

FREE WEB TURKEY 2021 ANNUAL REPORT



MLSA

Media and Law Studies Association
Medya ve Hukuk Çalışmaları Derneği



Kingdom of the Netherlands

FREE
WEB
TURKEY

ABOUT MLSA AND FREE WEB TURKEY

The Media and Law Studies Association (MLSA) was founded in 2017 and its main field of activity is to provide pro bono legal support for journalists and persons prosecuted in freedom of expression cases. As MLSA, within the scope of the Free Web Turkey project, which we have been conducting in the field of internet freedoms since 2020, we aim to provide guidance to websites, media organizations and all content producers facing censorship in digital media on how to deal with those censorship practices, offering them legal consultancy, and the necessary tools to protect them from those practices and to organize trainings and workshops that will facilitate and inform them. Besides, we bring groups together working in the field of digital freedoms and freedom of expression to organize panels and roundtable discussions, publish articles, and conduct training programs for content producers to raise awareness against censorship. Another goal of our project is to organize the network of communication and solidarity between institutions, which is one of the most essential components in combating digital censorship. While doing all these, we aim to protect the freedom of expression in the law, the Constitution and international conventions, and to exercise this right effectively.

CONTENTS

INTRODUCTION

What changes have the new social media regulations brought about? 4

A.1. Additional work on the internet publication regulations 7
A.2. Recent changes regarding the Internet environment 8
A.3. Access ban statements of the official institutions 9
A.4. Use of VPN in Turkey and the world 10

FINDINGS OF THE FREE WEB TURKEY PLATFORM

B.1. Distribution by the method of ban 10
B.2. The basic distribution of domain name blocking 10
B.3. The basic distribution of news blocks 11
B.4. The justification of access blocks examined 11
B.5. Thematic distribution of block decisions under "violation of personal rights" 12
B.6. Thematic distribution of examined rulings of access block 12
B.7. Censorship in Practice: Prominent Examples 13
B.8. Applications from Turkey to social media platforms for content removal 16
B.9. Turkey in the transparency reports of Facebook, Reddit, Twitter, WordPress and TikTok 16
B.10. Turkey's status in world internet speed report 19
B.11. World internet censorship 19

CONCLUSIONS AND RECOMMENDATIONS

22



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MLSA OVERVIEWS 2021

A GUIDE TO DEALING WITH CENSORSHIP

Along with a big increase in human rights violations, Turkey is going through a time of frequent practices that restrict freedom of expression and the press. Especially after the social media law that came into force in October 2020, a great increase in violations in this area has been reported.

Social media platforms, which are used as an alternative to media organizations that are known¹ to be controlled by the government, remain to be their target. Social media platforms have gained great importance for many social segments who are not allowed to appear on television channels under the control of the government or who cannot make their voices heard, along with activists working in the fields of human rights.

As of the preparation of this report, 43 journalists and social media employees are being held in prison because of their news articles or social media posts, according to the MLSA list of imprisoned journalists and media employees published on March 6, 2022

Social media platforms are often preferred by users as alternatives due to the censorship problems in the media organizations. Increasing censorship practices of the governments seen on these platforms causes restrictions on individual's freedoms also in this area. There is also an increasing censorship practices coming from the social media companies, which are mostly in compliance with governments. These practices cause many journalists, writers, or bloggers to be under numerous threats due to their writings or social media posts. As of the preparation of this report, 43 journalists and media employees are being held in prison because of their news articles or social media posts, according to the MLSA list of imprisoned journalists and media employees published on March 6, 2022.²

¹ According to the media ownership and intensification data by Media Ownership Monitor Turkey

² Imprisoned Journalists and Media Employees in Turkey according to the MLSA data

SOCIAL MEDIA IS THE TARGET OF THE GOVERNMENT

According to the data collected between January and December 2021, it can be stated that another year in which many human rights violations have been experienced has passed. During the monitoring period, access blocks on 11050 content were recorded. Similar to the report published last year, it has been observed that most of the blocks in 2021 were on domains about adult, betting, fraud, financial, terror-themed websites along with the news about people known for their closeness to the government or about the Erdoğan family. It was also noticed that there has been a serious increase in access blocks on news and posts.¹

It has been observed that most of the blocks in 2021 were on domains about adult, betting, fraud, financial, terror-themed websites along with the news about people known for their closeness to the government or about the Erdoğan family.

The Free Web Turkey Platform, which published its first report in 2020, investigates the pressures on internet freedoms in Turkey and steps toward monitoring users with a thematic approach. The first chapter of this report reviews the legal changes throughout 2021 and their impact on internet freedoms in Turkey. The second chapter focuses on the analysis of the data, while the third chapter discusses the findings obtained and makes recommendations.

¹ Free Web Turkey 2020 report, End of the news, Internet Censorship in Turkey



WHAT CHANGES HAVE THE NEW SOCIAL MEDIA REGULATIONS BROUGHT ABOUT?



One year has passed since the Law No. 7253 Amending the Law on the Regulation of Internet Broadcasts and the Prevention of Crimes Committed Through Such Broadcasts, which allowed making changes to the Law No. 5651, entered into force on October 1, 2020.

Platforms such as Twitter, Facebook, Instagram and YouTube, where journalism activities are actively carried out and have daily access to about 60 million users in Turkey, have been obligated to designate at least one person as a representative, whose contact information will be easily accessible. According to the law, social network providers are also obliged to archive the data of their users in Turkey. This allows the data to be requested by the judicial and administrative authorities whenever they want.

This situation was interpreted by experts as expanding the tools of the censorship mechanism. Social network providers are also obliged to respond within 48 hours to applications regarding content removal and access block requests. In line with this obligation, it has been decided to observe the right to be forgotten and similar rights as a priority. Individuals, under certain circumstances, acquired the

right to request that links containing personal information about them be removed from search engines. As observed in last year's report, "violation of personal rights" was the most frequently used justification for blocking access to news content after the regulation. Based on the data, this justification was mostly used by politicians in Turkey. For example, in January 2021, the news that Denizli Parliament Member of Justice and Development Party (AKP) made the Denizli's Çivril Mayor Office pay for the meals he ate, received an access block on the grounds of violation of personal rights.

