

Caught in the Wheels of Power:

The Political, Legal and Economic Constraints on Independent Media and Freedom of the Press in Turkey

Authors
Dilek Kurban
Ceren Sözeri



TESEV
DEMOCRATIZATION
PROGRAM

Caught in the Wheels of Power: The Political, Legal and Economic Constraints on Independent Media and Freedom of the Press in Turkey

Authors:

Dilek Kurban

Ceren Sözeri

TESEV
PUBLICATIONS

Caught in the wheels of power:
The Political, Legal and Economic Constraints on Independent
Media and Freedom of the Press in Turkey



TESEV

**Türkiye Ekonomik ve
Sosyal Etüdler Vakfı**
*Turkish Economic and
Social Studies Foundation*
Demokratikleşme Programı
Democratization Program

Bankalar Cad. Minerva Han
No: 2 Kat: 3
Karaköy 34420, İstanbul
Tel: +90 212 292 89 03 PBX
Fax: +90 212 292 90 46
info@tesev.org.tr
www.tesev.org.tr

Author:

Dilek Kurban
Ceren Sözeri

Prepared for Publication by:

???

Translation:

????

Publication Identity Design: Rauf Kösemen, Myra

Cover Design: Banu Yılmaz Ocak, Myra

Page Layout: Gülderen Rençber Erbaş, Myra

Coordination: Sibel Doğan, Myra

Production Coordination: Nergis Korkmaz, Myra

Printing Organization: Artpres Matbaacılık San. Tic. Ltd. Şti

Printed by: Scala Basım, Yayım, Tanıtım San. ve Tic. Ltd. Şti.

Yeşilce Mah. Girne Cad. Dalgıç Sk. No:3

4.Levent/İstanbul-Türkiye Tel: 0212 2816200 pbx

Copies: 500

TESEV PUBLICATIONS

ISBN 978-????

Copyright © June 2012

All rights reserved. No part of this publication may be reproduced electronically or mechanically (photocopy, storage of records or information, etc.) without the permission of the Turkish Economic and Social Studies Foundation (TESEV).

The viewpoints in this report belong to the authors, and they may not necessarily concur partially or wholly with TESEV's viewpoints as a foundation.



TESEV would like to extend its thanks to the Open Society Foundation, and the TESEV High Advisory Board for their contributions with regard to the publication and promotion of this report.



Case Study Report

Updated and Expanded Version

Does media policy promote
media freedom and independence?
The case of Turkey

Dilek Kurban
Ceren Sözeri

June 2012



Project profile

MEDIADEM, özgür ve bağımsız medyayı güçlendiren veya tam tersine engelleyen faktörleri anlamayı ve açıklamayı amaçlayan bir Avrupa araştırma projesidir. Proje Belçika, Bulgaristan, Hırvatistan, Danimarka, Estonya, Finlandiya, Almanya, Yunanistan, İtalya, Romanya, Slovakya, İspanya, Türkiye ve İngiltere’de ülke bazında yapılan araştırmaları medya sektörleri ve çeşitli türlerdeki medya servisleri açısından karşılaştırmalı bir bakış açısıyla analiz ederek bir araya getirmektedir. Proje kapsamında, adı geçen ülkelerdeki medya politikalarının yapılanışının araştırılmakta ve yeni medya araçlarının medya özgürlüğü ve bağımsızlığı açısından sağladıkları imkanlar ve yarattıkları zorluklar incelenmektedir. Bunun yanı sıra, Avrupa Birliği ve Avrupa Konseyi’nin devletin medya politikalarını tasarlanması ve uygulaması sürecinde yaptıkları dış baskılar da proje kapsamında derinlemesine tartışılıp analiz edilmektedir.

Proje Başlığı: Avrupa Medya Politikalarına Yeniden Bakmak: Günümüz Demokratik Sistemlerinde Özgür ve Bağımsız Medya’yı Değerlendirmek ve Talep Etmek

Proje süresi: Nisan 2010 - Mart 2013

AB finansmanı: yaklaşık 2.65 milyon Avro

Hibe anlaşması: FP7-SSH-2009-A no. 244365

Abbreviations

Table of Contents

ACKNOWLEDGMENTS,	10
TESEV'S PRESENTATION,	11
EXECUTIVE SUMMARY,	12
1. INTRODUCTION,	13
2. MEDIA POLICY MAKING IN TURKEY: ACTORS, VALUES, PROCESSES,	17
3. THE STRUCTURE OF TURKISH MEDIA MARKET,	23
3.1 Media ownership: The legal and political framework,	25
3.2 Competition in media market,	28
3.3 State intervention in the media: Subsidies, official advertisements,	32
3.4 Public Service Broadcasting,	33
3.5 The impact of EU integration in media policy making,	34
4. MEDIA CONTENT: THE REGULATORY FRAMEWORK AND COURT DECISIONS,	35
4.1 Media specific laws,	37
4.2 Penal laws,	41
4.3 National courts,	42
4.4 The ECtHR on media freedom in Turkey,	45
5. THE JOURNALISTIC PROFESSION,	
5.1 Political pressure, patronage and self-censorship,	51
5.2 Media ethics and self-regulation,	54
6. MEDIA LITERACY AND TRANSPARENCY REQUIREMENTS,	59
7. CONCLUSION ,	63
BIBLIOGRAPHY,	68
ANNEXES,	75
Annex 1. List of interviews conducted as part of this research project,	77
Annex 2. List of discussion groups organized as part of this research project,	78
Annex 3. Which media group owns which companies,	2012, 79
ABOUT THE AUTHORS,	84

Acknowledgments

The findings and conclusions of this report were inspired by the contributions of the participants of workshops organized as part of TESEV's media project. We would like to thank the officials from various media regulatory agencies, representatives of the media sector, academics, civil society members and journalists for having shared their knowledge and thoughts. For researchers working on the political economy of the media in Turkey, access to data regarding the media market is a challenging and discouraging process. We would not have been able to achieve this without the support of Önder Balcı of Mindshare, who generously shared their research data with us. Erol Katırcıoğlu and Erol Önderoğlu provided invaluable feedback on an earlier version of this report; we are grateful to them for their time and intellectual output.

TESEV's Presentation

Etyen Mahçupyan, TESEV Democratization Program

The depiction of the media as the fourth estate by the theory of democracy makes a reference to an idealized societal system. While this situation reflects a limited reality even in Western countries, it is almost entirely unrealistic in Turkey since the tutelary regime set up and systematized by the Republic has made relations with the army vital for the media and positioned the press as a conveyor of the official ideology and national issues.

This situation also gained an identity-based meaning within the community structure reinforced by the Republic. To the extent that it acted as the voice of the “centre” defined by the state, the media also represented the identity-related aspect of this centre. Hence, there was born a media world that otherized those who were outside the centre, and that gained privileges and concessions by advocating laicism and the Turkish ethnic identity.

Using the political power to take advantage of cyclical opportunities resulted in the media evolving towards an oligopolistic structure while gaining a denominational character, and at the same time expanding towards the other areas of the economy where it created monopolist advantages.

Hence, media organs started to see themselves as political actors that could bargain with the government, an approach that rapidly corrupted the sector.

On the other hand, with the broadening of the area of politics within the last two decades, a diversification and pluralisation was experienced in the media. Unfortunately, this situation did not imply a transformation in the mentalities or a pluralist perspective. On the contrary, each community started to have their

own media, and many habits from social manipulation to voluntary censorship became the common trait of the whole sector.

Today, it is seen that the Turkish media faces the problem of pressure from the state and from governments, as much as it faces problems stemming from its own capital structures and ideological choices.. What's more, this situation is taking place in a country that still cannot put democratic laws in place and that maintains a notion of law that is foreign to the freedom of expression and of media.

The democratization of the media is vital in terms of creating an independent and civilian supervision on politics and bureaucracy and ensuring that social demands find their voice in the public domain... And this requires a change in the legal framework and in the ownership structure, as well as actually functioning rules of competition. Yet at the same time, a transformation in the mentality of the media in parallel with the domain of politics is also necessary...

This report is the third of a series of publications that TESEV has released within its Media and Democracy research area. Building upon the earlier reports and a comprehensive field work, this third report situates media freedom and independence in Turkey within a historical context and offers a critical analysis of the role played by political actors, regulatory agencies, media owners, courts and journalists in the infringement of journalistic freedom in Turkey. We hope that the report will offer a meaningful contribution in triggering a discussion on the domain of media, which is one of the main building blocks that will ensure Turkey's democratization...

Executive Summary

Media policy in Turkey has shaped the media-state relationship since the establishment of the first newspaper in the late Ottoman period. While regulations were often employed as an effective disciplinary tool against the press in processes of state formation and modernization, opponent journalists have constantly been suppressed by state and non-state actors who claimed to act in the name of ‘state interests.’

The coup d’état in 1980 and the concomitant economic liberalisation changed the ownership structure of the media sector with the entry of new investors. Following the abolishment of state monopoly on broadcasting in the 1990s, big conglomerates expanding through vertical and horizontal mergers have dominated all fields of the media. The high concentrated market structure in the media was made possible due to the inadequacy of legal barriers to cross-mergers, as well as the lack of measures that would prevent media conglomerates from participating in public tenders in other sectors of the economy. The shortcomings of the regulatory framework to promote press freedom and diversity in the media has encouraged big corporations to regard themselves as legitimate political actors that can bargain with the government.

Media ownership was restructured following the economic crisis in 2001. Big media groups, which had investments in the financial and banking sectors, were particularly affected by the crisis; some being

completely wiped out of the market, while others were seized by the state transferred. Shortly after the Justice and Development Party (*Adalet ve Kalkınma Partisi- AK Parti*) came to power in 2002, the mainstream media was reconfigured ideologically as either ‘opponent’ or ‘proponent’ to the government.

Notwithstanding the limited positive effects of the EU accession process on media freedom, there are dozens of ECtHR judgments regarding freedom of expression and freedom of the press waiting to be executed by the Turkish state. Journalists who are powerless vis-à-vis the owners and political power are particularly affected by the political polarisation in the media. The structural obstacles to unionization and the lack of solidarity in the profession lead to labour exploitation, low quality content and violations of media ethics.

The lack of a strong pro-democracy social movement; the ideological conservatism of the judiciary; the institutional weakness of the parliament; and the lack of democracy within political parties render the government – and future governments – too powerful vis-à-vis the society and the media. On a positive note, however, there is a growing awareness on the need for social monitoring of the media. In the absence of a widely accepted and established self-regulatory framework, various nongovernmental organizations and activist groups started to watch the media in order to expand the culture of diversity and to reduce discrimination, racism and hate speech.

1. Introduction

The media in Turkey has been in the limelight in recent years. Though historically the media has never been immune to the influence of political power and internal ideological polarization, the sharp divisions and extreme politicization of the Turkish media over the last decade is unprecedented. The media once again proved to be a critical actor at a time when the country was undergoing a historic process of political and social transition, and was acutely divided along the rift between the military and the government. The side various media organs chose to align with in this conflict is not simply a matter of political preference; it is a reflection of the deep social, economic and political transition taking place in the country since the early 1980s. The consecutive and at times simultaneous processes of economic liberalisation, globalization and democratization produced various outcomes for the media sector, which has undergone a significant structural, technological and ideological change itself. On the other hand, the current state of affairs in the media and its interdependent relationship with the state cannot solely be explained by the developments of the past three decades. The political economy and ownership structure of the media, the vulnerability of journalists vis-à-vis their bosses and the absence of a motive for an independent media in pursuit of the truth can only be explained and understood with a due account of the historical origins of the media in Turkey.

Research on media independence and freedom of press in any country, and particularly Turkey, requires more than an analysis of the regulatory framework. It is the political and ideological factors that lie behind the anti-democratic and repressive laws, rather than the content and implementation of these laws that

This report is an attempt to understand the media freedom and independence in Turkey through a critical analysis of the state-media relations.

can explain why and under which circumstances an independent and free media fails to emerge in a given country. This report is an attempt to understand the legal, political and economic constraints on media freedom and independence in Turkey through a historical lens for a critical analysis of the state-media relations.

The report aims to analyze and explain the actors and processes of media policy making in Turkey; the substance and implementation of such policies; the legal framework governing media content; the ownership structure of the media; the working conditions of journalists; self-regulation for ethical issues and self-censorship; and the emerging social efforts to combat discrimination and hate speech in the media. Part two of this report focuses on the actors and values that affect the making of media policies, highlighting the significant role of big corporations in shaping structural regulation and competition. In part three, the structure of the media market and the conducts of big players are examined from the perspective of democracy and diversity. Since the major problems facing the media in Turkey stem from the legal system, Part four discusses the ‘mentality’ that shapes content regulation as a significant obstacle to journalistic freedoms. The vulnerable position of journalists vis-à-vis media owners and the political power is also the result of a lack of horizontal solidarity in the profession. In Part

five, the working conditions of journalists, journalistic standards and practices are reviewed. Finally, Part six looks at media literacy in Turkey. Considering the high access rate of television (98 per cent) and long watching hours, the media literacy education initiated in primary education deserves close scrutiny. Both the content and the teaching methodology of this class raise serious issues. Taking into account that media literacy is not only a matter of education, but also a political and ideological issue, this part discusses the opportunities created by campaigns of advocacy groups.

The report is based on a review of the relevant literature, legal research and discussions with the main media actors in Turkey. Six closed workshops¹ were organised as part of the fieldwork, bringing together a total of 41 individuals from public and private media who are directly or indirectly concerned with media freedom and independence in Turkey. Additionally, we conducted one-on-one interviews with media professionals, journalists, representatives of regulatory agencies and policy makers.

¹ Workshops organized: 'Media and democratisation' (Istanbul, 8/10/2010); 'Human resources problems and the future of the media sector' (Ankara, 18/12/2010); 'Labour relations and working conditions in the media sector' (Ankara, 21/12/2010); 'The new legislation on the structure and authority of the Radio and Television Supreme Council' (Istanbul, 11/3/2011); 'Investment and competition media sector relations: the present and the future of the sector' (Istanbul, 21/4/2011); and 'Media and regulatory high bodies: The status of legal and governance regulations' (Ankara, 18/10/ 2011).

2. Media Policy Making in Turkey: Actors, Values, Processes

2. Media Policy Making in Turkey: Actors, Values, Processes

Turkey did not have a regulatory framework governing media content until the mid 1990s, owing to the domination of the state in all sectors of the economy, including the media. Until mid 1980s, the state had direct control over the media. In 1983, the coming to power of the neoliberal Motherland Party (*Anavatan Partisi-ANAP*) following the end of the military rule marked a turning point in Turkey's economy. ANAP's leader Turgut Özal initiated a process of economic liberalization and adopted free-market reforms. The new government's support for private entrepreneurship encouraged big corporations to enter the media sector. Despite a constitutional ban on private broadcasting, Turkey's first private television station, *Magic Box*, was launched in 1990 via satellite from Europe. This resulted in the entry into the market of various other private broadcasters; radio and television stations were launched one after another in blatant disregard of the constitution (Elmas and Kurban, 2010).

