

The Worst Menace to Society: Turkey's Approach to Digital Censorship

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In 2013, Turkey's ruling Justice and Development Party (AKP) was faced with the Gezi Protests— a movement consisting of over three million protestors who were primarily mobilized via online platforms. For over three weeks, the protests grew as people gathered to voice their discontent with the AKP's growing authoritarianism. This paper deems the Gezi Protests as a critical juncture in Turkey's technology policy, as it forced the ruling party to reexamine the Internet's ability to mobilize and organize dissent. Consequently, the AKP used its legislature and executive agencies to centralize Internet control and limit Internet freedoms. Through an analysis of Turkey's Internet censorship laws and Freedom House's "Freedom on the Net" reports, this study finds that between 2013-2018, Turkey's government doubled the country's Internet controls. This increase in legislative and punitive measures was aimed at fomenting self-censorship online by prosecuting and jailing online activists and restricting Internet freedom and anonymity. Given that Turkey is a party to international conventions upholding peoples' rights to online privacy and freedom of expression, the government's lack of commitment to these principles is noteworthy. The AKP's pursuit of digital authoritarianism calls for increased scrutiny from the United States and fellow NATO allies. Washington should communicate that there will be consequences for Ankara if it continues adhering to unacceptable global Internet practices that are at odds with the democratic principles tying the NATO alliance together.

Introduction

In May 2013, plans to demolish Istanbul's Gezi Park drove a group of activists to hold peaceful sit-ins at the site. In response, the ruling Justice and Development Party (AKP) ordered their evacuation, using excessive police force.¹ As the government cracked down on the protestors, live-stream channels and social media accounts across Turkey lit up with reports of the police's brutality.² For the next three weeks, a leaderless movement— consisting of approximately three million protestors— swept across Turkish streets voicing anti-government sentiments. As the protests grew, the Turkish participants' list of grievances widened, ranging from limited LGBTQ+ rights to repressed freedoms of expression and assembly.³ In this flurry of discontent, a ubiquitous theme emerged: opposition to the AKP's increasingly authoritarian rule.⁴ When the Gezi Park protests erupted, government-controlled mass media channels

refused to broadcast the protests, airing cooking shows and penguin documentaries instead.⁵ This censorship prompted Internet users and citizen journalists to broadcast the events via online platforms.⁶ At the time of the protests, Turkey had an Internet penetration rate of 47 percent among its population— with Facebook's penetration rate totaling around 41 percent, Twitter's 31 percent, and YouTube's 16 percent.⁷ These social media platforms proved to be an effective means for mobilizing the population to march in protest of the government's brutality in Gezi. In response to the Gezi protests, the government reoriented its domestic cyber posture to resemble digital authoritarianism— which consists of digital information technology that authoritarian regimes use to surveil, repress, and manipulate domestic and foreign online audiences.⁸

This paper traces the Turkish government's altered approach to Internet freedom

following the Gezi Protests in 2013 and determines that the AKP's response to the protests triggered a path toward digital authoritarianism in Turkey.⁹ Through an analysis of Freedom House's "Freedom on the Net" reports, which annually score Turkey's Internet and digital media restrictions, this study calculates the state's implementation of domestic Internet controls, which limited Internet freedom in Turkey.

Literature Review

In accordance with diffusion theory, anti-government protests can encourage comparable uprisings in neighboring states with similar government structures and popular grievances. As a result, power structures in states near these movements grow fearful of anti-government mobilization within their borders.¹⁰ Accordingly, when the Arab Spring spread through Turkey's neighboring states, the AKP grew increasingly wary of similar protest movements arising and overthrowing the party.¹¹ According to scholar Zafir Yilmaz, "after the Gezi Uprising, internal opposition activities were defined as the greatest threat to security by the National Security Council," indicating a shift in policy following a grassroots crisis that challenged the rulers' authority.¹²

The Gezi Protests constituted a "critical juncture," or a crisis that evoked a reorientation in policy objectives.¹³ Recognized political scientists Giovanni Capoccia and Daniel Keleman argued in 2007 that these junctures are "brief phases of institutional flux" during which the ruling party's decisions close off alternative options and establish "institutions that generate self-reinforcing path-dependent processes."¹⁴ The Gezi protests reoriented

the AKP's understanding of the Internet's mobilizing and organizational capacities. It is also relevant to consider the Internet in the context of globalization, which in the 2010s exposed Internet users to an international catalog of real-time reporting.¹⁵