Another example is about the news article published in February about the son of the Kocaeli University Rector, who was transferred from his duty as museum director to the duty of serving as a civil servant for the Presidential Public Diplomacy. Two times the news on this issue was blocked without examination.

Based on these two examples, it appears that the justification of "violation of personal rights" has come to serve the purposes of individuals, leading to an increased pressure and censorship on freedom of expression and the press.

As observed in last year's report, "violation of personal rights" was the most frequently used justification for blocking access to news content after the regulation.

A.1 ADDITIONAL WORK ON THE INTERNET PUBLICATION REGULATIONS

Although the procedures and principles regarding internet broadcasting are regulated by Law No. 5651, new amendments and regulations are regularly brought forward. Closer to the end of the year, it was announced that the government has been working on a new law draft regarding the spread of disinformation.

During the forest fires in July-August, although news stories were shared through many media outlets and social media platforms, it was observed that media outlets, known for their closeness to the government, did not report on what happened during the extinguishing activities. On August 3, 2021, a notice was sent by the Radio and Television Constitution Council (RTÜK) to media institutions about not reporting on forest fires in order to prevent disinformation¹. The notice also stated that media organizations would be penalized if the relevant broadcasting principles were not implemented. In line with this statement, many media outlets that monitored instant news from the disaster areas were fined for making news of "chaos and manipulation."²

President Recep Tayyip Erdoğan made statements based on the alleged "disinformation reporting" which was said to be increased during the forest fires, especially on social media.

After the statements, it was reported that the government has been working on a new law draft under the name of "fighting disinformation." According to the statements by the officials, the German model, namely the Network Enforcement Act (NetzDG) passed in 2017, was taken

Experts think the authority to block access, which has so far been given to 20 institutions, widens the doors of censorship day by day.

as an example for this draft³. Talking about the draft, Deputy Chairman of the Constitutional Commission Ali Özkaya mentioned that those who make and spread fake news on social media will face penalties such as imprisonment of one to five years while those who insult will face up to two years and not be allowed to use social media for some time.

Many experts made evaluations about the new social media regulation. Republican People's Party (CHP) High Disciplinary Board Member, lawyer Gülşah Deniz Atalar shared her evaluations with MLSA, stating that the biggest problem is to determine what disinformation and fake news are. Also said, many experts are worried that the scientific explanations will not be followed in this regard.

A few days before the new year, according to the regulation published in the Official Gazette, the Turkish Football Federation (TFF) was given the authority to block access to any website content and, if desired, to the entire website without a court decision. The decision was given only for the websites that stream online broadcasts related to football matches happening within Turkey. Lawyers stated that according to their evaluation, the authority to block access, which has so far been given to 20 institutions, is widened day by day. Accordingly, the granting of such an authority to only one more institution opens the door even wider for censorship. They further evaluated that this decision is unconstitutional, neither were there any court approvals given nor it required a judge approval⁴.

¹ RTÜK sent a notice about reporting on the forest fires

² RTÜK gave administrative fines on six television channels for violating broadcasting principles during the forest fires

³ The German model NetzDG was taken as an example

⁴ Censorship authority was given to the Turkish Football Federation

A.2 RECENT CHANGES REGARDING THE INTERNET ENVIRONMENT

On January 7, 2022, the Constitutional Court (AYM) issued a pilot decision. The applicants applied on the grounds that the decision of the courts to block access to 129 news content published on internet news sites violated the freedoms of expression and press¹. Combining the complaint applications from the BirGün, Diken, Gazete Duvar, soL, Artı Gerçek and TarımdanHaber websites and the application of journalist Çiğdem Toker, the Constitutional Court decided to implement the "pilot decision" procedure, finding that the violations were caused by the law. In this regard, the Constitutional Court determined that the 9th article of Law No. 5651 on the Regulation of Broadcasting on the Internet, about the decisions to block access, constitutes an obstacle to the freedom of press and expression and ruled that the article should be amended.

The Court has made critical recommendations such as determining alternative sanctions, providing the necessary guarantees that access blocks are the last resort to be applied for or the last measure that can be taken, that this path does not lead to arbitrary practices and is not at a level that eliminates the use of freedom. The Court also stated that it will not include past and

future applications on its agenda for one year and that the examination of all new applications will be postponed.

Free Web Turkey held a panel on "Do tech-giants have a finger in censorship?" on January 27th, 2022. Lawyer Atalar, who attended as a panelist, stated on the pilot decision that with each amendment, Law No. 5651 became more and more a "law of censorship." She reminded that the Constitutional Court saw Article 9 as a censorship law, even if not indirectly. She further stated that the fact that the Court will not accept any new applications for the next year will lead to new violations.

On the night of January 29, a new circular numbered 2022/1 was published in the Official Gazette with the signature of the President, under the heading "Press and Publication Activities". In the circular, statements such as "steps will be taken immediately to eliminate the destructive effects of television programs on society and especially the spin-offs of foreign productions, which are observed to have elements contrary to the basic values of the society" and "the need for sanctions regulated by the Constitution, the law and other relevant legislation will be fulfilled against explicit and implicit activities aimed at eroding our national and moral values through the media, undermining our family and community structure from its foundation" were used.

This decision was criticized by the opposition members of RTÜK, as well as lawyers, journalists and politicians. RTÜK High Council member Okan Konuralp, in a post on Twitter, stated that the circular was not only a censorship

¹Violation of Freedoms of Expression and Press and Right to Effective Application Due to Blocking of Access to a Series of News on Internet News Sites (Pilot Decision)



The Constitutional Court stated that it will not include past and future applications on its agenda for one year and that the examination of all new applications will be postponed.