The legal chaos ensuing from the rapid deregulation of the media and the 'emergence of cartels due to the low number of actors which entered the sector' gave rise to the need for a regulatory framework to govern the market.² This resulted in the adoption of the first broadcasting law, no. 3984,³ and the establishment of the Radio and Television Supreme Council (*Radyo ve*

The politically nationalist and culturally conservative values endorsed in the legal framework have diffused into the media policy making process.

Televizyon Üst Kurulu-RTÜK) for 'regulating and inspecting the activities of radio and televisions.'⁴ The policymakers' main concern in adopting the law was to control the content of private audio-visual companies and to make sure that they complied with rules and regulations. In the past decade, the principal trigger behind policymaking in the media has been the need to harmonize the laws with the EU's *acquis*. The most recent example of this phenomenon was the adoption of a new broadcasting law in accordance with the EU's Audiovisual Media Services Directive (hereon referred to as the Directive or the EU Directive) in 2011. The consideration of the commercial needs of private broadcasters amidst rapid technological improvements was also influential in the adoption of the law.

The politically nationalist and culturally conservative values endorsed in the constitutional and legal framework have diffused into the media policy making process. Relevant ministries, agencies and institutions responsible for media regulation strictly adhere to these principles, while at the same time paying lip service to freedom of expression, freedom of the press and the right to privacy. Where the inherent tension between these goals comes to surface, policy makers make a clear choice on the side of the protection of the family, nation and the state over the individual.

2 Erol Katircioğlu, professor of economics at Istanbul Bilgi University, minutes of the workshop on the topic of 'Media and regulatory high bodies: The status of legal and governance regulations', Ankara, 18/10/2011.

3 *Radyo ve Televizyonların Kuruluş ve Yayınları Hakkında Kanun* [Law on the Establishment of Radio and Television Enterprises and their Broadcasts], no. 3984, Official Gazette no. 21911, 20 April 1994. The law was repealed with the adoption of the new Broadcasting Law, no. 6112, on 15 February 2011.

4 Constitution Art. 133.

As in all other areas, policy making in the media in Turkey is a centralized and bureaucratic process where values and priorities are set by the executive.

As in all other areas, policy making in the media in Turkey is a centralized and bureaucratic process where values and priorities are set by the executive. Until mid-2011, the principal executive organ in charge of the media was a Ministry of the State. An executive decree adopted on 17 August 2011, however, now authorizes the Ministry of the EU Affairs to monitor and inspect the activities and transactions of autonomous regulatory agencies – including those in charge of media regulation.⁵ While the implications of this change remain to be seen, the shift in authority ‘is perceived as an intervention to the autonomy of these agencies’⁶ and a ‘strategic policy change on the part of the government.’⁷

Again, generally speaking, the parliament has a very limited role in policy making in the media. In accordance with strict party discipline which dominates the political culture in Turkey, parliamentarians very often vote in line with party politics. Little discussion on substantive issues takes place in the parliament and, to the extent that it does, it remains extremely partisan. Opposition parties often express their opinions through accusations rather than constructive criticism whereas the government rarely takes into account their feedback. The reactive political culture

of lawmaking and the legislative workload caused by the need to harmonize the national legal framework with the EU’s *acquis communautaire* prevent the parliament from timely responding to the unforeseen needs arising from the rapidly changing media sector.⁸ The parliament’s minimal role in lawmaking has been further restricted by the Justice and Development Party (*Adalet ve Kalkınma Partisi- AK Party*) government’s recent strategy to make legislative amendments through executive decrees adopted by the cabinet, as opposed to laws enacted by the parliament. The most recent example of this strategy in the media is the adoption of the executive decree no. 649 mentioned above. During the policy making process, the government rarely consults civil society working on the media, and where it does, the input collected is often not reflected in the policy output.⁹ The regulatory agencies’ role in policy making is also quite limited; they are tasked with preparing drafts in accordance with the political priorities of the government, which then finalizes these before submission to the parliament.¹⁰

The independence and impartiality of bureaucratic regulatory agencies have been contested all along in Turkey: ‘The political branch replaces and reaffirms itself through these authorities.’¹¹ Undoubtedly, the agency whose impartiality and autonomy have been most fiercely contested is RTÜK. Tasked with allocating licences and permits for terrestrial, satellite and cable broadcasting; supervising broadcasting content; responding to audience complaints; and

5 Avrupa Birliği Bakanlığının Teşkilat ve Görevleri hakkında Kanun Hükmünde Kararname ile Bazı Kanun ve Kanun Hükmünde Kararnamelerde Değişiklik Yapılmasına Dair Kanun Hükmünde Kararname [Decree with Force of Law Concerning Amendments to the Decree with Force of Law Concerning the Organization and Powers of the Ministry of European Union Affairs and to Certain Laws and Decrees Having the Force of Law] no. 649, Official Gazette, no. 28028, 17 August 2011, Article 45.

6 An official at a media regulatory agency, minutes of the workshop on the topic of ‘media and regulatory high bodies: The status of legal and governance regulations’, Ankara, 18/10/2011.

7 Katircioğlu, ‘Media and regulatory high bodies: The status of legal and governance regulations’ Workshop.

8 An official at a media regulatory agency, ‘Media and regulatory high bodies: The status of legal and governance regulations’ Workshop.

9 Özden Cankaya, professor of communications, Galatasaray University, minutes of the workshop on the topic of ‘the new legislation on the structure and authority of the Radio and Television Supreme Council’ Istanbul, 11/03/2011.

10 An official at a media regulatory agency, minutes of the workshop on the topic of ‘the new legislation on the structure and authority of the Radio and Television Supreme Council’ Istanbul, 11/03/2011.

11 Katircioğlu, ‘Media and regulatory high bodies: The status of legal and governance regulations’ Workshop.

imposing sanctions in cases of non-compliance, RTÜK's mandate extends to both radios and televisions. The decisions of the agency are open to judicial review.

Though defined in the constitution and its founding law as an autonomous public legal entity, RTÜK lacks the mandate to develop its own principles and the power to regulate.¹² Instead, it is expected to operate within the substantive boundaries drawn by the parliament and its powers are limited to sanctioning the media (as discussed in section 4.1.). The agency's efforts to introduce new norms can be prevented by courts, even if it is in the name of protecting rights and freedoms and furthering public interest. A recent example was RTÜK's failed attempt to sanction broadcasts displaying violence against animals. Though both the law and the agency's executive regulation prohibit broadcasts encouraging harmful actions against animals,¹³ the sanctions it attempted to impose against a broadcaster were stayed by a court on the ground that the law did not grant the agency such powers.¹⁴ On the other hand, as we discuss in greater detail later in the report, RTÜK does not always adopt a similar rights-based approach when exercising its sanctioning powers.

RTÜK's independence has been a matter of contention for a long time due to its political composition. The agency has nine members elected by the parliament for a period of six years from a pool of candidates nominated by political parties. The number of nominees proposed by each party is dependent on the number of members it has at the parliament.

12 An official at a media regulatory agency, 'Media and regulatory high bodies: The status of legal and governance regulations' Workshop.

13 Yayın Hizmeti Usul ve Esasları Hakkında Yönetmelik [Regulation on the Principles and Substance of Broadcasting Services], Official Gazette no. 28103, 2 November 2011, Art. 8(l).

14 An official at a media regulatory agency, 'Media and regulatory high bodies: The status of legal and governance regulations' Workshop.

RTÜK's independence has been a matter of contention for a long time due to its political composition.

Other relevant authoritative bodies include the Information and Communication Technologies Authority (*Bilgi Teknolojileri ve İletişim Kurumu-BTK*), which is tasked with the supervision and sanctioning of the internet. It enjoys administrative and financial autonomy. The parliament does not have a role in the process of the selection of its (seven) members, who are appointed by the cabinet. The parliament also lacks powers to oversee the agency, which reports solely to the government. The Telecommunications Communication Presidency (*Telekomünikasyon İletişim Başkanlığı-TİB*) is a part of BTK. It was founded pursuant to a 2005 amendment in the Police Law¹⁵ for the specific purpose of law enforcement in the telecommunications sector. Among the members of the agency are the representatives of the National Intelligence Agency, the Directorate General of the Police and the Gendarmerie Central Command. Tasked with the centralized administration of telecommunication wiretapping in Turkey, TİB is required to share the information it gathers with the intelligence, the police and the gendarmerie and, upon request, with the courts and prosecutors.

The Competition Authority (*Rekabet Kurumu*) is an autonomous regulatory body tasked with enforcing competition rules in all sectors of the economy, including the media. The authority's broad mandate and the high number of complaints it receives from all sectors create a heavy workload. As of April 2011, the Authority has been able to examine only 10 per cent of the applications it has received. According to the officials of the Authority, this situation confirms the need for developing specific competition rules for the

15 Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun [Law on the Amendment of Certain Laws], no. 5397, 3 July 2005, Official Gazette no. 25884, 23 July 2005, Art. 1.

media and more effective supervision mechanisms.¹⁶

The Directorate General of Press Advertisement (*Basın İlan Kurumu-BİK*) is tasked with allocating official advertisements and announcements to the print media. The legitimacy, function, and lack of autonomy of the agency have been contested issues ever since it was founded. The fact that BİK has the powers to prohibit advertisements to any publication it deems to have violated media ethics as a sanction can create a censorship effect due to the state-dependent structure of the agency. Nevertheless, in recent years, BİK has allocated a significant portion of its activities to strengthening the local press. It has come to an agreement with RTÜK on using the 3 per cent contribution the latter collects from television channels to strengthen the local media. This has been evaluated as a positive development in terms of the promotion of the local media, the better representation of geographical diversity of society and the improvement of the quality of local journalism.

16 An official at the Competition Authority, minutes of the workshop on the topic of 'investment and competition relations in the media sector: the present and the future of the sector', Istanbul, 21/04/2011.

3. The Structure of Turkish Media Market

3. The Structure of Turkish Media Market

Since the launch of the first newspaper in the Ottoman Empire to the industrialisation of the press in the 1960s, journalism in Turkey has been led by a small group of journalists or journalist families who have also had a leading role in the social and political processes of change during the foundation of the republic. The liberalisation in the 1980s catalyzed the entry of other actors into the sector and changed the profile of investors (owners) of the media. In the 1990s, with the termination of state monopoly over broadcasting, the Turkish media market started to be dominated by a few conglomerates, which increased their economic power through vertical and horizontal mergers, and pursued competition strategies by setting up cartels and engaging in promotion wars. This situation changed considerably with the 2001 economic crisis and the ensuing state regulation of the banking sector. Those media groups which had investments in the financial and banking sectors were particularly affected by the crisis; some of them were completely wiped out while others were seized by the Savings Deposit Insurance Fund (*Tasarruf Mevduatı Sigorta Fonu-TMSF*) established by the government.

The high concentrated market structure in the media has been due to the inadequacy of legal barriers to cross-mergers, as well as the investments of the media owners in other sectors. Today, that 'media is used as a weapon by the groups for their non-media investments' is a widely accepted opinion in Turkey (Sönmez, 2003; Bek, 2004; Adaklı, 2006). Almost all big media groups have investments in the energy, telecommunications, financial or construction sectors among others. There are no barriers for preventing these groups from participating to public tenders either. Consequently, while public interest is sacrificed

Almost all big media groups have investments in various sectors of the economy. There are no barriers for preventing these groups from participating to public tenders.

for business interests, the media competes with the government for political power and profit, rather than perform its watchdog function.

3.1 MEDIA OWNERSHIP: THE LEGAL AND POLITICAL FRAMEWORK

There are no legal restrictions on ownership of the press in Turkey. The print sector is subject only to a registration procedure prescribed by Article 3 of the Press Law, whereby the outlet is required to provide basic information about its printing facilities to the office of the local Chief Prosecutor.

Broadcasting companies, on the other hand, are subject to licensing requirement pursuant to Article 26 of the constitution on the grounds that they use scarce or finite resources, i.e. frequencies. The allocation of such frequencies, however, has never been completed in Turkey. In 1995, RTÜK halted the process in the name of developing frequency planning first. The agency announced that it would not be accepting any new licence applications from television enterprises after 28 April 1995 and from radio enterprises after 8 December 1995 (Atabek, 1999). Tenders for frequency allocations were scheduled to begin in 1997. At the time, Turkey was going through a major political turbulence owing to the escalating conflict between the military and the Islamist Welfare Party (*Refah Partisi*), the junior partner of the coalition government. During the National Security Council meeting on 28

February 1997, the generals forced the government to resign. Soon after, extreme ‘security measures’ were introduced against Islamist organizations and media.¹⁷ Among these measures was the requirement for media owners and executives to get a national security clearance¹⁸ in order to prevent ‘separatist and reactionary’ broadcasts (Önderoğlu, 2005). As a result of the ensuing bureaucratic chaos, the Prime Ministry halted the frequency planning process.

In 2001, RTÜK decided to resume the tenders, starting with national television enterprises, yet the Council of State (*Danıştay*) issued a decision to stay. In the meantime, in 2002, a new law was adopted (no. 4756), transferring the task of frequency planning to the Telecommunications Authority (*Telekomünikasyon Kurumu*) (Kılıç, 2002). However, to this date, the agency has not completed the planning process. In addition to the public broadcaster TRT, there are 23 national, 16 regional and 212 local television channels broadcasting with temporary licences currently in Turkey.

The predicament regarding the allocation of frequencies has created a barrier to entry to the market, creating a major obstacle to diversity and pluralism in the broadcasting media.

The predicament regarding the allocation of frequencies has created a barrier by increasing the cost of entry to the market. This, in turn, has been a major obstacle to diversity and pluralism in the broadcasting media. Partially to solve this problem, the new Broadcasting

Law (no. 6112) reassigned the task of frequency planning to RTÜK. Article 26 (4) requires a sorting tender to be held for private radio and television enterprises: ‘media service provider enterprises that have been established as radio and television broadcasting companies and have operated in the field of radio and television broadcasting for at least one year, that fulfil the prerequisites specified in the tender specifications and that have obtained a qualification certificate from the Supreme Council to bid in the tender can participate in the sorting tender.’ It is clear that as a matter of priority RTÜK aims to protect the interests of the old players in the sector. Experts point out that the discriminate treatment of broadcasting companies could be a ground for legal action based on the principle of equality guaranteed under the constitution.¹⁹

Diversity and competition are also safeguarded by regulatory frameworks that influence the behaviour of players in the Turkish broadcasting market. The prevention of undue concentration can be achieved in various ways. In the past, RTÜK has experimented two different methods: In the first regulation (law no. 3984), ownership restrictions had focused on the *share limits*, whereby (i) a company was allowed to establish only one radio and only one television station; and (ii) a shareholder in any given station could not hold more than 20 per cent of the shares and if he/she owned shares in several stations, the total ratio of his/her shares could not exceed 20 per cent. The law also had limited cross-ownership between the newspaper and broadcasting sectors.