Turkey is a party to international conventions and agreements that reinforce peoples' rights to online privacy and freedom of expression, especially Article 10 of the European Convention on Human Rights. This convention specifically protects one's freedom to hold opinions, receive, and impart information without interference from public authorities.¹⁶ However, starting in the early 2010s, Turkey implemented legislation blocking, filtering, surveilling, and storing the data of websites that the government perceived as oppositional to the ruling party's authority.¹⁷ These efforts aimed to increase the state's Internet governance: control over the flow of information on the Internet and the online structure that maintains this online traffic.¹⁸ To counteract the Internet's potential for facilitating anti-government mobilization, the AKP began restricting Internet freedoms through legislative and punitive measures. Consequently, Turkey used its domestic laws to increase its Internet sovereignty by treating the digital space as a territory and controlling the flow of information within its borders.¹⁹ As the data below show, these Internet restrictions expanded further after the government faced terrorist attacks and a failed coup d'état attempt in 2016.²⁰

Internet Freedom Restrictions Begin

In March of 2007, the AKP instituted its first legal mechanism for Internet regulation— Law No. 5651— implemented with the pretext of protecting children and preventing access to illegal and harmful

online content.²¹ This legislation allowed government officials to block websites containing content of “child sexual abuse, drug use, the provision of dangerous substances, prostitution, obscenity, gambling, suicide promotion, and crimes against Mustafa Kemal Atatürk.”²² The Telecommunications Communication Presidency (TİB) and the judiciary were put in charge of censoring these topics with varying degrees of transparency. Even after the passage of Law No. 5651, however, courts continued to uphold the freedom of speech online and reverse the TİB’s site-blocking decisions. Undeterred, activists increasingly relied on social media to run their operations.²³

The onset of the Gezi protests shifted the government’s understanding of the role of the Internet in Turkey’s society. The state’s first *National Cyber Security Strategy and Action Plan*— published one month after Gezi— acknowledged that Information and Communication Technology (ICTs) usage was “spreading rapidly” in Turkey and played “important roles in all aspects of our lives.”²⁴ The government’s new understanding of the Internet’s prevalence in

people’s lives and its contribution to anti-government mobilization led to legislative changes that restricted Internet freedoms from 2014 onward.

Methodology

To unearth the state of Turkey’s Internet freedom after Gezi, this paper analyzes online restrictions preceding and succeeding the 2013 protests. Additionally, it briefly assesses the AKP’s response to the 2016 attempted coup, which further challenged the government’s grasp on power. The data show that the government perceived the protests and coup, organized via social media, as challenging its authority. The aftermath of Gezi saw increased restrictions online as the government tried to deter anti-government sentiments from spreading. Using the Freedom House “Freedom on the Net (FOTN)” reports, this study assesses the state of Turkey’s domestic Internet freedoms using three indicators: 1) obstacles to Internet access, 2) limits to online content, and 3) violations of user rights. This paper uses Freedom House’s definitions below:

A) Obstacles to Access:	Assesses infrastructural and economic barriers to access; government efforts to block specific applications or technologies; and legal, regulatory, and ownership control over the Internet and mobile phone access providers.
B) Limits on Content:	Examines filtering and blocking of websites; other forms of censorship and self-censorship; manipulation of content; the diversity of online news media; and usage of digital media for social and political activism.
C) Violations of User Rights:	Measures legal protections and restrictions on online activity; surveillance; privacy; and repercussions for online activity, such as legal prosecution, imprisonment, physical attacks, or other forms of harassment. ²⁵

The FOTN reports aggregate all three indicators to determine a state’s overall Internet and digital media freedom score, which ranges from 0-100 (0 = the most free and 100 = the least free).²⁶ This study tracks these scores starting from 2009 (when the first FOTN report was released) and ending with 2018 (when the FOTN scoring scale was altered). It then charts the AKP’s implementation of “Key Internet Controls” and analyzes the FOTN Reports’ explanations behind each year’s Internet freedom scores.