The Legal Team of MLSA applied to the Council of State for the annulment of this circular and demanded on the grounds that the purpose of the circular was to restrict the rights guaranteed by the Constitution.

move, but also a "sign of a big 'media economy' fight", and that the circular was published in line with the request of the pro-government media. RTÜK High Council member İlhan Taşçı stated on his Twitter account that the circular is unconstitutional.

The Legal Team of the MLSA applied to the Council of State for the annulment of this circular and demanded on the grounds that the purpose of the circular was to restrict the rights guaranteed by the Constitution. Evaluating the circular, freedom of expression and press lawyer and MLSA Co-Director, Veysel Ok stated that the rights and freedoms guaranteed by the Constitution and international conventions cannot be restricted by a circular.

A.3. Access block statement of the official institutions

The number of blocked sites in Turkey is not shared by public institutions. The Information Technologies and Communications Institution (BTK) last published the number of blocked sites in 2008, since then, it has responded to the requests for information on the subject with the internet address of the Access Providers Association (ESB), which gives the opportunity to manually check the sites that are known to be blocked, responds to demands for information on this issue with



pie charts that show the percentage of justifications for blocking access to sites and internet addresses. In recent years, parliamentary questions submitted by lawmakers to obtain information about the number of sites whose access was blocked were left unanswered on the grounds that the announcement of the answer might hinder the "fight against crime".

According to the rates provided by the ESB as of December 2021, 99.76% of access block decisions consist of sexual abuse of a minor, prostitution, obscenity, illegal betting and gambling crimes. Since the ESB does not publish blocked domains or news, there is no way to check what is blocked and verify the table. Moreover, there is no category in which decision with justifications such as "violation of personal rights" can be entered.

According to the ESB December 2021 data, there is an increase in the access blocking decisions in the categories of illegal betting and gambling crimes and a decrease in the categories of obscenity and prostitution access blocking decisions compared to the previous year.

Your application numbered 1902657765, which you made to the T.R. Presidential Communication Center (CIMER) on 13.11.2019, was answered by the INFORMATION TECHNOLOGIES AND COMMUNICATIONS INSTITUTION (BTK) on 18.11.2019:

Your Application to Obtain Information that you have made to the Presidential Communication Center (CIMER) has been directed to our Institution due to its relevance, and the information received from the specialized unit(s) of our Institution regarding your application is stated in "7 of the Law No. 4982 on the Right to Information, dated 09/10/2003 "The second paragraph of the article has the provision "Institutions and organizations may give a negative answer to the applications to be made for a kind of information or document that can be created as a result of a separate or special study, research, examination or analysis."

In addition, inquiries can be made at <http://internet2.btk.gov.tr/sitesorgu/> regarding the transactions carried out within the scope of the Law on the Regulation of Broadcasts Made on the Internet and Fight Against Crimes Committed Through These Broadcasts, dated 04/05/2007 and numbered 5651.

In addition, within the scope of Article 8 of the Law No. 5651, the proportional distribution of the decisions to block access is available on our website <http://www.guvenliweb.org.tr/dosya/brEi5.pdf> in an up-to-date and detailed form.

Please inform us.

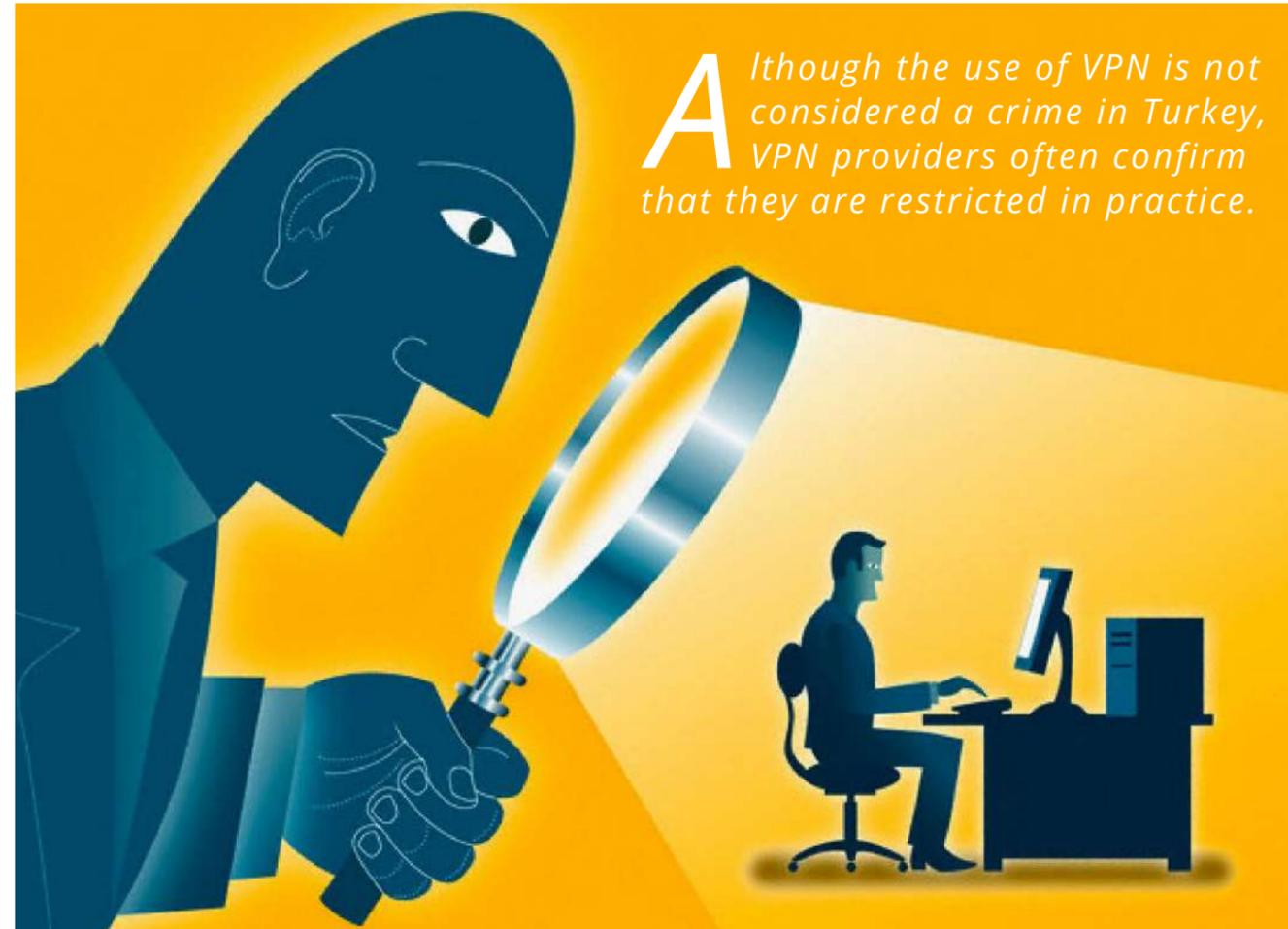
Information Technologies and Communication Institution Department of Consumer Relations