At a time when the parliament was discussing amendments to the broadcasting regulation in 2002, the big media companies conducted effective lobbying against these ownership restrictions (Bek, 2003: 262). As a result, along with the 2002 amendments (law no. 4756) in the broadcasting law, the *share ratios* were introduced

17 This period has since been commonly referred to as ‘the February 28th process.’

18 The lawsuit filed on the grounds that this certificate, issued by the Prime Ministry, hinders freedom of the media, was decided by the 13th Chamber of the Council of State in 2005. The court upheld the amendment on grounds of national security, national interests, public interest and rectification of legal shortcomings, and did not find an infringement upon freedom of the media.

19 An official at a media regulatory agency, minutes of the workshop on the topic of ‘the new legislation on the structure and authority of the Radio and Television Supreme Council’ Istanbul, 11/03/2011.

as the new measure for restrictions on ownership. Accordingly, if the average annual viewing or listening ratio of a television or a radio enterprise exceeded 20 percent, then the capital share of a real or legal person or a capital group in an enterprise should not exceed 50 per cent. The highest ratio recorded at the time was 16 per cent, indicating that the legal limit was too difficult to reach for any broadcasting company. The new amendment also removed the restrictions on cross-ownership and participation in public tenders and the stock market. Eventually, there remained no legal restrictions on media ownership. A research commissioned by RTÜK showed that the 2002 amendments enabled a media company to own 244 local and regional and 30 (medium sized) national stations at the same time (Cankaya and Yamaner, 2006: 240).

However, an intervention by the Constitutional Court changed this legislative framework soon after the adoption of the amendments. The court cancelled the two clauses of Article 29 governing media ownership on the ground that they caused monopolisation in the Turkish broadcasting market and violated Article 167 of the constitution which tasks the state with the prevention of ‘the formation, in practice or by agreement, of monopolies and cartels in the markets,’ as well as Articles 26 and 28 guaranteeing respectively freedom of expression and freedom of press.

The current state of affairs concerning media ownership regulations was introduced by the recent broadcasting law (no. 6112) in 2011. Article 19 regulates the establishment and share ratios of radio and television organizations. As under the previous law, the right to establish radio and television stations is granted to corporations only; political parties, trade unions, professional organizations, co-ops, associations and local administrations are not allowed to own radio or television stations.²⁰ However, the

provision of the former law stating that ‘the production, investment, export, import, marketing and finance organizations shall not be permitted to engage in radio and television broadcasting’ has been repealed. With paragraph (ç) of Article 19, private radio and television organizations are allowed to be opened to public and be traded at the stock exchange, another provision differing from the former law. Paragraph (d) introduces a limitation on media ownership based on terrestrial broadcasting licences. Unlike the previous law, the share of commercial communication, advertising revenues and other sponsorships are regarded as criteria for protecting competition and preventing monopolisation in the media market. This arrangement seeks to prevent a media organization from getting more than 30 per cent of all commercial communication revenues in the market.²¹

Introducing another major change, law no. 6112 increased the cap on the ratio of foreign shareholding in radio and television enterprises. Under the previous law, a foreign investor could not own more than 25 percent of the shares of a broadcasting enterprise and could not hold shares in more than one enterprise in Turkey. This provision had created a significant obstacle to the foreign capital that started to show interest in the Turkish media sector, and anyhow various methods were used to circumvent this ban. Article 19 paragraph (f) of the new law raised the cap on foreign capital share to 50 percent and the number of media service provider enterprises that foreign investors could become shareholders of to two.

²⁰ This obstacle, which still exists in the new law, also receives criticism that the broadcasting ban on faculties of communication prevents news making, education and specialized broadcasting (İLAD, 2010).

²¹ The law does not state how this share is to be calculated. A RTÜK official expressed that the three per cent share given to RTÜK by radio and television enterprises from their turnovers will be taken as a basis, hence allowing measurement of the 30 per cent limit through monthly regular metering. Minutes of the workshop on the topic of ‘the new legislation on the structure and authority of the Radio and Television Supreme Council’ Istanbul, 11/03/2011.

Editorial independence was never factored in the merger and acquisition process and, as a result, the media sales frequently led to layoffs.

As a result of the liberalisation of the legal regime governing media ownership, between 2002 and 2008, 35 national and 30 international mergers and purchase transactions took place in the media sector. These transactions peaked in 2005 and 2006 (Sözeri, 2009). Editorial independence was never factored in the merger and acquisition process and, as a result, the media sales frequently led to layoffs. Following the sale of the daily *Milliyet*, a senior columnist and reporter of the paper commented on this reality: ‘*Milliyet* was sold like a refrigerator factory’ (Cemal, 2011). After the transfer of Star TV, one of the biggest national television channels in Turkey (from Doğan Group to Doğu Group), about 15 journalists were let go.

3.2. COMPETITION IN MEDIA MARKET

What makes the media sector attractive for investors is the media’s power to influence public opinion and gaining revenues from advertising. Not only does advertising provide the main source of income for media owners, but it also gives the commercial media its characteristic look and sound, and orients the content offered to the audience, who are also the commercial target that advertisers want to reach (Sinclair, 2006). Hence it is not possible to understand the ecosystem of the media in Turkey without an analysis of advertising expenditures and their distribution based on the subsectors and outlets that media owners invest in.

Advertising revenues have demonstrated a significant upward trend since 2002. According to the Association

of Advertising Agencies (Reklamcılar Derneği), they reached about 2.5 billion USD in 2011. The Advertisers’ Association of Turkey (Reklamverenler Derneği) expects that the advertising revenues will increase to nearly 5 billion USD by 2015 (Pura, 2012). Considering that their ratio to GDP remains around 0.3 – 0.4 per cent, it is clear that advertising revenues have the potential to increase further. However, at the same time the media advertising pie is also far from being large enough. As indicated in Table 1, the advertising pie is almost entirely divided between the big media groups in all of the subsectors (except for cinema and outdoors) of the media.

The new Broadcasting Law (no. 6112) regards the share of commercial communication, advertising revenues and other sponsorships as a criterion for protecting competition and preventing monopolization in the media markets. This provision prevents a media organization from getting more than 30 per cent of all commercial communication revenues in the market. Broadcasters and the Competition Authority foresee potential problems in the implementation of this provision.²²

In order to comply with this new requirement under the new law, the biggest media group (Doğan Group) sold its second biggest television channel Star TV to Doğu Group (Hakan, 2012). On the other hand, as it can be seen from the forecasts in Table 1, this handover was insufficient to increase competition in the television broadcasting sector. The forecast for the share of ‘others’ decreased from 23% to 20%. It is clear that, especially in some sectors access to information is controlled by the big media groups and this structure does not enable the independent players to increase their advertising revenues.

The advertising pie is almost entirely divided between the big media groups in all of the subsectors (except for cinema and outdoors) of the media.

²² Notes of the workshop on the topic of ‘investment and competition relations in the media sector: the present and the future of the sector,’ Istanbul, 21/04/2011.

Table 1: Shares of Media Groups in Advertising Revenues (%) 2011 and Forecasts for 2012					
	TV	Newspaper	Magazine	Radio	Internet
Doğan Group	36	58	30	8	20
<i>Forecast for 2012</i>	27	58	30	8	20
Çukurova Group	12	3	6	6	1
<i>Forecast for 2012</i>	12	3	6	6	1
Turkuvaz Medya Group	19	24	18	2	4
<i>Forecast for 2012</i>	19	24	18	1	4
Doğuş Group	8		4	9	7
<i>Forecast for 2012</i>	20		4	9	7
Ciner Group	2	1	3		2
<i>Forecast for 2012</i>	2	1	3		2
Other	23	14	39	75	66
<i>Forecast for 2012</i>	20	14	39	76	66

Source: Mindshare, 2010, 2012(f)

One should note that, Law on the Protection of Competition (no. 4054) has been in effect in Turkey since 1994, and it is in compliance with the EU's competition rules set out in Articles 81-82 of the Treaty of Rome. In other words, the Competition Law was enacted as part of the EU harmonization process. However, until 2000, the Competition Authority was inactive regarding cases concerning the Turkish media sector (Pekman, 2002).

Under Law no. 4054, in examining applications concerning the media, the Competition Authority is required to assess whether basic rules of competition have been violated, a dominant position in the market has been created, and, if so, whether such dominant position has been abused. The Competition Authority has issued several decisions concerning the protection of competition in the media markets. 'The infringements of competition' (50 per cent) and 'merger-acquisition and privatization' (33 per cent) constituted the major grounds of the decisions issued between 2008 and 2010. One of these decisions concerned the Doğan Group. On 5 April 2011, the authority sentenced the group's companies to a fine of approximately 6

million TL (2,5 million EUR) and another subsidiary media company to a fine of 444 thousand TL (186 thousand EUR) pecuniary fine on the grounds that it abused its dominant position in the media through offering discounts in advertising sales and making agreements with media planning agencies.²³ Considering particularly the high concentrated market structure of the newspaper sector, such infringements of competition rules can be a fatal risk for the small and independent players and thereby endanger pluralism in the media.

It is important to add that the executive decree no. 649 of 17 August 2011 put an end to the independence of the Competition Authority by subjecting it to the power of the executive.

²³ The decision is available at <http://www.rekabet.gov.tr/dosyalar/tefhim/tefhim67.pdf> (date accessed 6 December 2011).

Broadcasting

There is a big dispersal imbalance among the media as also seen in Table 1. The biggest share always goes to the television. The most important reason for this is that television has a strong influence on public opinion in Turkey due to high ratings and the low costs of advertising. According to data from the Radio Television Supreme Council, there are currently 24 national, 15 regional and 209 local television enterprises on air. However, the high share of television ads, the competition between lots of television channels limit the growth of advertising revenues across all other media outlets and prevent a more balanced distribution of advertising shares.

The competition in the broadcasting sector was revived with Law no. 6112, which increased the cap on the ratio of foreign shareholding in radio and television enterprises.

The competition in the broadcasting sector was revived with Law no. 6112, which increased the cap on the ratio of foreign shareholding in radio and television enterprises. After the entry of Al Jazeera into the Turkish market, Çalık Group -the owner of the second biggest media group in Turkey- put its biggest television channel (ATV) and biggest newspaper (Sabah) on sale in January 2012. In addition to other foreign investors, the owner of News Corp. Rupert Murdoch showed an interest in bidding for these companies and shortly after met with Prime Minister Recep Tayyip Erdoğan in March 2012. In the case of acquisition of ATV-Sabah by Murdoch, he would become the biggest or the second biggest group in the Turkish broadcasting sector because he already owns another TV channel (Fox TV) (Semerci, 2012). On the other hand, considering that the ATV-Sabah is run by the Prime Minister's son-in-law, the meeting between Murdoch and Erdoğan reinforced the growing perception that investors who wish to invest in the Turkish broadcasting media need to contact the government directly (Sözeri and Güney 2011).

The most important factor in the distribution of advertising shares and thus competition in the broadcasting sector are the ratings. Lately, the sector was struck with a major inquiry on the rating practices. A criminal investigation was launched against a number of production companies on charges of unlawful disclosure of television viewers and the fabrication of ratings through paying covert remuneration to respondents. Upon these developments, the Turkish Television Viewing Research Committee (TİAK) terminated its contract with AGB, the company which has measured ratings in Turkey since 1989 and signed a new contract with TNS/Kantarmedya in May 2012 (TİAK, 2012).

Press

The second largest share in advertising revenues goes to the print media and subsectorally to newspapers. According to TURKSTAT's Print Media Statistics, there were 163 national, 73 regional and 2368 local newspapers published in Turkey. National newspaper consumption is over 80%, followed by local papers with 15.3% and regional newspapers with a share of 2.4%. At the national level, the competition in this sector takes place over advertising revenues rather than sales. However, due to the highly concentrated nature of the market, most newspapers cannot generate optimal advertising revenues and therefore operate in the red. The concentration is so high that two media groups (Doğan and Turkuvaz) dominate the market by over 80 per cent. This duopoly is not only limited to the advertising revenues; the two media groups control the entire newspaper and magazine distribution sector excluding subscriptions. Moreover, as it can be seen in Table 1, even the acquisition of two significant newspapers (Milliyet and Vatan) of Doğan Group by Demirören Group couldn't decrease the share of the duo.

The climate of deep political polarization in general and in the media in particular is also reflected in the advertising revenues. Newspapers have been more affected by this compared to other subsectors. A telling example of this phenomenon is daily *Taraf*, an

The climate of deep political polarization in the media is also reflected in the advertising revenues. Newspapers have been more affected by this.

independent newspaper notorious for its critical coverage of the military's attempts to overthrow the government in the early 2000s. During its first two years, the newspaper operated under great financial difficulty due to its inability to get advertising from the private sector, which was reluctant to be associated with a newspaper deemed radical and militant by the establishment. While *Taraf* managed to survive, at present some companies shy from giving advertising to the paper for fear of damage to their commercial reputation.²⁴ In order to overcome its financial problems and generate capital for its operation, *Taraf* has opened its 16.6 % shares to public and achieved nearly 3.5 million USD in February 2012.

The former chief editor of *Star*, considered among the 'proponent' newspapers, pointed out that the pro-government newspapers are getting ads through exerting political pressure on companies (Özvarış, 2012). On the other hand, the big media groups that could no longer pursue balancing acts between the army, the government, the opposition and the business world are also too weak vis-à-vis the monopolized political power of AK Party government (Cemaî, 2012).

Internet

The big capital groups, including big media groups, were the first to make substantial investments in Internet publishing in Turkey. Internet journalism was also started by the big media groups carrying their newspapers over to the Internet after 1996. Subsequently, news sites operating only on the Internet have emerged (Çevikel, 2004). Today, almost all

national news outlets have their own websites that include news, columns, commentaries and user-generated contents in addition to independent web portals. However these new sources of information fail to provide diversity of viewpoints because of the prevalence of copy-and-paste practices online (Tunç and Görgülü, 2012).

On the other hand, recent surveys show that internet is shifting media consumption. According to IAB Internet Measurement Survey (Yaşayan, 2011) about 70 % of young people between ages 15-34 years are watching TV, listening to radio and reading newspapers via internet.