Findings

The data show that the AKP reoriented its approach to Internet freedoms following the 2013 protests by increasing its control over

Internet governance and increasing punitive measures against oppositional online voices. Figure 1 displays Turkey’s annual FOTN scores— showing that the largest increases in online restrictions occurred between the years 2013-2014 (from 49 to 55 points) and 2016-2017 (from 61 to 66 points).²⁷ While the 2013 FOTN report’s time period does not encompass the Gezi protests, or their aftermath, within its date range, they are included and analyzed in the 2014 report.²⁸ According to the 2014 FOTN Report, in the five years that elapsed since the first FOTN Report was released in 2009, Turkey’s Internet freedom declined by a total of 13 points— with a decline of 6 points within one year of the Gezi protests.²⁹

Figure 1: Turkey's Freedom on the Net Scores (2009-2018)³⁰

FOTN (2009-2018)

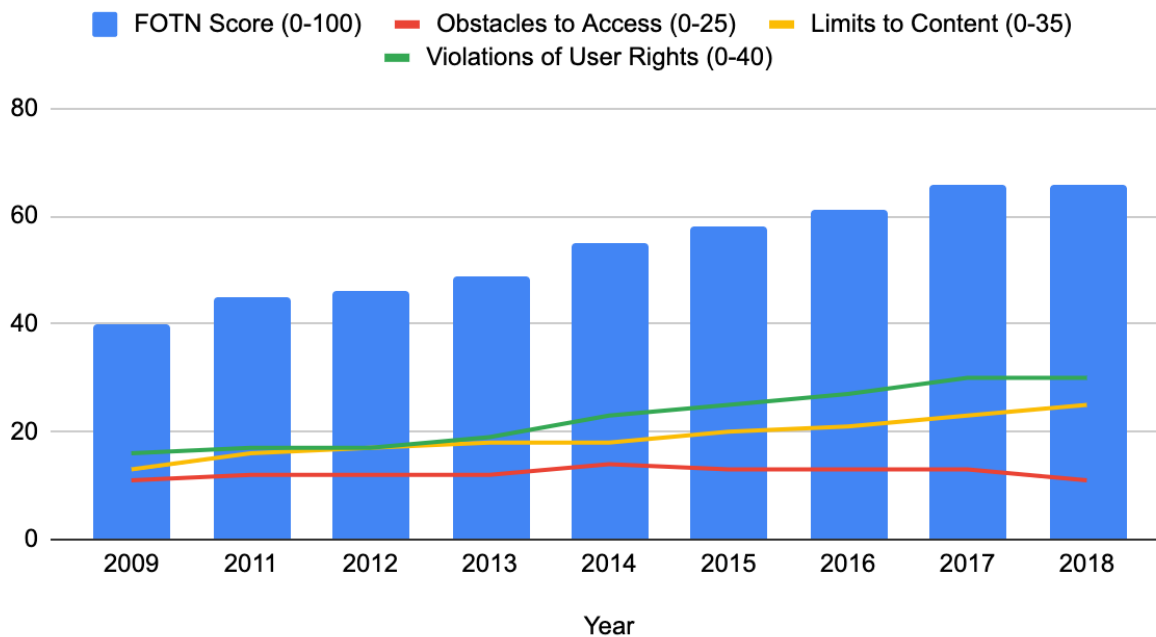


Figure 2 shows that Internet controls spiked from 3 to 7 (out of 9 possible controls) between 2013 and 2014. In 2013, the three key Internet controls in Turkey constituted: 1) the blocking of social media and/or communication applications, 2) the blocking of political, social, and or religious content, and 3) arrests, imprisonment, and/or prolonged detention of online journalists, bloggers, or ICT users for having posted political or social content. In the 2014 report, four more Internet controls were added to this list, including: 1) the passage of new laws that increased censorship and surveillance, 2) technical attacks against government critics, and 3) physical attacks on or 4) killings of online journalists, bloggers, and ICT users. Over the following years, the number of controls in Turkey remained high, with arrests and detentions of journalists, bloggers, and ICT users occurring every year. The government's use of its institutions to detain, prosecute, and

imprison oppositional voices showed the AKP's increasing hold on power and its determination to silence criticism.