Above is a standard response given by the BTK to an application to receive information about the number of blocked sites and their URL's.

USE OF VPN IN TURKEY AND THE WORLD

VPN (Virtual Private Network) is one of the alternative ways used all over the world to bypass the internet blocks. According to the research conducted by the We Are Social agency, in 2021, Turkey ranked sixth in the world with a usage rate of 31% after India (43.2%), Indonesia (40.5%), United Arab Emirates (35.5%), Saudi Arabia (33%) and Malaysia (31%, 8). In the report published

in 2020, Turkey was in the seventh place in the world in VPN usage¹. In November 2016, BTK shut down 10 VPN services that are frequently used within the framework of Law No. 5651². Although the use of VPN is not considered a crime in Turkey, VPN providers often confirm that they are restricted in practice.



9202

Number of URLs with domain name blocking in the 93 reviewed decision between January 1st - December 31st 2021

FINDINGS OF THE FREE WEB TURKEY PLATFORM

- 1. There were no major changes in the categories of access blocks. However, a significant increase was observed in the number of affected content**
- 2. Most of the news block decisions were made on the grounds of violation of personal rights**
- 3. Among the blocked news, news about the government or the Erdoğan family were blocked most**

The data were collected through media screening and information provided by the institutions exposed to content blocking to the Free Web Turkey platform. Based on these data, a total of 11050 URLs, domains or social media contents were blocked between January 1 and December 31, 2021. Examined access blocks were classified under 13 different headings:

“adult betting, fraud, financial websites, terrorism”, “news regarding the government or the Erdogan family”, “news regarding business corporations”, “harassment”, “opposition websites”, “Sedat Peker”, “violence”, “child abuse”, “assaults on the HDP”, “social media block”, and “anti-LGBTI+ discourses”. The removal decisions for which data on the content of the news could not be accessed were collected under the title of “other”. Due to the lack of data shared by official resources, it was not possible to examine all court decisions for access blocks related to a domain name, news block or social media content.

B.1. Distribution of the method of the ban

Type of blocking	Number of examined rulings	Affected URLs
Domain Name	93	9202
News Block	134	1593
Social media, News block	36	255
TOTAL	263	11050

After reviewing 263 decisions in total, 11050 contents were found to be blocked. It was observed that 9202 content was blocked under the "domain name", 1593 content under the "news block" and 255 content under the "social media, news block" categories.

B.2. The basic distribution of domain name blocks

General theme of access block	Number of examined rulings	Affected URLs
Adult, betting, fraud, financial websites, terrorism	43	9152
Opposition websites	49	49
Sedat Peker	1	1
TOTAL	93	9202

During the period covered by the report, a total of 49 news sites were blocked, some of them more than once. The reason for the creation of the category titled “opposition websites” is due to the fact that most of the news sites such as the Mezopotamya Agency, Umut Gazetesi, Kızıl Bayrak and Jinnews, which have been blocked, are known for being opposition media outlets, especially those broadcasting in Kurdish. 9152 of the remaining blocks were made on the grounds that they were adult websites, financial sites that engage in fraud, betting or leveraged transactions, or sites that allegedly make terrorist propaganda, and one of them is Sedat Peker's personal website.

255

Number of content observed to be blocked under the categories of “social media, news block” in the 36 reviewed decisions

1593

Number of news articles that were blocked with 134 decisions between the same dates

B.3. The basic distribution of news blocks

It was stated that the alleged main purpose of the amendments brought to the Law No. 5651 was to make access block decisions within the scope of reasons such as ensuring national security or preventing crimes against children. According to the findings of the report, most of the access blocks were brought to the news that contain public interest and information about public persons and events. “Child abuse”, on the other hand, attracts attention with the fact that it is the category that received the least access blocks after the category of “assaults on the HDP”. The “News regarding business corporations” category comes in second place with 689 affected URLs. In most of the news under this category, it was stated that the people who were mentioned are close to the government. Therefore, it is possible to evaluate the affected URLs of “news regarding business corporations” under the category of “news regarding the government or the Erdogan family” as well.