The advertising revenues that feed the online news organisations are still insufficient to create a self-sufficient and independent online media.

Including the big media groups that dominate the internet, most players in this new forum have applied advertising based business model. In 2011, internet advertising revenues in Turkey were 408 million USD according to the IAB Europe Adex Report (2012). As in many other countries, the big share goes to international giants such as Google, Facebook, Yahoo, MSN. As a result, the advertising revenues that feed the online news organisations are still insufficient to create a self-sufficient and independent online media which could offer an alternative to the concentrated mainstream media.

Telecommunications

The blurring of the boundaries between the media, information technologies and telecommunication accentuates the essential nature of the relationship between the media organs and telecommunication companies (Barr, 2006). *Türk Telekom*, the largest telecommunication company and the single fixed telephone operator in Turkey which owns the infrastructure for all distribution networks, all telephone

²⁴ Interview with Markar Esayan, Vice Chief Editor, daily *Taraf*, by Ceren Sözeri, Istanbul, 12/07/2011.

Türk Telekom has transformed itself into one of the biggest players of the media sector, adversely affecting competition and diversity of content.

exchanges and transmission channels, has moved into the area of media content in recent years. At present, the company has games and music portals in addition to a web TV service and IPTV platform. *Türk Telekom* has transformed itself into one of the biggest players of the media sector, and, considering the advantages it has, this situation has adverse effects for competition and diversity of content in the Turkish media.

Problems caused by the competitive advantages of *Türk Telekom* have occasionally been carried to the agenda of the Competition Authority. Officials of the authority point out that their sanctioning powers are limited under the existing legislation, and that social support is needed for pushing the development of more effective competition regulations. Members of the Radio and Television Broadcasters Professional Union (*Radio ve Televizyon Yayıncıları Meslek Birliği*), on the other hand, indicate that they cannot criticize *Türk Telekom*'s position in the market because it is one of the biggest advertisers for TV operators.²⁵

3.3 STATE INTERVENTION IN THE MEDIA: SUBSIDIES, OFFICIAL ADVERTISEMENTS

In Turkey there are no direct subsidies for commercial broadcasting companies. The official advertisements and announcements distributed by BİK are important sources of revenue for small, independent and local press, which are economically vulnerable vis-à-vis the existing media market structure.

The ways in which state advertisements are allocated and its implications for state intervention in the media have recently become a topic of public debate when

²⁵ Minutes of the workshop on the topic of 'investment and competition relations in the media sector: the present and the future of the sector,' Istanbul, 21/04/ 2011.

the owner of *Apoyevmatini*, a weekly of the Greek community, announced his decision to close down the paper due to the sharp decline in its advertising and sales revenues.²⁶ In making this announcement at a public conference, Mihail Vasiliadis noted the government's refusal to give state advertising to minority newspapers as a factor in the financial difficulties of his paper. The public reaction resulted in the President of BİK meeting with Vasiliadis and subsequently with representatives of all other newspapers belonging to Greek Orthodox, Armenian and Jewish communities. The outcome of these meetings was an *ad hoc* decision by BİK to allocate a one-time payment of a total of 250,000 TL to six minority newspapers (Turkish Press, 2011).²⁷ While a significant relief for their financial difficulties, the decision fell short of meeting the expectations of minority newspapers for a formal commitment of state advertising. In explaining why it was not able to do so, BİK cited the legal obstacles stemming from the decision no. 67 of its general assembly, which lays out the conditions for state advertising. Pursuant to these regulations, newspapers eligible for state advertising had to be published on a daily basis, employ at least seven staff, and have a minimum of eight pages and a circulation of 5 thousand, criteria which minority newspapers were unable to fulfil. While BİK promised to revisit the regulations to develop a solution for the minority media, the agency was concerned that the softening of the rules would lead to abuse by individuals who would claim state support for 'one-page "newspaper"' (Karaca, 2011). At a workshop organized for this research project, this sentiment was echoed by a high level BİK official, who pointed out that among recipients of state advertising are 'newspapers' where nepotism plays a great role in the hiring of individuals without journalism background simply because they

²⁶ The principal reason for the decline was the economic crisis in Greece, prior to which the newspaper was receiving financial support from Greek companies.

²⁷ These publications are: *Apoyevmatini* (weekly) and *Iho* (daily) of the Greek orthodox community, *Şalom* (weekly) of the Jewish community, *Jamanak* (daily), *Marmara* (daily) and *Agos* (weekly) of the Armenian community.

According to a February 2012 regulation, minority newspapers are now eligible to receive official advertisement upon certain conditions.

are family members or friends of the owner.²⁸ Nevertheless, BİK amended its regulation in February 2012. Accordingly, newspapers published by communities which have ‘minority’ status under the Treaty of Lausanne are eligible to receive official advertisement upon written application, provided that they have paid their taxes and social security contributions to the state (Karaca, 2012). The restriction of the amendments to the three non-Muslim communities regarded to have minority status under Lausanne²⁹ is disconcerting, however, since it suggests that other groups will not be able to benefit from the new regulation.³⁰

3.4 PUBLIC SERVICE BROADCASTING

TRT, established in 1964, is the sole public service broadcaster in Turkey. It owns 15 television (five international, nine national, one regional) and nine radio channels. A 1971 amendment to law no. 1568 put an end to the autonomy TRT had enjoyed since its establishment. Article 133 of the 1982 Constitution restructured TRT as an impartial public corporate body. The Radio and Television Law (no.2954) centralized the organisational structure of the body, removing representatives of academia, NGOs and professional organisations from the TRT board (Cankaya, 2008). Today, the Administrative Board is the highest decision-

making and management organ of the corporation. Members serve a four-year term. The Director General, who is also the Head of Administrative Board, is appointed for a four-year term by the Cabinet from among three candidates nominated by RTÜK. The Cabinet appoints two members of the Administrative Board from among the vice directors, and the remaining four from candidates nominated by RTÜK from fields of electronics or mass communication, law, business administration or economics, arts and culture.

TRT is funded by a combination of public and commercial revenues. The major sources of funding are: a broadcasting (licence) fee generated from the sale of television and radio receivers, music sets and VTRs; two per cent of electricity bills paid by each consumer; and a share allocated from the national budget.

Following the abolishment of its monopoly with the launch of private broadcasting in 1993, the public broadcaster has had to compete with commercial televisions and radio channels for the advertising revenues and its advertising income decreased about 50 per cent. A few years later, 87,1 per cent of advertising revenues was held by private broadcasters (Erdemir, 2011). TRT also found itself in a ratings race with its commercial rivals. Even though, it had withdrew its channels from the rating system run by AGB accusing the latter of ‘violating competition regulations’ in 2010 (Today’s Zaman, 2010) TRT re-involved in new ratings measurement system applied by TNS/Kantarmedia from May 2012.

These competitive moves by TRT have been criticized on the grounds of being in contradiction with public service philosophy and the social function of the agency (Cankaya, 2008). On the other hand, the commercialisation of the broadcasting environment revealed consumer dissatisfaction with TRT’s services.

TRT’s financing system and revenues have been questioned because of its endorsement of official ideology.

²⁸ An official at BİK, notes of the workshop on the topic of ‘human resources problems and the future of the media sector’, Ankara, 18/12/ 2010.

²⁹ While the 1923 Treaty of Lausanne grants minority status to all non-Muslim communities in Turkey, the state since 1925 has unlawfully restricted the scope of the Treaty to the following three groups: Armenians, Greek Orthodox and Jews.

³⁰ The Syriac community in Turkey launched its first newspaper in March 2012. Titled *Sabro*, (which means ‘patience’ in the Syriac language) is a monthly bilingual paper published in Turkish and the Syriac language.

Although it provided a mixed programming with an emphasis on entertainment, TRT maintained a distinctly paternalistic and elitist approach and observed strict codes that sometimes amounted to censorship (Çatalbaş, 2003). As a result, TRT's financing system and revenues have been questioned because of 'its permanent endorsement of the official position of the state and/or government on almost any subject ... and careful avoidance from any engagement with controversial issues' (Barış, 2005: 296).

3.5 THE IMPACT OF EU INTEGRATION IN MEDIA POLICY MAKING

The media policies in Turkey have undergone significant change as a result of the liberalization of the media and foreign investors' entry into the market. Laws which used to regulate public service broadcasting now focus on regulating commercial publishing, protecting competition and preventing monopolization. Behind this change lie the rapid improvements in information and communication technologies and the need to align Turkey's media regulations with those of the EU. As stated earlier, one of the early harmonization efforts was made in the Competition Law (no. 4504).

The impact of the EU integration on media policy making was perhaps most visible in the recent enactment of Law no. 6112. In preparing the draft, Turkish policy makers strived to develop a text in harmony with the EU's Audiovisual Media Services Directive (AVMSD). Indeed, the new law, which is much more comprehensive than the former (law no.3984) and also covers new technology broadcasters (such as on-demand service providers), appears to be in harmony with AVMSD in terms of scope, access, regulation of commercial communication. However, the law also requires radio broadcasting to be in compliance with Article 133 of the constitution.³¹

31 This expansive scope of the law and the effort to regulate radio broadcasting with primarily television focused regulations are points of criticism. Minutes of the workshop on the topic of 'the new legislation on the structure and authority of the Radio and Television Supreme Council' Istanbul, 11/03/2011.

Neither the consultative drafting process nor the fact that the law is in compliance with AVMSD are sufficient to render Law no. 6112 a democratic piece of legislation.

Furthermore, the law goes beyond the Directive by introducing additional content and ownership restrictions the latter does not contain.

The greatest criticism to the new law is that it focuses too much on commercial communication and ignores the public service dimension of the media. Unlike in AVMSD, the excessively-detailed broadcasting principles laid out with ambiguous wording provide potential loopholes to limit freedom of expression (Sümer and Adaklı, 2011). When preparing the new law, the opinions of professional radio and TV broadcasting organizations were gathered, and the draft law was presented to the public on RTÜK's website. However, some academics and non-governmental organizations stated that their views were not reflected in the eventual text, and that the law regulates only commercial broadcasting rather than ensuring the freedom and diversity of the media. Critics point out that neither the consultative drafting process nor the fact that the law is in compliance with AVMSD are sufficient to render it a democratic piece of legislation.³²

32 Ankara University, Faculty of Communication, *Opinion on the draft broadcasting law*. Also, minutes of the workshop on the topic of 'the new legislation on the structure and authority of the Radio and Television Supreme Council' Istanbul, 11/03/2011.

4. Media Content: The Regulatory Framework and Court Decisions

4. Media Content: The Regulatory Framework and Court Decisions

Article 25 of the constitution guarantees freedom of expression and protects individuals from state interference on expression of their opinions. Article 28 protects freedom of the press and imposes on the state a positive obligation to undertake the requisite measures to ensure the exercise of this freedom. The constitution guarantees the right to declare or disseminate opinions individually or collectively and to access and share information and opinions without state interference.

What lies beyond this liberal façade, however, is a framework where nationalism, statism and cultural conservatism emerge as the supreme values looming over individual rights. The exercise of fundamental freedoms is subject to compliance with; *inter alia*, national security, national unity and state secrets.³³ The constitution entrusts the state with the duty to make sure that citizens act and think in accordance with the ideals of Atatürk, the values of the nation and the morals of the family. Article 41 identifies the family as the ‘foundation of the Turkish society’ and tasks the state with taking measures to protect ‘the peace and welfare of the family’ and to protect children against all kinds of abuse and violence. Article 58 allots the

What lies beyond this liberal façade, however, is a framework where nationalism, statism and cultural conservatism emerge as the supreme values looming over individual rights.

duty to protect the youth against abuse, exploitation and ‘bad habits’ such as alcoholism, drugs and gambling to the state, and as well as the responsibility to raise young people in accordance ‘the principles and revolutions of Atatürk.’ Making note of this ‘state-centrist approach,’ the Council of Europe (CoE) Commissioner for Human Rights pointed out the pervasive recognition ‘that the letter and spirit of the present Turkish Constitution represent a major obstacle to the effective protection of pluralism and freedom of expression’ (Hammarberg, 2011: para. 11).

4.1 MEDIA SPECIFIC LAWS

The laws governing media content are drafted in the same spirit of nationalism and conservatism embraced in the constitution. Despite relatively improved through the EU process, media laws contain restrictions based on principles of national unity, national security, and the reforms and principles of Atatürk.³⁴ While these laws do pay lip service to freedom of the press and freedom of expression, the latter are secondary to the protection of the state and its founding principles.

³³ The restrictions on the press are laid out in constitution Art. 26: ‘The exercise of these freedoms may be restricted for the purposes of protecting national security, public order and public safety, the basic characteristics of the Republic and safeguarding the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as a state secret, protecting the reputation and rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary.’ These restrictions are enforced through rigorous measures, including the confiscation of the print media. Art. 28.

³⁴ Examples of such interdictions in laws governing media content: ‘the existence and independence of the Turkish Republic, the territorial and national integrity of the State, the reforms and principles of Atatürk’ (Broadcasting Law, Art. 8); ‘national security’ and ‘territorial integrity’ (Press Law, Art. 3); ‘crimes against Atatürk’ (Internet Law, Art. 8).

Despite relatively improved through the EU process, media laws contain restrictions based on principles of national unity, national security, and the reforms and principles of Atatürk.

The Press Law protects freedom of the press, the right to information, and the right of reply to defamatory or untruthful news. While the law guarantees journalists' right to protect their news sources, it does not 'include a strong public interest for the protection of journalists' (Hammarberg, 2011: para. 30). At the same time, the law restricts these freedoms on grounds of 'national security,' 'territorial integrity' and 'state secrets.' Article 11 attributes criminal liability to editors and translators of written work in cases where the author is abroad or unidentified.

The new Broadcasting Law (no. 6112) 'brings only partial improvement' in expanding media freedom (European Commission, 2011: 27). It comprises a wide catalogue of restrictions, going well beyond the EU Directive which the law claims to be in compliance with. While the directive cites the protection of children and prevention of hate speech as the only grounds for content restriction, the law restricts content on grounds of, *inter alia*, 'the national and moral values of society, general morality and the protection of the family.'³⁵ That the state defines broadcasting principles in punitive laws rather than enabling the media to develop its own values is criticized as an infringement of freedom of expression and freedom of the press.³⁶ A further criticism is the conservative nature of the values endorsed in the Broadcasting Law, evident in the exclusion of sexual orientation as a ground of discrimination.³⁷

The amorphous concepts such as 'general morality,' 'the protection of the family,' and 'the national and

35 Broadcasting Law (no. 6112) Art. 8.

36 Minutes of the workshop on the topic of 'the new legislation on the structure and authority of the Radio and Television Supreme Council' Istanbul, 11/03/2011.

