

Internet “Freedom” in Turkey

Amanda Paul and Demir Murat Seyrek

Fundamental rights and freedoms in Turkey have been in decline for the last few years, including internet freedom, with Turkey hardly meeting the EU’s Human Rights Guidelines on Freedom of Expression.

With more than 40 million internet subscribers, Turkey is the 14th largest user in the world. With over 36 million Facebook accounts and 12 million Twitter accounts, Turkey is ranked first worldwide in terms of social media usage according to Google’s 2014 Consumer Barometer. Social media has been used to express discontent over certain developments and government policies. Moreover, when it comes to dispersing information, social media has gradually replaced traditional media channels following the self-censorship of major media outlets as a result of direct and indirect political pressure. Social media usage during the June 2013 Gezi Park anti-government protests is still a unique case in terms of volume and impact. With over 17 million tweets sent in the first 10 days, #direngezipark became one of the most tweeted hashtags in Twitter’s history. Certain news stories, photos, and videos, ignored by news channels, were shared millions of times.

Unfortunately there are growing restrictions on internet freedom. As a result of Law No. 5651 on internet content regulation, tens of thousands of Turkish and international websites have been banned over the last few years for various reasons, including the “protection of young people and the public at large from harmful material online.” Youtube, Twitter, Blogspot and Vimeo are well-known examples. Political influence is clear in most cases. For example, the 2014 Twitter ban followed Turkish President, Recep Tayyip Erdogan’s famous statement -“we’ll eradicate Twitter.”

Yet banning websites has proven not to be a watertight method of restricting access. Take the case of Twitter. Most Turks, including the then President, Abdullah Gül, and other senior members of the ruling Justice and Development Party (AKP) continued to use Twitter through DNS services throughout the ban. Some Turkish news channels, including CNN Turk, even explained how to access Twitter. Nevertheless, the Twitter ban was a particularly dark spot in Turkey’s democratisation process.

Since Gezi, the government has intensified efforts to control the internet through punitive and legislative means. Control over the internet has been expanded by amending the internet law and various other regulations over the past year. In February 2014 the first controversial bill was passed by Parliament, which increased the powers of the national telecommunications authority, the Telecommunications Communication Presidency (TIB). It expanded censorship by allowing the authorities to block website access without a prior court decision. TIB now has the power to order the blocking of a website following a complaint on the breach of privacy of persons. This change also created new responsibilities and obligations for internet service providers, and for host and content providers. The law requires the internet service providers to collect and keep all data of users’ activities for two years and share this data with the authorities if requested. TIB’s power was further expanded in September 2014. Because the AKP has a majority in the Parliament the opposition is powerless to prevent such bills from passing.

While the Constitutional Court annulled these provisions in October 2014, in early 2015 a new bill was prepared to replace the change in September 2014. This bill comprises many controversial elements in terms of internet freedom, such as giving the Prime Ministry and other relevant ministries the power to demand TIB to close down websites in four hours for issues related to national security, protection of public order, the prevention of crime and the protection of

general health. Considering the government's record in terms of freedom of speech, the large and subjective scope of this bill creates serious concerns about its implementation.

The government also increased its control over social media usage through other means. Legal charges due to content shared on social media are increasingly common. The scope of these legal restrictions has also been expanded, increasing the number of indicted people and heightening self-censorship among social media users. Public service workers and even their families are particularly careful about their social media activities. There are numerous examples of an individual's behaviour having a seriously negative impact on people's careers.

Content removal requests are another tool actively used by the authorities. The Twitter Transparency Report shows that requests from Turkey to remove content from Twitter increased by 156% in the second half of 2014 and that 328 from the 376 court orders for content removal worldwide came from Turkey, placing the country on top of a rather shameful list. Turkey is also at the top of the list of requests for content removals from police, government and other governmental organisations, being responsible for 149 of a total of 429 requests in the world. Similar figures exist for Facebook. According to Facebook's Government Requests Report, Turkey, along with Pakistan and India, is one of the top places where Facebook censors users the most. In the first six months of 2014, the number of "pieces of content" blocked by Facebook upon the request of Turkey was 1893. Germany follows Turkey with 34 blocked contents.

These are not promising developments for an EU candidate country in terms of freedom of speech. The European Commission's 2014 Progress Report criticizes TIB's excessive powers, underlining that "more than 50.000 websites are not accessible, only 6.000 of which had been banned by court order." The European Parliament and Council of Europe have also criticized Turkey for the disproportionate scope of the website bans and other restrictions. Further restrictions on freedoms are also bad news for creativity and entrepreneurship, undermining a country's global competitiveness. Turkey is not, cannot and should not become Europe's China.

While internet regulations to protect privacy and reputation also exist in EU member states, their scope is limited, and their implementation is only possible with court orders, except in extra-ordinary cases. Democratic measures protecting the rights of individuals should not restrict fundamental rights and freedoms. On 12 May 2014, the European Council adopted the 'EU Human Rights Guidelines on Freedom of Expression Online and Offline'. According to these guidelines, "all human rights existing offline must also be protected online, in particular the right to freedom of opinion and expression and the right to privacy, which also includes the protection of personal data." Turkey's internet law and expected changes are not in line with these guidelines. This issue will undoubtedly be an additional problem in the already strained relations between the EU and Turkey.

Amanda Paul is a Policy Analyst at the European Policy Centre (EPC). Demir Murat Seyrek is an independent analyst on European affairs.