General theme of access block	Number of rulings	Affected URLs
News regarding the government	85	838
News regarding business	17	689
Harassment	7	17
Other	9	16
Harrassment	5	11
Sedat Peker	3	6
Opposition websites	3	6
Child abuse	2	6
Assaults on the HDP	2	3
Social media block	1	1
TOTAL	134	1593

Justification	Affected URLs
Unauthorized and/or obscene	9155
Violation of personal rights	1646
Other	117
Similar to previously blocked content	75
Protection of national security and public order	50
The right to be forgotten	3
Threat to children's health	2
Against LGBTI+ individuals	2
TOTAL	11050

B.4. The justification of access blocks reviewed

According to the findings of the report, “unauthorized and/or obscene” comes in the first place with the most access block decisions. However, most of the content blocked for this reason consists of domain names. Therefore, the most cited justification for access block decisions is the “violation of personal rights” which comes in second place. “Protection of national security and public order” justification, which ranks fifth, is given as the justification for blocking most domain names under the “opposition websites” category. However, since all the imposed justifications for the access blocks are not shared, domain names that received blocks without justifications were also gathered under this title. “Protection of national security and public order” and “threat to children's health” are stated as the two most important reasons to be protected under Law No. 5651. According to the collected data, the fact that only 52 contents were blocked for this reason shows that these issues may not be as prominent as stated.

B.5. Thematic distribution of the justification 'violation of personal rights'

As stated at the beginning of the report, it was observed that the justification for “violation of personal rights” is mostly related to individual interests. “News regarding the government or the Erdogan family” is the most affected category with 776 items. “News regarding business corporations” is in second place with 689 blocked content. The rest are as follows: “harassment”, “Sedat Peker”, “violence”, “others”, “assault on HDP”, “child abuse” and “opposition websites”.

General theme of access block	Affected URLs
News regarding the government or the Erdogan family	776
News regarding corporations	689
Harassment	111
Sedat Peker	32
Violence	13

B.6. Thematic distribution of examined access block decisions

134 of the 263 total reviewed decisions to block content are about the blocked news articles. Accordingly, it is seen that most of the content that the Criminal Judgeships of Peace has blocked access is related to the government. Also, compared to the data report published by ESB, the category of "adult, betting, fraud, financial websites, terrorism" having the highest number of blocks confirms the consistency of the data collected within the report.

Since many blocking requests were made directly against Sedat Peker during this period, a separate category was created to collect the decisions on the subject. Access to Peker's Youtube channel, Twitter account and posts along with many news stories about him were blocked. In addition to the news, access to his own website was also blocked.

During this period, blocking decisions related to threats and violence against women, children or disadvantaged people, which were aimed at protecting the perpetrators, have been observed. 12 decisions were made regarding contents covering violence against women, murder, threats against LGBTI+ individuals or child abuse, and these affected 122 contents.

Compared to the Free Web Turkey report published last year, it is observed that there are no major changes in the categories of blocked content but a significant increase in the number of the affected content.

General theme of access blocks	Number of examined rulings	Affected URLs
Adult, betting, fraud, financial	43	9152
News regarding the government	78	828
News regarding business corps.	19	695
Harrasment	8	114
Corruption and irregularity	23	111
Opposition websites	54	59
Sedat Peker	11	40
Violence	7	17
Other	8	13
Child abuse	3	7
Social media block	5	7
Assaults on the HDP	3	6
Against LGBTI+ individuals	1	1
TOTAL	134	1593

B.7. CENSORSHIP IN PRACTICE: PROMINENT EXAMPLES

Among the data collected throughout 2021, the most prominent topics were determined each month and summarized chronologically. These examples show what kind of news stories receive access blocks.

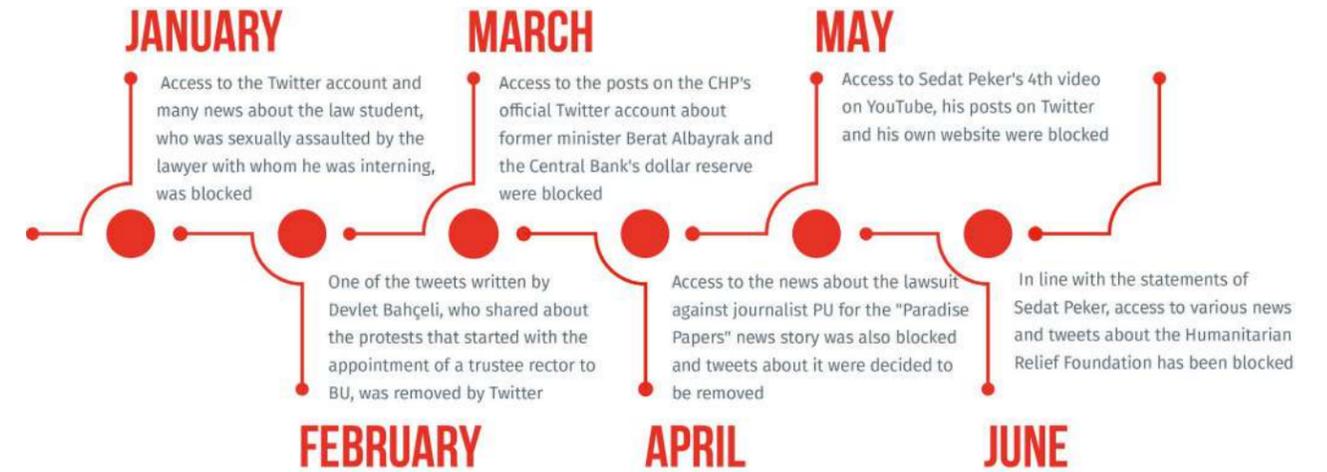
It has been observed that in addition to unauthorized betting or obscene sites, opposition sites were also regularly blocked every month. In November, it was observed that under the category of "unauthorized betting, forex or obscene contents" received the most access blocks with 1925 content. News sites that make oppositional news, especially in Kurdish, were blocked the most in February with 12 content.

In January, the Twitter account of a law student, who declared that she had been sexually assaulted by the lawyer with whom she voluntarily interned for was blocked access, along with many news about her by the decision of the Istanbul Anatolian Criminal Court of Peace, numbered

2021/158, on grounds of violation of personal rights. On January 29, the Sakarya 3rd Criminal Court of Peace, with the decision numbered 2021/296, blocked access to news about a Wushu athlete whose father is the Deputy Chairman of the Turkish Wushu Kung Fu Federation and mother is the national team trainer, on grounds of violation of personal rights. In the same month, some tweets of the Minister of Internal Affairs Süleyman Soylu were also blocked for making anti-LGBTI+ statements.