37 *Ibid.*

moral values of society' that the law embraces as broadcasting principles leave RTÜK with a wide margin of manoeuvre. The agency has the powers to sanction the media with warnings, monetary and administrative sanctions, suspensions and revocation of licences.³⁸ In the past, under the previous more restrictive version of the Broadcasting Law (no.3984), RTÜK had imposed heavy sanctions against dissident and minority media.³⁹ However, these sanctions by and large remained out of the limelight of wider public opinion. It was sanctions against popular TV series aired on television stations in recent years that generated widespread public debate. During the first half of 2011, RTÜK issued warnings and imposed fines against television stations on grounds of disrespect of historical characters (Önderoğlu, 2011),⁴⁰ broadcasting homosexual scenes (Gazeteciler.com, 2011),⁴¹ the use of 'poor Turkish and slang' and the use of alcohol (Söylemez, 2011a).⁴² In 2011, RTÜK issued 89 monetary fines, 383 warnings, 27 program suspensions and one notification against 20 radio stations and 480 TV channels (Gülcan, 2012). The sanctions received mixed

The amorphous concepts such as 'general morality,' 'the protection of the family,' and 'the national and moral values of society' leave RTÜK with a wide margin of manoeuvre.

38 Law no. 6112, Art. 32 and 33.

39 For example, RTÜK suspended the broadcasting of local, regional and national operators for a total of 3,132 days in 2001. On 8 February 2002 alone, the agency suspended the broadcasting of 18 national and local media operators for a total of 128 days.

40 RTÜK issued a warning to SHOW TV for having portrayed the Ottoman Sultan Suleyman as a man fond of women and alcohol in the series *Magnificent Century*.

41 In March 2011, RTÜK initiated proceedings against Digiturk, a cable television company, for having broadcasted a gay marriage scene in the movie *Sex and the City 2*. The agency based the proceedings on the violation of 'national and moral value and Turkish family structure.'

42 RTÜK issued a warning to STAR TV because of the use of slang and alcohol in the series *Behzat Ç*. The warning was issued because of the alleged negative influence of the series on children and youth.

reactions. On one hand, the fans of TV series initiated campaigns via social media,⁴³ while human rights groups protested RTÜK for discrimination against LGBT individuals (Amargi, 2011; Belge, 2011). On the other hand, it was the social pressure from the audience, the government and conservative political parties that mobilized RTÜK in the first place. The agency received 74,911 complaints about the series on the Ottoman Sultan Süleyman in only three weeks, which amounted to 93 per cent of all complaints filed during that period (Önderoğlu, 2011). The criticisms expressed by Bülent Arınç, the Deputy Prime Minister in charge of the press, TRT, the Anatolian Agency and various nationalist and Islamist parties further increased the pressure on RTÜK (Üstündağ, 2011). In a speech he delivered on 24 April 2012, on the occasion of the 18th anniversary of the founding of RTÜK, Deputy Prime Minister Arınç reopened the discussion by stating that the “marginal issues addressed in TV series such as relations between opposite sex, incest within family are testing the tolerance of society” (Turkish media, 24 April 2012). At the same meeting, in response to criticisms that RTÜK is not ‘tough enough’ against television broadcasters, the President of RTÜK said that the agency is “not a censorship body” and that “it is out of the question to suspend or impose sanctions against every program which receives complaints” (RTÜK, 2012). Arınç’s statements were protested by journalists for being “threatening” and “bordering on fascism” (Altan, 2012).

There were also rare occasions where RTÜK resorted to its powers to sanction discrimination against minorities. The agency suspended a women’s show on ATV, a national television station, on grounds of ‘inciting people to revenge and hatred.’ The sanction was imposed after the host of the program criticized the Kurdish population of Van, a province badly hit by an earthquake in October 2011, for seeking rescue from the same police that they ‘had thrown stones at’ during mass demonstrations (Ertürk, 2011).

43 For example, followers of Behzat Ç. initiated a campaign on Twitter, which ‘rocketed to first place in the section of “trends” in Turkey.’ (Gülcan, 2011).

The Internet Law (no. 5651) of 2007 regulates content providers, domain providers, access providers and collective usage providers.⁴⁴ The law authorizes the banning of access to websites where there are sufficient reasons for a ‘suspicion’ that the following crimes enumerated in Article 8 are committed: incitement to suicide; sexual exploitation and abuse of children; facilitating the use of drugs; obscenity; prostitution; arranging a place or facility for gambling; and crimes against defined in the Law on Crimes Committed against Atatürk (no. 5816). The appertain procedural regulation sets forth principles that publications on the internet must adhere to, in addition to respect for human dignity and fundamental rights, the protection of the physical, mental and moral development of youth and children, and respect for the peace and welfare of the family.⁴⁵ According to the Internet Law, access can be blocked by a judge (at the investigation phase), a court (at the prosecution phase) or by TİB where the content provider is outside of Turkey or where the content concerns sexual abuse of children or obscenity.

Domestic experts point out that the legal grounds for blocking access to the internet are ambiguous; that blocking orders are usually issued on the basis of domain name, and as a consequence, block access to all content included under that name, and that in cases where the content provider or domain provider is abroad, TİB orders can be executed without the approval of a judge or a court.⁴⁶ International experts

44 **İnternet Ortamında Yapılan Yayınların Düzenlenmesi ve Bu Yayınlar Yoluyla İşlenen Suçlarla Mücadele Edilmesi Hakkında Kanun** [Law on the Regulation of Broadcasts on the Internet and on Combatting Crimes Committed through the Internet], no. 5651, 4 May 2007, Official Gazette, no. 26530, 23 May 2007.

45 **İnternet Ortamında Yapılan Yayınların Düzenlenmesine Dair Usul ve Esaslar Hakkında Yönetmelik** [Regulation on the Procedures and Substance of the Regulation of Broadcasts on the Internet], Official Gazette, No. 26716, 30 November 2007, Art. 4(1).

46 5651 Sayılı Kanun Çerçevesinde Erişim Engelleme Kararları [Decisions of Access Bans within the Framework of Law no. 5651], available at: http://www.internethukuk.com/index.php?option=com_content&view=article&id=77:5651-sayli-kanun-cercevesinde-eriim-engelleme-kararlar&catid=34:genel-kategori&Itemid=50 (date accessed 21 December 2011).

While the government is in the process of preparing amendments to the Internet Law, the content of the possible changes have not yet been disclosed to the public.

point out that '[E]ven if it is legitimate to *remove* some content, such as child pornography and hate speech inciting to violence from the internet, the *blocking* of internet sites often results in the blocking of content which has nothing to do with child pornography or hate speech inciting to violence' (Hammarberg, 2011a). The issue was eventually taken to the ECtHR. As of March 2012, there were five pending petitions challenging the bans on *Youtube*, *Google* and *Last.fm*. The ECtHR joined the applications concerning *Google* and *Last.fm*.⁴⁷ While the government is in the process of preparing amendments to the Internet Law, the content of the possible changes have not yet been disclosed to the public.

Both the TİB and the courts do not hesitate from resorting to their sanctioning powers under the Internet Law. The official statistics on internet blockings are not disclosed to the public (Akdeniz, 2011). According to a source which keeps track of blocked websites, as of 26 April 2012, a total of 18,345 websites are blocked in Turkey (engelliweb.com, 2011). Among the blocked sites are news websites reporting on sensitive political issues such as the Kurdish question, LGBT websites and websites on sexuality (Akdeniz, 2011: 166). As of the end of May 2012, 84 per cent of the decisions to ban access have been issued by TİB, five per cent by a court and around four per cent by a prosecutor.⁴⁸ While the catalogue crimes enumerated under the Internet Law are the only legal grounds for blocking access to the internet, in practice blocking orders have also been based on the Anti-Terror Law, other provisions of the Turkish Penal Code,

such as Article 301, and intellectual property rights (Hammarberg, 2011: para.62).⁴⁹

In February 2011, BTK released a decision titled the 'safe usage of the Internet,' requiring service providers to propose the option to use one of four packages to their customers: family package, children package, standard package and domestic package (BTK, 2011). The decision was perceived as yet another attempt to restrict civil liberties and to render 'censorship widespread and systematic' (Altıparmak and Akdeniz, 2011). 50,000 individuals organized through the social media held a public protest against the measure, while the Communication Foundation and Bianet applied to the Council of State (*Danıştay*) for a stay of execution. On the occasion of the World Day against Cyber-Censorship on 12 March 2010, Reporters without Borders (RSF) included Turkey among the 'Countries under surveillance' (Reporters without Borders, 2011). Turkey remained in the list in 2011. According to the OSCE, if enforced, the filtering system 'will lead to the first government controlled and maintained mandatory filtering system within the OSCE region' (Akdeniz, 2011: 26).

Visibly concerned, particularly with the international reaction, BTK argued that the measure did not constitute filtering because consumers were provided with a choice (Altıparmak and Akdeniz, 2011a). Yet, faced with growing criticism, the agency revised its decision in August 2011, reducing the number of packages to two (family package and child package) and making internet filters optional and applicable upon demand (BTK, 2011a). Following a three months trial period, the new filtering system came into effect on 22 November 2011. BTK's revision of its earlier decision failed to put an end to the heated debate about internet censorship in Turkey. Some point out that 'the introduction of this system ... will lead to a DPI [deep packet inspection]-based monitoring and blocking system' (Kırlıdoğ, 2011).

47 Information received from Yaman Akdeniz, 6 March 2012.

48 For current statistics, visit <http://engelliweb.com/istatistikler/> (last accessed 28 May 2012).

49 An example of this was the independent media website www.istanbul.indymedia.org, which was blocked in 2008 for having insulted Turkishness in violation of Article 301 of the Penal Code.

What was striking about the terms of the public debate was the mismatch between the discourse of the protestors and the BTK.

What was striking about the terms of the public debate was the mismatch between the discourse of the protestors and the BTK. While the former criticized the filtering system as an infringement on freedom of communication and privacy rights, the latter sought to legitimize the measure on the basis of moral values and the protection of children. The principal reason for the strong public reaction against BTK was the fact that the measure was perceived as yet another effort of censorship in a country where excessively strong and arbitrary barriers to internet access had been causing public outrage. In April 2011, TİB had informed internet hosting companies of the banning of 138 words deemed to indicate illegal content from domain names. The list included words used in daily life, such as ‘animal’ as well as words deemed inappropriate by the agency, such as ‘gay.’ TİB pointed out that the failure to comply could result in punitive sanctions. Soon after, the agency took the matters in its own hands and ordered the hosting providers of a popular dictionary website (www.eksisozluk.com) and the LGBT association Pembe Hayat (<http://pembehayat.org/>) to stop providing services to these websites.

While Turkey has adopted a Right to Information Act in 2004, public agencies often resist providing information to citizens and civil society, in blatant disregard of their obligations. Despite decisions by the Right to Information Review Council and administrative courts, ‘there is still resistance to give information, and a high number of public authorities are disputing Council decisions, either by ignoring them, or by appealing to administrative courts to challenge such decisions’ (Akdeniz, 2008).

4.2 PENAL LAWS

The principal obstacles to freedom of press and freedom of expression in Turkey stem from the criminal legal system. The Penal Code and the Anti-Terror Law are ‘at the origin of the vast majority of freedom of expression cases against Turkey brought to the European Court of Human Rights’ (Hammarberg, 2011: para.15). The following offences under the Penal Code provide the legal basis for cases against the media organs, journalists and human rights defenders: defamation (Article 125); setting up criminal organisations for the overthrow of the constitutional order (Article 314); encouraging military personnel to disobey the law (Article 319); discouraging individuals from military service (Article 318); insulting the Turkish nation, state, parliament, government or the courts (Article 301); incitement to crime (Article 214); praising a crime or criminals (Article 215); incitement to hatred or animosity (Article 216); and publishing or broadcasting obscene material (Article 226).⁵⁰

The principal obstacles to freedom of press and freedom of expression in Turkey stem from the criminal legal system.

High level officials, including the Prime Minister, brought defamation cases against journalists criticising the government. In 2011, 24 journalists were sentenced to a total of 21 years and nine months of imprisonment and 48,000 TL (around 20,000 Euros) in fines in defamation cases. Two newspapers were fined to a total of 50,000 TL (Gülcan, 2012). In February 2012, the ECtHR gave its first ruling on this issue, finding a violation of freedom of expression (see section 4.4. for more details on this judgment). Prosecutors are

⁵⁰ While the law was drafted anew in the name of harmonizing national laws with the EU’s *acquis*, for some offences it merely re-numbered and re-worded provisions contained in the previous penal code. For example, Articles 215, 216, 301 and 318 of the new Penal Code regulate the same offences as Article 312, 159 and 155 of the previous law.

High level officials, including the Prime Minister, brought defamation cases against journalists criticising the government.

making increasing use of the Penal Code to decisively censor the media by penalising them for reporting on issues such as criminal cases against high ranking military officers. Recently, criminal cases are brought under Article 285 (breaching the confidentiality of investigations) and Article 288 (attempting to unduly influence the courts) against journalists who cover cases where military officers are accused of having committed crimes against the state. These two provisions 'have come to particular prominence since 2007, due to a steep increase in cases brought against journalists in connection with their writings on the *Ergenekon* case' (Hammarberg, 2011: para.20). The European Commission noted that there were more than 4,000 ongoing investigations on the basis of these two provisions (EC, 2010: 20). The draft law submitted by the Ministry of Justice for an amendment of the Penal Code, including Articles 285 and 288 (EC, 2011: 26), has not yet been taken up for review by the parliament. Neither has it been disclosed to the public. Another provision that the prosecutors refer to for censoring the press is Article 318, which makes the non-violent expression of views on conscientious objection a criminal offence and the publication of these views in the media an aggravating factor. The provision has caused the conviction of journalists for simply reporting on conscientious objectors who refuse to serve in the army.

The most widely debated and criticised provision of the penal code has been Article 301, largely due to the high profile cases brought against intellectuals such as the Nobel laureate Orhan Pamuk. Five reputable columnists of the national media were also prosecuted under this provision for having criticized the banning of an academic conference on the Armenian genocide of 1915.⁵¹

Journalist Temel Demirer is being prosecuted under Article 301 since May 2008. Amidst growing international pressure, the government amended, but did not abolish, the provision such that prosecution in each individual case is now subject to prior authorisation of the Minister of Justice. While this amendment has indeed decreased the number of proceedings launched under this provision, it has still been found inadequate by the human rights community. The ECtHR put an end to the debates on Article 301, finding in the case of *Akçam v. Turkey* that the article is in violation of the European Convention (see section 4.2).