Figure 2: Turkey’s Key Internet Controls (2009-2018)

Year	Social media and/or communications apps (Web 2.0) blocked	Political, social, and/or religious content blocked	Localized or nationwide ICT shutdown	Pro-Government commentators manipulate online discussions	New law/directive increasing censorship or punishment passed	New law/directive increasing surveillance or restricting anonymity passed	Online journalist/blogger/ICT user arrested, imprisoned, and/or in prolonged detention for political or social content	Online journalist/blogger/ICT user physically attacked or killed	Technical attacks against government critics and human rights organizations	TOTAL # of Key Internet Controls
2009	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
2011	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
2012	X	X								2
2013	X	X					X			3
2014	X	X			X	X	X	X	X	7
2015	X	X		X	X	X	X		X	7
2016	X	X	X	X			X		X	6
2017	X	X	X	X	X		X		X	7
2018	X	X		X			X		X	5

This data shows that the critical juncture in 2013 set Turkish Internet controls on a self-reinforcing, path-dependent course for the next five assessed years. As Figure 3 (below) shows, the Internet restrictions continued to steadily increase until two of

Turkey’s defining criteria were downgraded from “Partly Free” to “Not Free” in 2016. To understand the de facto measures and controls that the scoring reflects, the next section analyzes the changes that amounted to these declines in Internet freedom.

Figure 3: Turkey’s Freedom on the Net Scores Table

Year	FOTN Score (0-100)	Obstacles to Access (0-25)	Limits to Content (0-35)	Violations of User Rights (0-40)	Category (F=Free, PF=Partly Free, NF=Not Free)
2009	40	11	13	16	PF
2011	45*	12	16	17	PF
2012	46	12	17	17	PF
2013	49	12	18	19	PF
2014	55	14	18	23	PF
2015	58	13	20	25	PF
2016	61	13	21	27	NF
2017	66	13	23	30	NF
2018	66	11	25	30	NF

*Though the FOTN score increased by 5 points between 2009 and 2011, this increase occurred over the course of two years, rather than one year. This is due to the Freedom House’s data release timeline of its initial FOTN reports. The biggest one-year jumps in scores are demarcated in bold.

The Freedom on the Net Scores, Explained

The government’s response to the 2013 anti-government protests included assaults on online journalists, increased blocks on social media platforms, new amendments to Law No. 5651, and increased powers granted to the TİB and National Intelligence Organization (MİT). Moreover, then Prime Minister Recep Tayyip Erdoğan himself insulted the protesters, calling them “çapulcular” (translated as looters and marauders) in an effort to downplay their credibility, revealing his disapproving sentiments towards the movement.³¹ During the Gezi protests, many citizen journalists covering the movement were physically assaulted and jailed. One specific case included a freelance journalist named Ahmet Sik, who was deliberately hit on the head with a tear gas canister.³² In addition, approximately 59 journalists were fired from

their publications for criticizing the government.³³

Aside from the protests, in February 2014, recordings implicating high-level Turkish officials, including Erdoğan, in a corruption scandal were posted on YouTube and SoundCloud. The state then blocked YouTube to suppress the audio clips’ circulation and attempted to suspend oppositional Twitter accounts. Twitter, however, refused to follow government orders. In response, PM Erdoğan vowed to “wipe out Twitter” and called social media the “worst menace to society.”³⁴ The Turkish government then blocked access to the platform. Moreover, following this perceived challenge to the AKP’s authority, new legislation equipped the state regulator, BTK (Information and Communication Technologies Authority), with the power to block websites without a court order— withdrawing site blocking from the judiciary’s jurisdiction.

In the legislative realm, Law No. 6532 and Law No. 5651 were amended to increase Internet Service Providers' (ISP) accountability to government agencies. In February 2014, Turkey's Grand National Assembly (GNA) passed new amendments to Law No. 5651, which broadened two of the Telecommunications Communication Presidency's (TİB) powers. First, online hosting providers were required to store all hosting-related data for up to two years, provide it to the TİB upon request, and perform any actions requested by the TİB. Secondly, the TİB was granted the power to direct ISPs to block specific URLs without a preceding judicial review if the content was seen as violating an individual's right to privacy.³⁵ Under the amendments, the TİB staff also received impunity from criminal investigations if they committed crimes while carrying out their duties. As Freedom House reported in 2016, "criminal investigations into TİB staff [could] only be initiated through an authorization from the TİB director, and investigations into the director [could] only be initiated by the relevant minister. This process casts serious doubt on the functioning and accountability of the TİB."³⁶ Furthermore, the amendments required that ISPs create a single Association of Access Providers in which membership was mandated by law. Only Association members could then obtain "activity certificates" from the BTK allowing them to legally provide Internet access within Turkey.³⁷ In April 2014, the GNA also passed new amendments to Law No. 6532, titled "Amending the Law on State Intelligence Services and the National Intelligence Organization." These amendments granted MIT agents unlimited access to online communication data (without requiring a court order) and limited their accountability for any wrongdoing. According to Freedom House, "the law force[d] public and private

bodies... to provide the MIT any requested data, documents, or information regarding certain crimes, such as crimes against the security of the state, national security, state secrets, and espionage. Failure to comply [was] punishable by prison."³⁸ This further centralized the online space under government authority.