One of the tweets written about the protests that started with the appointment of a trustee rector to Boğaziçi University in February by the chairman of the Nationalist Movement Party (MHP) Devlet Bahçeli, was removed by Twitter.

In March, the tweets about the former Treasury and Finance Minister Berat Albayrak and the Central Bank's dollar reserve shared from CHP's official Twitter account



were blocked by the decision of the Istanbul Anatolian 8th Criminal Court of Peace, numbered 2021/1450. In addition, access to many different news stories about Berat Albayrak were also blocked.

These include news stories that were blocked at the request of Albayrak's brother, Turkuvaz Media Group Deputy Chairman of the Board of Directors, Serhat Albayrak.

With the decision numbered 2021/770 of the Rize Criminal Court of Peace, an access block was imposed on the news about the appointment of an academician at Rize Recep Tayyip Erdoğan University as the head of the department, whom female students complained about harassing and insulting them.

Access blocks to news also affect the journalists who write the news, causing them to encounter situations such as investigations, detentions and arrests. In April, access to the news about the lawsuit in which Journalist P. Ü. was prosecuted based on the complaints of Berat Albayrak, Serhat Albayrak and Çalık Holding for the news she wrote about "Paradise Papers" was blocked. The news and tweets about the blocked news were again blocked by the Istanbul Anatolian 3rd Criminal Judgeship of Peace with the decision numbered 2021/2357 and they were decided to be deleted.

In May, there were a lot of news stories made about the published videos of Sedat Peker on his YouTube channel. In this process, access blocks were imposed both on the videos he shared and the tweets he posted on Twitter, along with his own website. Access blocks to the videos continued in June. As the access blocks to his videos and tweets continued, Peker's accounts on YouTube, Instagram and Twitter were blocked as well. In June, in line with the statements made by Sedat Peker, various news and tweets about the Humanitarian Relief Foundation

(IHH) were blocked by the Istanbul 11th Criminal Court of Peace with many decisions.

In July, access to news and social media content including photos of President Erdoğan and the founding chairman of SBK Holding, along with many news stories about him were blocked by the Istanbul Anatolian 8th Court of Peace.

The socialization application of LGBTI+ individuals called Hornet, which has more than 30 million users worldwide, was blocked on 6 August 2020 upon the request of the Ankara Provincial Gendarmerie Command. The application, which is still open for download on Google Play, was blocked by Apple from being downloaded in Turkey on August 9, 2021.

The socialization application of LGBTI+ individuals called Hornet, which has more than 30 million users worldwide was blocked by Apple on August 9th 2021 from being downloaded in Turkey.

On September 6, Milas Penal Court of Peace imposed a number of decisions on the news about the evacuation of the Titanic Deluxe Bodrum hotel due to the forest fire in July 2021, which was allegedly built on a burned forest land in Bodrum's Güvercinlik district in July 2007.

Also this month, the Istanbul 10th Criminal Court of Peace, with the decision numbered 2021/6075, blocked access to news about the police officers who caused the death of D. D. in a house raid in Is-

tanbul, Sarıyer. News about the acquisition of the construction of the Savings Deposit Insurance Fund (TMSF) by a friend of President Erdoğan's son Bilal Erdoğan was blocked on August 11, 2020. The news about the issued blocking was blocked on September 2, 2020. The news made about the second access block were again blocked on December 31, 2020. In September 2021, it was ordered by the Istanbul Anatolian 7th Criminal Judgeship of Peace with the decision numbered 2021/5160 that the related news about the story to be deleted completely.

Throughout the year, many access blocks were imposed on the news about the owner of MET-GUN Construction Liability and Trade Ltd. In October, the Istanbul Anatolian 3rd Judgeship of Peace, with the decision numbered 2021/6154, blocked access again to many news stories about the company's owner who claimed confiscation of the municipality's accounts because of the debts from the period when AKP was governing Istanbul Metropolitan Municipality (İBB).

In November and December, many blockings were imposed on the news about a former foundation member leaking documents about the Turkish Youth Foundation (TÜGVA). On December 2nd, Istanbul 1st Criminal Judgeship of Peace stated the justification that the news violated personal rights.

Also in December, upon President Erdogan's request, news about the speech given by the Chairman of CHP Kemal Kılıçdaroğlu at the party group meeting were blocked.

B.8. APPLICATIONS FROM TURKEY TO SOCIAL MEDIA PLATFORMS FOR CONTENT REMOVAL

Turkey generally ranks at the top of the user information and content removal requests

Social media platforms publish "Transparency Reports," explaining various statistics regarding user data, registrations or requests for content removal. These reports give users the opportunity to learn how much data their governments are asking for from these institutions. According to digital activists, The Transparency Report practice, which was initiated by Google for the first time in 2010, is an important tool to understand the scale of surveillance practices implemented by governments.

In recent years, there have been criticisms that the Transparency Reports are not transparent enough and that the efforts to protect personal data cannot be understood from these

statistics. However, in many countries, including Turkey, transparent information about blocked content is not shared. Therefore, seeing Turkey's ranking on these reports in terms of the data and content removal requests by the governments is offering users a background about the surveillance and censorship policies.

Turkey generally ranks at the top of the user information and content removal requests in the reports published by these social media companies. For example, in 2020, Turkey ranked seventh among the countries that made user information and content removal requests to Facebook.

