https://tgs.org.tr/turkiyede-gazetecilik-dusuk-maas-siyasi-baski-mobbing/>

Key findings of the 2023 Report on Türkiye. (2023, November 8). European Commission. https://ec.europa.eu/commission/presscorner/detail/en/ganda_23_5630

Media Ownership Monitor Turkey. (2021). Audience Concentration. Reporters Without Borders. Retrieved March 25, 2024, from <https://turkey.mom-rsf.org/tr/bulgular/konsantrasyon/>

Media Ownership Monitor Turkey. (2021). Indicators of Risks to Media Pluralism. Reporters Without Borders. Retrieved March 25, 2024, from <https://turkey.mom-gmr.org/en/findings/indicators/>

Media Ownership Monitor Turkey. (2021). Individual Owners. Reporters Without Borders. Retrieved March 25, 2024 from <https://turkey.mom-rsf.org/en/owners/individual-owners/>

Medya İzleme Raporu 2023-1. (2023). Media4Democracy. https://media4democracy.org/public/uploads/reports_9009135.pdf

Muhalefetin TRT'nin tarafsız yayıncılığı terk etmesine dair önergesi reddedildi. (2023, November 1). Artı Gerçek. https://artigercek.com/politika/muhalefetin-trtnin-tarafsiz-yayinciligi-terk-etmesine-dair-onergesi-reddedildi-271316h#google_vignette

Ok, V. (2024, January 17). Yok edici bir sansür mekanizması olarak: RTÜK. MLSA. <https://www.mlsaturkey.com/tr/yok-edici-bir-sansuer-mekanizmasi-olarak-rtuek>

Para, Prodüksiyon ve Politika: İki İttifakın Reklam Stratejilerinin Karşılaştırılması. (2023). Gözlemevi İnternet ve Toplum Araştırmaları Merkezi. <https://gozlemevi.io/para-produksiyon-ve-politika-mikro-hedefleme-incelemesi/>

Rekabetin Korunması Hakkında Kanun [Law No. 4054]. (1994). <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=4054&MevzuatTur=1&MevzuatTertip=5#:~:text=Madde%201%20%E2%80%93%20Bu%20Kanunun%20amac%C4%B1,denetlemeleri%20yaparak%20rekabetin%20korunmas%C4%B1n%C4%B1%20sa%C4%9Flamakt%C4%B1r>

Resmi İlan ve Reklam Yönetmeliği. (2023). <https://www.resmigazete.gov.tr/eskiler/2023/02/20230201-7.htm>

RTÜK deprem yayınları nedeniyle Halk TV, TELE 1 ve Fox TV'ye ceza verdi. (2023, February 22). Euronews. <https://tr.euronews.com/2023/02/22/rtuk-deprem-yayinlari-nedeniyle-halk-tv-tele-1-ve-fox-tvye-ceza-verdi>

RTÜK'ten 7 kanala ceza. (2023, November 17). Gazete Duvar. <https://www.gazeteduvar.com.tr/rtukten-7-kanala-ceza-haber-1647811>

RTÜK'ten deprem bölgesindeki yayıncılara destek. (2023, February 6). TRT Haber. <https://www.trthaber.com/haber/ekonomi/rtukten-deprem-bolgesindeki-yayincilara-destek-743880.html>

Şahin, Ü., & Coşkun, İ. (2023, May 03). 2022-2023 Basın Özgürlüğü Raporu. Türkiye Gazeteciler Sendikası. <https://tgs.org.tr/wp-content/uploads/2023/05/TGS-Basin-Ozgurlugu-Raporu-2022-2023.pdf>

Şahin, Ü. & Coşkun, İ. (2022, May 03). 2021-2022 Basın Özgürlüğü Raporu. Türkiye Gazeteciler Sendikası. <https://tgs.org.tr/tgs-basin-ozgurlugu-raporu-2021-2022/>

TBMM, Dijital Telif Yasası için çalışmaları hızlandırdı: 'Meclis'ten geçerse Google, Facebook gibi mecralar içerik üreticilerine telif ücreti ödemek zorunda kalacak'. (2023, December 20). Freewebturkey. <https://www.freewebturkey.com/tbmm-dijital-telif-yasasi-icin-calismalari-hizlandirdi-meclisten-gecerse-google-facebook-gibi-mecralar-icerik-ureticilerine-telif-ucreti-odemek-zorunda-kalacak>