It is also important to note that in 2016, the ruling party experienced new challenges to its authority in the form of a failed coup and a series of terrorist attacks. After surviving the failed coup, the AKP imposed a State of Emergency, through which it then solidified Internet control by issuing emergency decrees to Law No. 5651, further restricting Internet freedoms.³⁹ In April 2017, the government used an amendment to Article 159 of the Constitution to restructure the previously independent Council of Judges and Prosecutors (CJP). The amendment to the CJP, which admits, appoints, transfers, promotes, and supervises judges and prosecutors, allowed the President to appoint six of thirteen CJP members and the Parliament to appoint the remaining seven. Over 3,500 judges and prosecutors—labeled oppositional Fethullahist Terrorist Organization members—were dismissed following the coup. The AKP replaced those dismissed with pro-government appointees, decreasing the independence of the judiciary, which led to "hundreds of arbitrary arrests, detentions, and unfair trials of journalists and civil society actors."⁴⁰ The data shows that Turkey's amendments have coincided with moments of political turmoil and a resulting government-perceived need to suppress dissent.

Conclusion

In 2013, online restrictions were not a novelty in Turkey. However, the data shows a steep increase in the legislative and punitive measures Turkey's government implemented after Gezi's Internet-mobilized movement challenged the AKP's authority.

At this critical juncture, the flow of online information presented an existential challenge to the state's ability to control the national narrative about transpiring events. As a result, Internet controls experienced a nearly two-fold increase. The government's actions increased its sovereignty and control over the Internet's flow of information. The state mandated ISPs to store and share their operational data (subject to government oversight); tightened the government's Internet governance controls by expanding the TIB's authority to filter and block objectionable content and the MIT's surveillance powers; and attempted to evoke online self-censorship by using arrests, assaults, and job terminations of oppositional online voices. Through the combination of all these measures, Turkey's digital authoritarianism grew dramatically in the years following Gezi and the failed coup attempt, and oppressive measures continued to increase thereafter.

Although this study only examines one aspect of the intricate puzzle comprising Turkey's approach to technology policy, it

sheds light on the state's efforts to control the flow of information to and from its domestic audience. Turkey's international commitments to protecting freedoms of opinion and the impartation of information without government interference starkly contrast its domestic policies. Ankara's practice of digital censorship at home demonstrates that this NATO member has prioritized its retention of domestic power over its citizens' Internet freedoms. Turkey's pursuit of digital authoritarianism requires increased scrutiny from the United States' national and cyber security agencies. The United States should communicate clearly with Ankara that there will be consequences if it keeps adhering to unacceptable global Internet practices that are at odds with the democratic principles tying the NATO alliance together. Inaction could lead to a more polarized online regulation space between the United States and Eurasia and a further deterioration of Internet freedoms globally.

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⁴ Loretta Dell’Aguzzo and Emidio Diodato, “Turkey and the Seduction of Authoritarianism,” in *The ‘State’ of Pivot States in the South-Eastern Mediterranean: Turkey, Egypt, Israel, and Tunisia after the Arab Spring*, ed. Emidio Diodato (Perugia, Perugia: Perugia Stranieri University Press, 2016), pp. 23-43.

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- ²⁶ Ibid, 23.
- ²⁷ The 2013 report covered May 2012 to April 2013 (not including the Gezi protests occurring in May 2013); the 2014 report covered May 2013 to May 2014; the 2016 report covered June 2015 to May 2016; the 2017 report covered June 2016 to May 2017.
- ²⁸ The 2013 report cuts off in April, 2013 a month before the Gezi protests began.
- ²⁹ “Freedom on the Net 2014,” FreedomHouse.org, 2014, https://freedomhouse.org/sites/default/files/2020-02/FOTN_2014_Summary_Findings.pdf, 3.
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