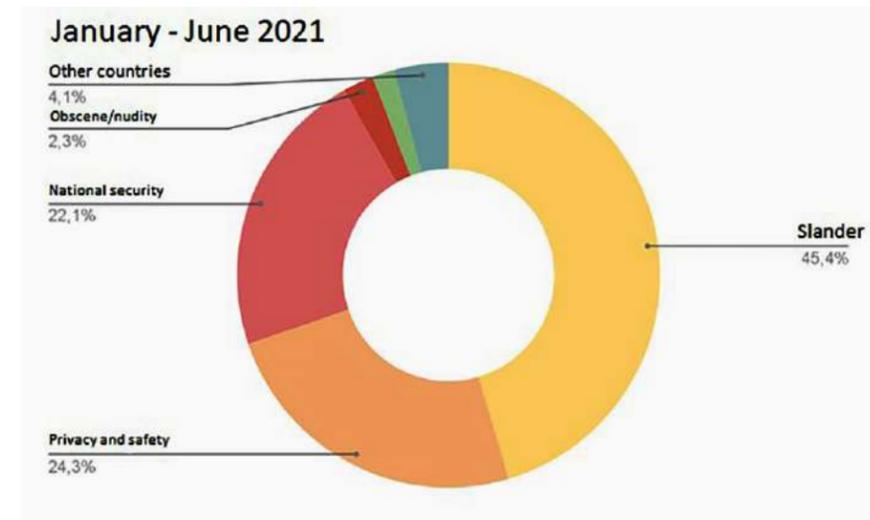
B.9. Turkey in the transparency reports of Facebook, Reddit, Twitter, WordPress and TikTok

Social media companies regularly publish bi-term or full-year transparency reports each year. The main purpose of these reports is to transparently share the requests of public authorities for user information, to increase the awareness of users and to better understand the changing and evolving concept of transparency.

According to the report published by Facebook covering the data of the first six months of 2021, Turkey ranked seventh among all countries making the 9,227 requests out of 351,471 user information requests directed to the

platform. 7801 requests of the 211,055 content removal requests made in the same period, came from the state institutions in Turkey. Turkey also ranked seventh among 117 countries requesting content removal.

According to the Reddit 2020 Transparency Report, 220 requests to remove or block access were made from 15 government agencies during the year. While the platform implemented 127 of these requests, it did not take any action on the remaining 93 requests. 10 out of the 220 requests to remove or restrict content were made



According to the report published by Google covering the data of the first six months of 2021, Turkey requested the removal for a total of 4776 items. Majority of the requests made on the grounds of "defamation." Google removed 1686 of these items for legal reasons and 219 of these for company policy reasons.

According to the Twitter report of 2021, India ranked first with 128 requests on verified accounts of journalists and news sites while Turkey ranked second with 108 requests.

by Turkey. All three requests from Turkey were left unanswered in requests to remove or block content made by individuals through legal means. According to the report, Turkey did not place any user information requests in 2020.

Compared to the report published in 2019, it was observed that there is a decrease in Turkey's Reddit requests. In total, 50 of the 110 content removal or restriction requests were made by Turkey. Turkey did not place any user information requests in 2019 as well.

According to the report published by Google covering the data of the first six months of 2021, Turkey requested removal for a total of 4776 items. The majority of the requests were made on the grounds of "defamation". Google removed 1686 of these items for legal reasons and 110 of these for company policy reasons.

In 2020, Turkey requested content removal for a total of 7327 items. The majority of these requests were made on the grounds of "defamation". Google removed 1987 of these items for legal reasons and 219 for company policy reasons.

According to the report published by Twitter covering the data of the first six months of 2021, 634 requests out of 5454 consist of court decisions and the remaining 4820 consist of legal requests. In total, user information was requested for 5671 accounts.

Turkey became the third country with the highest number of requests for content blocking after China and Russia. Twitter also released important information about the

verified accounts of journalists and news sites. According to the report, India ranked first in the world by requesting blocks for 128 accounts, while Turkey ranked second with 108 requests. In 2020, 1069 of the 8074 requests made by Turkey are court decisions and the remaining 7004 are other legal requests. In total, user information was requested for 13904 accounts. When compared to the data of the first six months of 2020, it is observed that request to block contents have increased in 2021.

In the first and second half of the transparency report of WordPress in 2021, Turkey made requests for a total of 52 websites. While 21 of these requests were made by court decisions, 29 of them were made by state institutions. The majority of these requests were accepted with the consideration of requests while the rest were accepted on the grounds that they violated company policies. Turkey ranked first with the most blocked sites in 2021 with a total of 1011 URLs, followed by Russia with 741 URLs and Pakistan with 613 URLs.

In the first and second half of 2020, Turkey made a total of 38 removal request and all of them were made by court orders. Turkey ranked third among 25 countries in terms of content blocking requests in 2020 and did not request user information.

According to TikTok's report covering the first six months of 2021, a total of 113 content or accounts in Turkey were requested to be closed or removed by the state. With this data, Turkey became the second country with the highest number of content removal requests after Russia. Turkey became the third country to request removal for content with 250 data after Pakistan and Russia.

According to the report covering the last six months of 2020, Turkey ranked ninth among 32 countries with requesting only one user information and removal of six accounts. Turkey also made 16 access block requests and 13 of these requests were made by the state.

B.10. Turkey's status in world internet speed report

According to the report published by the internet speed test solution platform Speedtest, Turkey ranked 59th among 138 countries, after Jamaica and Moldova, with 31.43 Mbps in the worldwide average of 29.55 Mbps mobile internet download speed.

While the world-fixed download speed average was 59.75 Mbps, Turkey recorded below the average with 26.87 Mbps. In this field, Turkey ranked 105th among 181 countries after Seychelles and Nicaragua.

B.11. WORLD INTERNET CENSORSHIP

The censorship practices brought to the internet does not only happen in Turkey, but also in many parts of the world. There are laws and practices aimed at controlling and restricting freedom of expression, including in countries that are considered democratically developed. Free Web Turkey platform regularly publishes weekly bulletins under the name of "Censor Agenda" on its website, which only covers access block news stories happening in Turkey. As of April, the "World Censorship Agenda" started to be published, which also includes the access blocking and censorship news stories. In this part of the report, the examples that have been experienced throughout the year in the world and that were previously encountered in Turkey will be explained chronologically.