The Anti-Terror Law (no. 3713), as amended in 2006, has restrictive provisions curtailing freedom of the press. Article 6(2) makes it an offence to print or publish declarations or leaflets of terrorist organisations, punishable by one to three years of imprisonment. Under Article 6(4), where such offence is committed through the press or the media, the owners and editors-in-chief of the media organ in question are also charged with a judicial fine equivalent of up to ten thousand days. Article 6(5) allows the suspension of periodicals for a period of 15 days up to one month by court order or the prosecutor in cases where delay is detrimental. Article 7(2) makes it an offence to disseminate propaganda in favour of a terrorist organisation, subject to one to five years of imprisonment. Where such offence is committed through the media, the sentence is increased by half. The article also imposes liability to the owners and editors-in-chief of the press and media organs concerned.

4.3 NATIONAL COURTS

The track record of Turkish high courts in cases involving freedom of expression and freedom of media is extremely poor. In civil cases, high courts tend to go against the established ECtHR case law by ruling in favour of plaintiffs who bring defamation cases against intellectuals and public personalities. In March 2011, the High Court of Appeals sentenced Nobel laureate Orhan Pamuk to pay around a 2,500

⁵¹ These were Erol Katircioğlu, Haluk Şahin, Hasan Cemal, İsmet Berkan and Murat Belge.

Euro fine for having ‘violated the personalities’ of plaintiffs for having stated in an interview that the Turks ‘killed 30,000 Kurds and one million Armenians.’ The judgment raised deep concerns that it would open the gate to a flood of defamation cases against Pamuk and any others who express opinions contradicting Turkey’s official narrative on the Kurdish question and the Armenian genocide.

In criminal cases, too, high courts are heavy-handed against individuals who are convicted for merely expressing non-violent dissenting opinions and/or reporting on political issues deemed to be ‘against state interests.’ While ‘prosecutors appear to exercise little restraint in filing criminal cases, including clearly unmeritorious cases’ (Hammarberg, 2011: para.50), judges do not sufficiently scrutinize whether cases have sufficient merit but readily issue admissibility decisions. Courts loosely interpret the Anti-Terror Law and the Penal Code in convicting individuals who express non-violent opinions on the situation of the Kurdish minority or the armed conflict between the army and the PKK (Hammarberg, 2011: para.20). They show an extreme reluctance to draw a distinction between reporting on terrorism and terrorist propaganda, regarding instead ‘media outlets reporting about sensitive issues ... as the publishing organs of illegal organizations’ (OSCE, 2011). Consequently, journalists are routinely prosecuted on charges of terrorism and treated as ‘terrorists’ simply for having performed their duties to provide the public with information. As of the end of 2011, 104 journalists and additional 30 media employees were imprisoned. Of these 64 and 29 respectively, are members of the Kurdish media. All but one of the 104 journalists and

High courts are heavy-handed against individuals who are convicted for merely expressing non-violent dissenting opinions and/or reporting on political issues deemed to be ‘against state interests.’

Journalists are routinely prosecuted on charges of terrorism and treated as ‘terrorists’ simply for having performed their duties to provide the public with information.

30 media employees are on trial for terrorism related charges (Gülcan, 2012). As of 26 April 2012, the number of imprisoned journalists had decreased to 101 (Kaya and Altan, 2012).

The Turkish Constitutional Court’s case law on freedom of the press and expression is also problematic. The Court has declined to review restrictive criminal laws, even when the head of the executive branch has called on it to do so. In a case brought by the former President Ahmet Necdet Sezer on the grounds that the suspension of the future publications and distribution of a periodical infringed upon freedom of the press, the Constitutional Court found Article 6(5) of the Anti-Terror Law to be compatible with the constitution and rejected the request for annulment (Constitutional Court, 2009). Where the parliament adopted progressive legal reforms in accordance with the ECHR standards, on the other hand, the Constitutional Court overturned such changes. On 2 May 2011, the Constitutional Court invalidated Article 26 of the Press Law, which imposes time limits on prosecutors for launching criminal cases. Once this decision enters into force in July 2012, prosecutors will no longer be bound to certain time restraints if they want to file a case about a publication in a periodical. Currently, the maximum period for filing a case is two months after publication for dailies and four months for weeklies.

Pre-trial detention is very long in Turkey. Journalists, like other defendants, are detained on remand for such lengthy periods that detention time turns into punishment. Journalists are often convicted for multiple offences with extremely heavy sentences, facing life sentences without parole.⁵² In 2010, 33

⁵² The detention on remand and conviction of journalists are not new phenomena in Turkey. In the 1990s, scores of

The editor-in-chief of the Kurdish-language daily *Azadiya Welat* was sentenced to 166 years of imprisonment.

individuals were sentenced to a total of 365 years of imprisonment under the Anti-Terror Law (BIA, 2010: 1). Dozens of journalists have been convicted under this law, whose sentencing decisions are on appeal.⁵³ The editor-in-chief of the Kurdish-language daily *Azadiya Welat* was sentenced to 166 years of imprisonment. These sanctions were imposed notwithstanding a ECtHR judgment which found the suspending of future publications of periodicals, whose content remained to be seen, to be in violation of the European Convention and called upon the government to revise Article 6(5) of the Anti-Terror Law. Drawing attention to the gap between the ECtHR case law and the judgments of national courts, the CoE Commissioner for Human Rights stated that ‘there is no indication that domestic courts, when deciding on freedom of expression cases, systematically assess whether the content of journalistic reporting is true, and if so, whether the public has a legitimate interest in and a right to obtain the information in question (the so-called defences of truth and public interest)’ (Hammarberg, 2011: para.37).

Perhaps no other criminal case launched against journalists has resulted in as strong a reaction as the detention in March 2011 of journalists Nedim Şener and Ahmet Şık on charges of ‘incitement to hatred and

animosity’⁵⁴ and ‘membership of a terrorist organization.’ While, prior to this incident, hundreds of journalists working in media associated with the Kurdish and revolutionary left movements had been prosecuted, the detention of these two renowned investigative journalists working for the mainstream media led to an unprecedented public debate around a criminal case involving the media in Turkey. The incident has not only given rise to protests by different segments of the media and society, but also shattered the public’s faith in the *Ergenekon* case. The subsequent confiscation by the police of the unpublished manuscripts of Ahmet Şık’s book⁵⁵ has further intensified the debate on media freedom. The CoE Commissioner for Human Rights expressed deep concern ‘about the decision of the prosecutors and courts to seize copies of an unpublished manuscript, which has serious chilling effects on freedom of expression, of the press and of publication’ (Hammarberg, 2011: para.49). As a result of intense national and international campaigns, Ahmet Şık, Nedim Şener and two other journalists were released on 12 March 2012. The case against them continues and dozens of journalists remain in detention on remand.

The cases brought against journalists drew fierce criticism from the international community. Various international organizations such as the Organization for Security and Co-operation in Europe (OSCE),⁵⁶ the European Federation of Journalists⁵⁷ and the CoE

journalists, particularly from the pro-Kurdish and left wing dissident media, were imprisoned for their writing and journalistic work. Governments of the 1990s, to a certain extent like the current government, tried to alleviate the ‘problem’ through temporary solutions such as conditional amnesty laws rather than structural changes aiming at enhancing media freedom. One journalist who was released in such way was Ocak Işık Yurtçu, the editor of pro-Kurdish daily *Özgür Gündem*. The ‘1990s phenomenon’ was reminded to the authors by Erol Önderoğlu, who also brought to their attention the case of Yurtçu.

53 Among these are Cengiz Kapmaz, Hakan Tahmaz, İlker Ezgi Aşam, İrfan Aktan, Merve Erol, Ragıp Zarakolu and Sebati Karakurt. Contribution of Erol Önderoğlu.

54 This charge was subsequently dropped. Currently, the two journalists are solely charged with ‘membership to the Ergenekon terrorist organization.’

55 Titled *İmanın Ordusu* (The Army of the İmam), the book is about the alleged links between the Fethullah Gülen movement and the police in Turkey.

56 On 4 April 2011, the OSCE Representative on Freedom of the Media made a written statement, calling upon Turkish authorities to bring the regulations governing journalism in line with the OSCE’s standards on media freedom (OSCE, Statement, 2011). The annex of the statement contained the names of 57 imprisoned journalists (OSCE, Annex, 2011).

57 The European Federation for Journalists launched a campaign titled ‘Set Turkish Journalists Free,’ available at: <http://europe.ifj.org/fr/pages/turkey-campaign-set-journalists-free> (date accessed 21 November 2011).

The cases brought against journalists drew fierce criticism from the international community.

(Hammarberg, 2011) pointed out the gravity of the situation and called on the government to take the requisite measures to ensure press freedom. The European Parliament issued a very critical report on 9 March 2011, naming cases against journalists as ‘police or judicial harassment’ and expressing concern about ‘the deterioration in freedom of the press, about certain acts of censorship and about growing self-censorship within the Turkish media, including on the Internet’ (European Parliament, 2011: para.8). The Turkish Prime Minister rebuked the report as biased and subjective, stating that the imprisoned journalists were behind the bars not because of their journalistic activities but ‘because of their relations with terrorist organizations, and their attempts to topple the government.’ Prime Minister Erdoğan similarly protested RSF’s World Press Freedom Index, which ranked Turkey 148th among 179 countries, as part of a campaign “run by calling police murderers, sexual molesters and supporters of a coup journalists” (BIA, 2012). Government officials frequently make such attempts to discredit imprisoned journalists. Most recently, in an interview with *Hard Talk* broadcasted on BBC, Egemen Bağış, the Minister in Charge of EU Affairs, claimed that there is not exist a single journalist imprisoned for journalism and that those in prison were charged with crimes such as “rape, murder and robbery” (Söylemez, 2012).

In addition to prosecuting journalists, courts routinely issue criminal sanctions against newspapers, despite ECtHR rulings. In 2010 alone, the Kurdish language daily *Azadiya Welat* was suspended thrice for one month periods each time. On 24 March 2012, a high penal court issued a one-month suspension order against the pro-Kurdish daily *Özgür Gündem* for having made the propaganda of the terrorist organization. The judgment provoked such a strong public reaction that the same court reversed its decision a few days later.

4.4 THE ECtHR ON MEDIA FREEDOM IN TURKEY

The obstacles to media freedom stemming from the Broadcasting Law (no. 3984) were raised for the first time before the ECtHR in the case of *Özgür Radyo*.⁵⁸ The ECtHR found that the warnings and license suspensions imposed by RTÜK violated Article 10. The Court stated that the statements at issue did not incite violence or hatred but covered questions of general interest that had already been published by other media without being prosecuted. This judgment did not prevent RTÜK from issuing similar sanctions. In October 2010, the ECtHR found such a sanction to be arbitrary and in violation of freedom of the press.⁵⁹

Recently, the ECtHR’s judgments have had some positive impact on media content regulation. The new Broadcasting Law (no. 6112) increased the legal threshold for the suspension of broadcasting, introducing monetary fines instead, and making the fine proportional to the size of the company. However, as discussed earlier, the new law maintains more or less the same subjective, unclear and open grounds for sanctioning broadcasters, on the basis of which RTÜK continues to operate.

The vast majority of cases on media freedom and freedom of expression brought to the ECtHR are decisions based on the Penal Code and the Anti-Terror Law. In the case of *Ürper and Others*, the Court scrutinised Article 6(5) of the Anti-Terror Law,⁶⁰ concluding that the banning of the future publication of entire newspapers, whose content was yet unknown, had a chilling effect on applicants, dissuading them from publishing similar news in the future, and thus constituted censorship. The ECtHR issued a

58 ECtHR, *Özgür Radyo-Ses Radyo Televizyon Yayın Yapım ve Tanıtım A.Ş. v. Turkey* (no. 64178/00, 64179/00, 64181/00, 64183/00, 64184/00), 30 June 2006.

59 ECtHR, *Nur Radyo ve Televizyon Yayıncılığı A.Ş. v. Turkey* (no. 42284/05), 12 October 2010.

60 ECtHR, *Ürper and Others v. Turkey* (nos. 14526/07, 14747/07, 15022/07, 15737/07, 36137/07, 47245/07, 50371/07, 50372/07 and 54637/07), 20 October 2009.

Two recent ECtHR decisions caused embarrassment for the government, which had argued that the amended version of Article 301 would prevent arbitrary prosecutions for non-violent opinions.

similar judgment in the case of *Turgay and Others*.⁶¹ The ECtHR also took note of the fact that the Constitutional Court of Turkey had not taken into account the *Ürper and Others* judgment in its jurisprudence on media freedom. Concerning paragraph 2 of Article 6, the ECtHR held that the applicants' criminal conviction for having published statements of illegal organisations and their members violated Article 10 of the Convention.⁶²

Two recent ECtHR decisions in particular caused major embarrassment for the Turkish government, which had argued that the amended version of Article 301 would prevent arbitrary prosecutions for non-violent opinions. In the case of *Dink v. Turkey*, the Court found a violation of Article 10 on account of Hrant Dink's conviction for 'insulting Turkishness' in his article published in the Armenian-Turkish weekly *Agos*.⁶³ Dink was an Armenian journalist who was portrayed as an enemy of the Turks and turned into an object of hatred by the national media on account of his conviction and who was subsequently assassinated. The murder of Dink created such a strong protest that the government was compelled to amend (but not abolish) Article 301, requiring prior written authorization by the Minister of Justice for the launch of a case. This amendment, too, failed to prevent further defeat in Strasbourg. On 25 October 2011, in the case of *Akçam v. Turkey*, the ECtHR held that 'the safeguards put in place by the legislator to prevent the abusive application of Article 301 by the judiciary do not provide a

reliable and continuous guarantee or remove the risk of being directly affected by the provision because any political change in time might affect the interpretative attitudes of the Ministry of Justice and open the way for arbitrary prosecutions.'⁶⁴ The Court found not only the applicant's prosecution under Article 301, but also the article itself to have violated Article 10 of the European Convention.

The ECtHR also addressed the defamation cases brought against journalists. In its judgment dated 21 February 2012 in the case of *Tuşalp v. Turkey*, the Court held that the sentencing of a journalist to pay 5,000 TL (around 2,000 Euros) in compensation for having attacked Prime Minister Tayyip Erdoğan's personal rights violated Article 10 of the Convention.⁶⁵ In finding that the criticisms did not constitute a personal attack against the Prime Minister, the Court reiterated that "the press fulfils an essential function in a democratic society" and that the parameters of acceptable criticism are broader as regards to politicians. According to the ECtHR, journalistic freedom also extends to "a degree of exaggeration, or even provocation" and the Prime Minister "was obliged to display a greater degree of tolerance." The Court also pointed out the significant amount of compensation that the applicant was ordered to pay, which "could deter others from criticising public officials."