TRT sayesinde köşeyi döndüler. (2023, June 14). BirGün. <https://www.birgun.net/haber/trt-sayesinde-koseyi-donduler-445234>

TRT yurttaşın parasını saçtı. (2023, December 29). BürGün(b). <https://www.birgun.net/haber/trt-yurttasin-parasini-sacti-494413>

TRT'nin kaynakları AKP'li yönetime. (2023, May 6). BürGün(c). <https://www.birgun.net/haber/trtnin-kaynaklari-akpli-yonetime-434788>

Turkey: Freedom in the World 2023 Country Report. (2023, March 8). Freedom House. <https://freedomhouse.org/country/turkey/freedom-world/2023>

Tüketici Fiyat Endeksi, Aralık 2023. (2024, January 3). Türkiye İstatistik Kurumu (TÜİK). <https://data.tuik.gov.tr/Bulten/Index?p=Tuketici-Fiyat-Endeksi-Aralik-2023-49657>

Tüketicinin Korunması Hakkında Kanun [Law No. 6502]. (2013). <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6502&MevzuatTur=1&MevzuatTertip=5>

Türk-İş Aralık 2023 Açlık ve Yoksulluk Sınırı. (2023, December 30). Türkiye İşçi Sendikaları Konfederasyonu (Türk-İş). <https://www.turkis.org.tr/turk-is-aralik-2023-aclik-ve-yoksulluk-siniri/>

Türkiye Cumhuriyeti Anayasası. (1982). <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=2709&MevzuatTur=1&MevzuatTertip=5>

Türkiye Gazetecileri Hak ve Sorumluluk Bildirgesi. Türkiye Gazetecileri Cemiyeti. (2019). Retrieved March 25, 2024, from <https://www.tgc.org.tr/bildirgeler/t%C3%BCrkiye-gazetecilik-hak-ve-sorumluluk-bildirgesi/bildirge.html>.

Türkiye Radyo ve Televizyon Kanunu, Law No. 2954. (1983). <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2954.pdf>.

Türkiye'de Tahmini Medya ve Reklam Yatırımları 2023 İlk 6 Ay Raporu. (2023). Reklamcılar Derneği & Deloitte. <https://iabtr.org/UploadFiles/PageFiles/2023%20Yar%C4%B1y%C4%B1l%20Medya%20ve%20Reklam%20Yat%C4%B1r%C4%B1mlar%C4%B1%20Raporu19102023121816.pdf>

Twitter'a 9,5 saat erişim engeli.... (2023, February 8). Sözcü. <https://www.sozcu.com.tr/twitter-ve-tiktoka-erisim-engellendi-wp7584907>

World Report 2023: Türkiye. (2023). Human Rights Watch. <https://www.hrw.org/tr/world-report/2023/country-chapters/383631>

Worldwide broadband speed league (2023). cable.co.uk. <https://www.cable.co.uk/broadband/speed/worldwide-speed-league/>

Zafer Biraz da Hasar İster: Cumhuriyet'in 100. Yılında Türkiye'nin Basın Tarihine Bir Bakış. (2023). International Press Institute Türkiye. https://freeturkeyjournalists.ipi.media/wp-content/uploads/2023/12/100yilraporu.pdf?utm_content=b

ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2024 CT Leader
<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>	
<i>Yasemin</i>	<i>Inceoglu</i>	<i>Prof. Dr.</i>	<i>Bahcesehir University</i>	X

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
<i>Sinan</i>	<i>Aşçı</i>	<i>Representative of a media users/consumers organization</i>	<i>Media Literacy Association</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>Şükrü Oktay</i>	<i>Kılıç</i>	<i>Representative of an Internet Service Provider/Video Sharing Platform/internet platform/social media</i>	<i>Fayn</i>
<i>İlhan</i>	<i>Taşçı</i>	<i>Representative of media regulator</i>	<i>RTÜK (Radio and Television Supreme Council)</i>
<i>Ceren</i>	<i>Ataer</i>		<i>Ayrıntı Yayınları</i>

Research Project Report

Issue -

June 2024

doi:10.2870/664316

ISBN:978-92-9466-584-3

QM-02-24-678-EN-N



Publications Office
of the European Union