The Nigerian government, which blocked Twitter in June, submitted a bill to the House of Representatives that would more strictly control internet broadcasts. Citizens reacted against the government by bringing the ban to the judiciary. Regarding the blocking of social media platforms, it has been seen in Turkey that two important social media platforms, which are frequently used in the world, have been the subject of access blocking decisions. Access to YouTube was blocked in 2007 and it was reopened in the same year. Until 2015, YouTube was blocked at regular intervals. In 2017, Wikipedia was blocked and was re-opened with the decision published in the Official Gazette in 2020.

The "throttling" practice is used commonly in Russia. In June, citizens brought the throttling of Twitter to the judiciary. Similar to Russia, this was a practice seen in Turkey last year. On February 28, 2020 throttling practice was used on social media during Turkey's military operations in Syria.

In July, Russia submitted a deal proposal to the United Nations that proposes more stringent measures and

penalties for cybercrime than those recognized by the existing international treaties. The adoption of such a law would be so serious that it would affect Turkey as well as the whole world.

In August, the surveillance law, known as "The Surveillance Legislation Amendment (Identify and Disrupt) Bill 2020", which has been debated for months in Australia, was passed by the government in less than 24 hours. The new law gives Australian law enforcement powers such as hacking devices, collecting or deleting data, and hijacking social media accounts. Although social media laws in Turkey do not provide such powers, with the social media law published in October 2020, government agencies have been given the right to access user information whenever they want, as social media companies started storing the personal data of their users in Turkey.

In September, Governor of the American state of Texas signed the bill aimed at preventing social media companies from blocking users or deleting posts for their political views. With this law, users whose accounts have been blocked have the right to sue social media companies.

Additionally, Brazilian President Jair Bolsonaro has banned social media companies from deleting posts for reasons other than drugs, violence, obscenity, incitement to crime, and copyright infringement categories. In Turkey, there is no such category barrier and citizens can request an access block on any subject they want.

In October, the Singapore Parliament passed the "Actions Against Foreign Intervention Act". The law authorized the authorities to instruct social media platforms and internet service providers to share the information of people who share harmful content, which they suspect are behind foreign individuals and organizations. This example is similar to the Turkish government's right to request user information from social media companies at any time.



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CONCLUSION AND RECOMMENDATIONS

Restrictions on internet freedoms, which are another aspect of freedom of expression and press, must be regulated within the framework of international principles.

At this point, where it is more frequently observed that social media platforms work in parallel with the states, MLSA advocates that social media websites should not give up upon their policies that prioritize freedom of expression even under such conditions and believes that it is possible to achieve.

Turkey is among the countries where access to the internet is sometimes difficult and access blocking decisions are easily made. Such "easiness" is rather utilized for local and domestic news websites, it can also target large international websites. As mentioned before, Wikipedia and YouTube, which have been banned for years, are among the striking examples.

As a result of the research and data analysis carried out by the Free Web Turkey platform, it is quite possible to say that a difficult year has passed for Turkey and more difficult days are yet to come.

It is seen that the Law on the "Amendment of the Law on the Regulation of Broadcasts Made on the Internet and Combating Crimes Committed Through These Broadcasts", known as the "Social Media Law", is used out of purpose in favor of individuals, more in order to protect people and institutions close to the government, government institutions, members or business people. The biggest indicator is the contents of the news stories that have been blocked and the justifications made for these blocks.

It is shown through the data that the access block requests mostly include people with positions or titled supports the fact that the law is used in favor of these individuals. Although the law was enacted on the grounds of protecting the fundamental rights and freedoms of the citizens and the public interest, it is clearly seen that it has been applied repeatedly in ways that are contrary to the freedom of expression. The frequent use of the justification "violation of personal rights" is the prominent example of this situation.

Rights violations in the field of human rights are mostly expressed and become visible through "hashtag" campaigns organized on social media platforms. However, most of the time, posts made under the headings of "hashtags" can be subject to access blocks regardless of their content. Organizing trainings to teach users how to use these platforms will help them increase their visibility and have their voices heard while running such campaigns.

The appointment of representatives by social media companies to Turkey did not cause a positive change in terms of citizens' freedoms. Especially the lack of peo-

ple who can be contacted despite the representations, even through legal means, leaves most of the problems unanswered and makes people suffer. It is of great importance that social media companies appoint reachable representatives and create the necessary workforce.

Providing digital literacy training by non-governmental organizations (NGO) to both journalists and citizens will both increase awareness of censorship and surveillance and reduce the impact of these practices.

Personal Data Protection Law has been brought to the agenda of governments and social media platforms a lot. Therefore, it holds great importance to organize informative seminars on this Law for social media users. Increasing awareness of users about how to protect their personal information and what they can do to prevent unwanted information from being shared will help them use social media platforms more efficiently.

When access to websites such as Wikipedia, YouTube and Twitter was blocked in the past, users sought many methods to overcome it. In order to ensure the flow of news in the future, NGOs providing digital literacy training for both journalists and average citizens will both increase awareness about censorship and reduce the impact of these practices.

Restrictions on internet freedoms, which are another aspect of freedom of expression and press, must be regulated within the framework of international principles. In this sense, it should be remembered that restrictions on internet freedoms and the right to information should be stipulated by law, and the related law provisions should

be clear and predictable. Regulations such as the Disinformation Act, which is expected to come into force this year, must be prepared by avoiding restrictions.

At this point, where it is more frequently observed that social media platforms work in parallel with the states, MLSA advocates that social media websites should not give up upon their policies that prioritize freedom of expression even under such conditions and believes that it is possible to achieve.

Considering the access blocks experienced on social media platforms, providing digital literacy training by NGOs to both journalists and citizens will both increase awareness of censorship and surveillance and reduce the impact of these practices.