The ECtHR's judgments in *Gözel and Özer*, *Dink* and *Akçam*, which concerned criminal convictions based on the amended version of the Penal Code (in 2005) and

According to the ECtHR, journalistic freedom also extends to "a degree of exaggeration, or even provocation" and the Prime Minister "was obliged to display a greater degree of tolerance."

⁶¹ ECtHR, *Turgay and Others v. Turkey* (no. 8306/08, 8340/08 and 8366/08), 15 June 2010.

⁶² ECtHR, *Gözel and Özer v. Turkey* (no. 43453/04 and 31098/05), 6 July 2010.

⁶³ ECtHR, *Dink v. Turkey* (no. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09), 14 September 2010.

⁶⁴ ECtHR, *Taner Akçam v. Turkey* (no. 27520/07), 25 October 2011, para. 94.

⁶⁵ ECtHR, *Tuşalp v. Turkey* (no. 32131/08 and 41617/08), 21 February 2012.

the Anti-Terror Law (in 2006), validated the concern voiced on many occasions by the domestic and international human rights community that the reforms 'have kept the contents of the former texts largely intact' (Hammarberg, 2011: para.15). More recently, an unconventionally bold criticism by an ECtHR judge, and the Turkish judge on the bench no less, caused the government major diplomatic embarrassment. In an interview to Turkish press, Judge İşıl Karakaş stated that Turkey has the worst record on freedom of the press and freedom of expression among all members of the CoE (Karaca, 2011). Pointing out that the ECtHR found violations in more than 200 cases against Turkey, as opposed to 10 in the case of France, Judge Karakaş particularly drew attention to Article 6(2) and (5) of the Anti-Terror Law and Article 301 of the Penal Code as in violation of the European Convention and explicitly called for the abolishment of Article 301.

The persistence of the Turkish judiciary to disregard the ECHR standards and the ECtHR's case law (Kurban, *et al.*, 2008) shows that the infringement of freedom of press and expression in Turkey do not only stem from anti-democratic laws, but also from the entrenched understandings of judges and prosecutors.⁶⁶ Making reference to his observation that 'prosecutors and courts in Turkey often perceive dissidence and criticism, as well as the expression of minority identities, primarily as a threat to the integrity of the state,' the CoE Commissioner for Human Rights stated that in 'the absence of a drastic shift in the adjudicative approach of the judiciary,' legal reforms will not be sufficient to ensure the protection of freedom of press (Hammarberg, 2011: para.39). A similar point was also made by Judge Karakaş of the ECtHR, who emphasized that long periods of pre-trial detention was not just a problem stemming from the laws but also from judges who

The persistence of the Turkish judiciary to disregard the ECHR standards shows that the infringement of freedom of press and expression also stem from the entrenched understandings of judges and prosecutors.

decide on the continuation of detentions 'on the basis of cliché' remarks which do not provide sufficient reasoning (Karaca, 2011).

66 A research study based on in depth interviews with judges and prosecutors of first degree courts reveals how prevalent the statist mentality can be among members of the legal profession (Sancar and Ümit, 2009).

5. The Journalistic Profession

5. The Journalistic Profession

From the beginning, Turkish journalists played a significant role in the modernization of the Ottoman Empire and the foundation of the Republic. The press has also consistently been the potential target of state/government repression or pressure (Elmas and Kurban, 2011). During the early years of the republic, opponent journalists were prosecuted by the Independence Courts (*İstiklâl Mahkemeleri*) and most of them were exiled. During the single party regime until 1950, the conflict between the ‘opponent’ (Istanbul) and ‘proponent’ (Ankara) press emanated from different approaches to the political regime. While journalists obtained some social rights via a liberal press law adopted during the first years of the multiparty regime, the honeymoon soon ended with the censorship policies of the government. Although the first *coup d’état* provided a truly liberal amendment to the Labour Law (no. 5953) in favour of journalists – and despite the protests of press owners – each and every coup of 1960, 1971 and 1980 was followed by a period of military rule, which had significant repercussions for media freedom.

The true shift in the journalistic profession came at the beginning of the 1980s through the new ownership structure. Traditional family-owned media ownership was replaced by new investors who already operated in other industries of the economy. The new owners of the Turkish press gradually carried the ‘corporate mentality’ to their media operations. Also due to the politically authoritarian post-coup d’état climate, the commercialization of the media ended with an increase in the sensationalisation and tabloidization of the press (Bek, 2004).

The deregulation of the media markets in the 1990s resulted in the development of ‘clientalist’ relation-

While media owners competed with each other financially, they by and large shared a common mindset which rested on protecting the ‘state interest.’

ships between media patrons and the state, whereby the former began to exert pressure on politicians to maximize their profits in their other activity areas using their media outlets (Christensen, 2007: 185). At the same time, while media owners competed with each other financially, they by and large shared a common mindset which rested on protecting the ‘state interest.’

5.1 POLITICAL PRESSURE, PATRONAGE AND SELF-CENSORSHIP

The most important political consequence of this new media structure was the ‘post-modern military coup’ of 28 February 1997, which many consider to be the fourth instance of military intervention in Turkey. Mainstream media organisations, prompted by Turkey’s military establishment, published fictitious news/content on the rise of Islamism. Cengiz Çandar and Mehmet Ali Birand, two renowned journalists working for a mainstream media organ, also became targets of the fictitious news leaked by the army chief of staff which alleged that they were on the payroll of the Kurdistan Workers’ Party (*Partiya Kerkerên Kurdistan- PKK*). Based on false documents fabricated by Çevik Bir, the general who was then the second in command of the chief of staff, allegedly quoted from the testimony of a PKK militant turned- informant, both journalists were labelled as ‘PKK agents’ by the mainstream media, who did not feel the need to verify

the information leaked from the military. First Birand and some years later Çandar were fired from the national daily *Sabah* by their media owners, while a leading human rights activist also branded as a PKK agent survived an assassination attempt (Elmas and Kurban, 2011).

The patronage relationship, or the “vicious triangle” (Alpay, 2010) of media conglomerates, politicians and businessmen⁶⁷ also laid the ground for the 2001 financial crisis through widespread corruptions in the banking sector. In late 1990s, the most flagrant example of using the media for business gains and political interest was the case of Cem Uzan, one of the leading media owners at the time. Uzan mobilized his eight television and radio stations and two newspapers to support his nationalist Youth Party during the 2002 national elections (Alpay, 2010). After the financial crisis which forced some of the corporations that had investments in both the financial and media sectors to withdraw from the market, groups managing to remain in the media sector got stronger while enterprises belonging to those wiped out of the system were transferred to TMSF and in time sold through tenders.

When AK Party came to power in 2002, the media owners initially supported the new government. This positive atmosphere largely eroded after AK Party’s second electoral victory in 2004. The collaborative attempts of a group of political elites and media owners to bring an end to AK Party’s power caused irreversible conflicts between the government and the media. The fall out was particularly visible in the largest media group’s (Doğan Group) opposition to the government reform packages. Most strikingly, on 10 February 2008, the constitutional amendment adopted by the parliament to legalize the headscarf at universities was covered by *Hürriyet*, the biggest

In response, the AK Party government developed a dual strategy to eliminate media opposition.

Turkish daily with the headline ‘411 hands rose to chaos,’ referring to the number of parliamentarians who voted in favour. *Hürriyet* was also instrumental in generating public opinion in favour of mass demonstrations in the name of protecting secularism against the government, which were later found to be co-organized by groups involving retired high rank military leaders. In response, the AK Party government developed a dual strategy to eliminate media opposition. On one hand, it forced the Doğan Group to downsize its media investments by introducing disproportionately heavy fines for tax fraud. On the other hand, the government reconfigured the mainstream media. In 2007, the second largest media group was bought by Çalık Holding, which has close ties to the government, thanks to credits provided by two major public banks. The chairman of the board of this group is the son-in-law of the Prime Minister. Thus, the power shifted from opponent mainstream media companies to ‘reconfigured’ or ‘proponent’ media companies. Some analysts argue that AKP’s coming to power was a milestone for the media in Turkey, which needs to be analyzed in accordance with a pre and post AKP comparison. Others, however, believe that the current situation where most media is named as ‘pro-government’ is an inevitable outcome of the 2001 crisis, which resulted in the withdrawal of the financial sector from the media and the entry of new capital to fill the gap.⁶⁸

As experienced journalist Ragıp Duran suggested, the media which formerly wore the (invisible) ‘epaulette’ henceforth became ‘green,’ shifting from a pro-military to a pro-Islamist government position (Duran, 2011). To illustrate this change, Duran refers to the meeting the Prime Minister convened in October 2011

⁶⁷ The information recently revealed by the criminal investigations into the February 28th process indicates that the military was also a part of the coalition that Alpay refers to and has engaged in ‘rampant corruptions’ in the period running up to the 2001 financial crisis.

⁶⁸ Minutes of the workshop on the topic of ‘Media and Democratisation’ Istanbul, 08/10/2010.

with the owners and executives of media organizations to beseech them to be 'sensible' in their coverage of 'terrorism and violence incidents.' The day after this meeting, the five biggest news agencies 'Anadolu Agency (AA), Turkish News Agency (AHT), Ankara News Agency (ANKA), Cihan News Agency (CİHAN) and İhlas News Agency (İHA) announced in a joint statement that they were going to "comply with the publication bans of the competent authorities"' (Söylemez, 2011b). While the incident did not receive sufficient critical attention domestically, RSF issued a statement against both the government and the united stand of the media patrons: "We had hoped that the era of government directives telling the media how to cover the most sensitive subjects was long over in Turkey. The very vaguely formulated undertaking by the leading news agencies to toe the official line now poses a serious threat to freedom of information."⁶⁹

The shifting power influenced not only the ownership structure, but also editorial policies and increased self-censorship.

The shifting power influenced not only the ownership structure, but albeit indirectly also editorial policies and increased self-censorship. Thereby, as pointed out by a journalist, the media ownership structure in Turkey presents an obstacle to media diversity and pluralism: 'when I look at the newspapers in the morning, I see two groups. The media has established such a monopoly that it does not cover any news about social and environmental or world affairs.'⁷⁰ These concerns also apply to the coverage of economic news. It is not possible to read any negative coverage regarding the biggest 10 companies in Turkey

69 <http://en.rsf.org/turkey-journalists-under-pressure-as-26-10-2011,41282.html>.

70 Minutes of the workshop on the topic of 'Media and Democratisation' Istanbul, 08/10/2010.

The media owners' preoccupation with keeping good relations with the state has been more decisive in self-censorship in comparison with direct threats facing journalists.

(Duran, 2012). The advertising pressure prevents the media from reporting on corruptions, dismissals, strikes or non-unionization in the financial sector.

On the other hand, the media owners' preoccupation with keeping good relations with the state has been more decisive in self-censorship in comparison with direct threats facing journalists. The most salient example of this phenomenon emerged after the death of 34 Kurdish civilians who were bombed by military fighter jets in the Uludere / Roboski village of the Hakkari province at the end of 2011. The victims were villagers engaged in cross-border smuggling who were reportedly mistaken as PKK militants. The mainstream media did not cover the massacre in the first 18 hours and released their first coverage only after the government issued a press statement. By that time, the public opinion was already informed about the incident through the Kurdish news sources and the social media, in particular Twitter. This incident shattered the reliability of the mass media in the dissemination of news. Similarly, the discharge of Banu Güven, one of the most respected and reliable journalists on television, following her critical coverage of government policies on the Kurdish issue demonstrated that self-censorship arose from the media owners' policies rather than pressure from the ruling party (Tekerek, 2011). The dismissal in 2012 of a few other journalists and columnists⁷¹ further elevated the discussions on the issue. While some perceived the discharge of names critical of government policies – particularly on the Kurdish question – as evidence of increasing government pressure on the media, others argued that this was rather the consequence of

71 Among these were Ece Temelkuran, Nuray Mert and Ruşen Çakır.

The practice of accreditation, could also be regarded as state censorship.

self-censorship on the part of media owners. Others pointed out that the discharge of dissident journalists is an established phenomenon in Turkey, criticizing the coverage of the issue only when popular media figures are targeted.

Arguably, it is the government's pressure on media groups, such as the disproportionate tax fines imposed on the Doğan Media Group that causes such self-censorship. The Prime Minister Erdoğan's plea to media owners to keep under control or otherwise dismiss columnists for their negative press coverage of the government's fiscal policies –on the grounds that their distorted portrayals would serve to de-stabilise the economy- is another instance of such pressure (Duran, 2010). However, today, as in the past, it is the involvement of the media patrons in other sectors of the economy that makes them susceptible to such pressure and financially reliant on the government, which in turn leads them to pressure journalists to refrain from negative coverage of the government.

A recent survey shows that a very high percentage of journalists in Turkey believe that there is censorship and self-censorship in the media. Respondents express the fear that 'they might be taken to court for the content of their articles' and feel intimidated by pressure from the government and media patrons (Arsan, 2011). On the other hand, journalists have always worked under intense legal and political pressure in Turkey. As seasoned journalist Alper Görmüş⁷² reminded with respect to its owner's closure of weekly *Nokta* after the initiation of a criminal case

at military courts,⁷³ journalists are afraid to lose the 'privileged' economic and political position afforded to them by the media. According to Görmüş, self-censorship results not from government pressure but from the unwillingness of media executives, columnists and editors to risk their careers and high incomes. On the other hand, criminal cases launched against media organs and journalists reporting on sensitive political issues not only cause the media to censor itself, but also constitutes firsthand censorship. Indeed, the daily *Taraf* has faced about 300 criminal cases launched against its owner, editors and journalists as of July 2011.⁷⁴

The practice of accreditation, namely the restriction of access to official press meetings to select media organs could also be regarded as state censorship. Most recently, the dailies *Taraf*, *Zaman*, *Bugün*, *Yeni Akit* and *Birgün*, the news agency *Cihan* and the television channels *Samanyolu TV*, *Samanyolu Haber TV*, *Kanal 7*, *Bugün TV*, *Kanaltürk TV* and *Ülke TV* were denied accreditation by the military to cover the funeral ceremony for 12 soldiers who had died in Afghanistan (Agos, 2012). The selective dissemination of press card by the Directorate General of Press and Information of the Office of the Prime Ministry also constitutes a form of accreditation. In many countries, this process is undertaken by industry associations, trades unions, and professional associations.

5.2 MEDIA ETHICS AND SELF-REGULATION

The tabloidization of news and violations of professional rules of ethics through inconsistent and even fictitious news in the Turkish media are the outcomes of 'the industry's fierce competition in the ratings "war"' (Bek, 2004). The ideological polarizations and political divisions within and among various media and journalists' associations prevent them from

72 Alper Görmüş prepared a series on editorial independence in the media in Turkey including debates between other journalists, *Taraf*, available at: <http://www.taraf.com.tr/alper-gormus/makale-lafla-editorial-bagimsizlik-gemisi-yurumez-1.htm> (date accessed 11 November 2011).

73 For more on the incidents leading to the closure of *Nokta*, see Elmas and Kurban, 47- 48.

74 Interview with Markar Esayan, Vice Chief Editor of daily *Taraf*, by Ceren Sözeri, Istanbul, 12/07/2011.

The ideological polarizations and political divisions within the media prevent collaborative efforts to develop rules of self-regulation.

engaging in collaborative efforts to develop rules of self-regulation. The Press Council (*Basın Konseyi*), which was established by a group of journalists in 1986 and supported by media owners as well. It developed its own charter, which was most recently amended in 2003. From the outset, the independence of this body from the state and official ideology has been highly contested by members of the profession. Currently, the Press Council 'accounts to very few newspapers and does not enjoy significant respect among the media community' (Zlatev, 2011: 36). Most recently, a number of key representatives including those from TRT and the Anatolian News Agency (official news agency of Turkey) withdrew from the council following a vote of confidence in November 2011 to keep Oktay Ekşi as its chairman. What has made Ekşi's endorsement controversial was the fact that he had recently resigned from this post to run in the general elections as an MP candidate.

The 1998 *Declaration of Rights and Responsibilities* developed by the Journalists Association of Turkey (*Türkiye Gazeteciler Cemiyeti*) is the most referred source on ethical codes for journalism. Recently, a group of journalists who parted their way with the Press Council established the Media Association (*Medya Derneği*) to support and raise the standards of the media. In 2011, the association announced a new code of ethics for journalists, which was developed during a three-day Media Ethics Workshop held in January of the same year.

The first print news ombudsman of Turkey was initiated in 1999 by the daily *Milliyet*. The initiative ended in a 'car crash' when the ombudsman was dismissed following his refusal to bow down to the management's pressure to refrain from publishing a critical piece about the fabrication of facts in the

newspaper (Baydar, 2011: 96). Currently, three Turkish newspapers (*Sabah*, *Star* and *Milliyet*) have active ombudsmen who (self) monitor the compliance of their paper with codes of journalistic ethics. The website editions are exempt from the ombudsmen's mandate. While the ombudsman institution is seen as a potentially important monitoring force for the media, many doubt its effectiveness in a culture which does not tolerate criticism. In September 2006, RTÜK introduced a voluntary ombudsman mechanism for broadcasters. Currently, 34 national and local television channels have 'audience representatives,' whose contact information is listed on RTÜK's website.

The new technologies offer new opportunities to access alternative sources of information beyond the mainstream media. One of the most significant examples of such sources is the Independent Communication Network (*Bağımsız İletişim Ağı- BİA*), which was established in 1997 for monitoring and covering media freedom and promoting independent journalism in Turkey. Funded by European institutions such as the EU Media Fund and the Swedish International Development Cooperation Agency (SIDA), BİA gives training to journalists, communication students and NGOs; publishes handbooks on peace journalism; broadcasts radio programs for the local media; organizes conferences, forums and international exchange programs. Besides BİA and a handful of other successful examples, however, many of the online news media outlets release 'copy-paste' content from news agencies or the mainstream media. The government's recent attempts to extend the Press Law to the online media and to issue press cards for journalists working for online media raised serious concerns regarding freedom of the press. The Alternative Informatics Association launched the 'internet needs freedom, not press cards' campaign, criticizing the government's initiative as an attempt of censorship and control of the media (Alternatif Bilişim Derneği, 2011).

5.3 THE WORKING CONDITIONS OF JOURNALISTS

Labour relations in the media have been regulated by Law no. 5953 (commonly known as '212' because of number of amendments) on the Regulation of the Employee-Employer Relations in the Journalism Profession in the Turkish Media Industry since 1952. However, despite the special rights granted to journalists by this law, for long years journalists have been employed without social security and under provisions of the Labour Law instead of the Law no. 5953.

The vulnerable position of journalists vis-à-vis their patrons or the state is at the same time the result of the absence of horizontal solidarity in the media.

It cannot be denied that the vulnerable position of journalists vis-à-vis their patrons or the state is at the same time the result of the absence of horizontal solidarity in the media. At the beginning of the 1990s, the new media owners forced journalists to make a choice between their labour union memberships and their jobs (Tılıç, 2000). Commenting on the obstacles to unionization, a labour union representative stated that as soon as employers find out about their unionized employees, they pressure them to quit the union. He added that their members who were dismissed due to their union activities cannot find a job in the sector. Journalists lack effective strategies to combat wage exploitation and unlawful dismissals. The financial crisis of 2001, which resulted in the dismissal of about 5,000 journalists (Söylemez, 2011) working in media groups that had investments in the banking sector, has further exacerbated these fears. Few dare to bring a lawsuit against their former employers for fear of not being able to find a job in the sector. The existence of a 'gentlemen's agreement' among media companies not to hire journalists others have fired is widely commented on. The experience of Ahmet Şık, who was arrested as part of the Ergenekon cases a couple of months after he attended our workshop, is one of the most well known examples of this phenomenon. After having

being dismissed in 2005 - on the World Press Freedom Day - from a newspaper belonging to the Doğan media group for his union activities, Şık could not find job in the sector for a long time. His employers had told him to quit the union and threatened that, if not, he would be dismissed and would not find a job elsewhere. Where journalists do go to court, cases take too long: 'I file a case, it ends in six years!' Recent strikes at the daily Sabah and ATV television station failed due to suppressions of the employer and also lack of solidarity. Nine of the ten journalists who participated in the strike were dismissed from their jobs and the last one subsequently resigned to save his indemnity (Cinmen 2011, Ergün, 2011; and Tılıç 2011). Today, according to the data of the Ministry of Labour and Social Security, the Turkish Journalists Union has 4,550 members; and the rate of unionization in the journalism sector is 28.9 per cent. However, it is hard to say that these numbers are accurate since as not all of these memberships are active (Tulgar, 2006). Moreover, it can be said that unionisation rate decreased further in 2012, after the recent non-unionization process in Anadolu Agency (AA) which the head of Turkish Journalists Union protested with a hunger strike, (BİA, 2012a).

Conducting research on labour relations in the Turkish media sector is a difficult endeavour, owing not only to the informality of employment practices, but also the scarcity and inaccessibility of data. Research conducted for this report shows that a very high number of media employees lack social security benefits; journalists are forced to frequently change jobs, resulting in high employee turnover rates in the sector; and media companies are reluctant to pursue a transparent policy when it comes to labour relations. According to the data of Social Security Institution of Turkey (*Sosyal Güvenlik Kurumu- SGK*), a large majority of the employees in the media sector have an average seniority of less than five years.⁷⁵

⁷⁵ The data derived from SGK according to classifications included the media sector in the NACE (Nomenclature Générale des Activités Economiques dans les Communautés Européennes), the system used for statistical classification of economic activities in the EU countries.

The sector-based findings of the 2009 Household Labour Force Survey of Turkish Statistical Institute (TURKSTAT) confirm SGK data.⁷⁶ Accordingly, the average seniority of employees working in large media groups in Turkey is five years. This drops down to one year for employees working without social security benefits. Journalists formally employed in the media work for an average of 50 hours a week, while 70 per cent of the informal employees work for an average of 40. In rare occasions, the government inspects whether media companies hire employees without social security insurance, as in the case of the inspection of the Doğan Media Group in 2010. While union representatives find regular inspections to every media company –in addition to the legal protection of the right to association and the penalization of employers who arbitrarily dismiss journalists for their union activities- to be an effective mechanism,⁷⁷ others

point out that the selective nature of inspections, which do not target pro-government media, which also violate the labour law.⁷⁸ Union representatives point out that even the public broadcaster TRT is engaged in informal employment practices.⁷⁹

TURKSTAT survey also includes data on the wages earned by employees in the media sector. The highest monthly salary declared is 35 thousand TL (15 thousand EUR), while 25 per cent of the respondents reported they work for less than 1,000 TL (418 EUR) per month. The average monthly salary among the formally employed is 1,250 TL (521 EUR). While 25 per cent of those informally employed work for a monthly salary of less than 500 TL (208 EUR), the average monthly salary for this group is 560 TL (233 EUR). The wage imbalance between the employees not only disrupts relations in the workplace, but also constitutes a significant impediment to the unionization of journalists, which in turn further deteriorates working conditions.

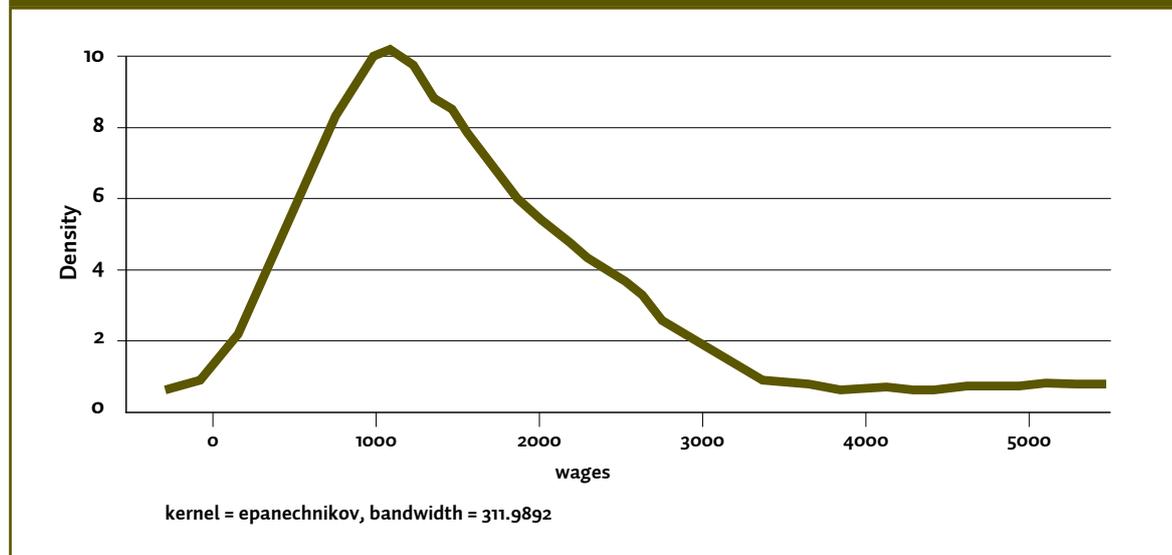
76 In an attempt to collect data on working conditions in large media groups in Turkey, we analyzed the survey results from companies employing 250 or more employees (a total of 100 surveys).

77 Labour union representative, minutes of the workshop on the topic of ‘Human Resources Problems and the Future of the Media Sector’, Ankara, 18/12/2010.

78 An editor, minutes of the workshop on the topic of ‘Human Resources Problems and the Future of the Media Sector’, Ankara, 18/12/2010.

79 *ibid.*

Chart 1: Breakdown of Wages in Media Groups



Source: TURKSTAT Household Labour Force Surveys (2009)

Labour exploitation is a significant source of media subsidy in Turkey; a media executive stated that this situation creates an extraordinary pressure for cost-cutting on the owners.

Another important factor that adversely affects the working and living conditions of journalists is that private and public media enterprises are located in big cities, and mostly in Istanbul, where living costs are extremely high compared to the rest of the country. The disproportionate representation of the media and media professionals in Istanbul also accounts for the underdeveloped nature of the local media in Turkey.

According to TURKSTAT statistics on print media, the total circulation rates of local and regional media were as low as 18 per cent in 2009. Local media is unable to employ qualified journalists, and those who seek to participate in labour force in the media sector are forced to live in big cities. This affects not only the working conditions of journalists but also the media content they produce, resulting in an Istanbul centric flow of news and information.

The root cause of the poor working conditions, problems in organising and the imbalanced geographical distribution in the media sector is the gap between legal regulations and their implementation, as well as the economic structure of the sector. Media enterprises that make no profit and work under conditions far from economically rational survive solely on the resistance of their owners, who want to stay in the sector in order to maximize their profits in the other sectors they invest in. In other words, labour exploitation is a significant source of media subsidy in Turkey; a media executive stated that this situation creates an extraordinary pressure for cost-cutting on the owners.⁸⁰ These conditions make issues such as increasing the quality of journalists and improving

their working conditions⁸¹ secondary, and result in informal employment practices which are detrimental for journalists. An editor working for a broadcasting company said the following on the lack of skilled journalists in the sector: 'Nobody wants to invest in high quality media in Turkey. They make an effort to hire young, inexperienced, presentable individuals who are unaware of and who do not care about ethical aspect of the media.'⁸²

80 Minutes of the workshop on the topic of 'Media and Democratisation', Istanbul, 8/10/2010.

81 For example, as of May 2012, journalists at daily Akşam have been made to work without salary for more than three months on the grounds of the financial problems of the owner of the newspaper (Karaca, 2012)

82 Minutes of the workshop on the topic of 'Human Resources Problems and the Future of the Media Sector', Ankara, 18/12/2010.

6. Media Literacy and Transparency Requirements

6. Media Literacy and Transparency Requirements

According to surveys, an average adult in Turkey watches television for 2.8 hours a day. This number is 6.8 hours for housewives and 2-2.5 hours for children. An average adult reads 0.1 newspaper every day, and 0.02 weekly and 0.1 monthly newspapers and journals. S/he listens to the radio for 2.3 hours a week (Sözeri and Güney, 2011; RTÜK, 2006). In view of the high access rate of television (98 per cent) and long watching hours, the effects of the media particularly on children and young adults and the concentrated market structure that does not allow for pluralism, media literacy is considered as the core element for the expansion of democratic culture in Turkey (İnceoğlu, 2007).

RTÜK's project for media literacy education in primary schools was extensively debated by the regulatory authority and academics during the First Media Literacy Conference in 2005. In 2006, elective media literacy courses started to be taught to children in the 6th, 7th and 8th grades with the cooperation of RTÜK and the Ministry of National Education. A guideline for teachers was prepared in collaboration with the Board of Education and Discipline (*Talim Terbiye Kurulu*) and academics from various communication faculties in Turkey.

The first research conducted on the effects of media literacy courses on teachers and students welcomed the initiative 'which will have several positive effects on children' but warned of the 'possibility of the project's failure since the classes are taught by social science teachers and not by specialists of communication.' The research asserts that the question of who should teach these classes has been prioritized over how their content or methodology should be. The

'teachers are not aware of the difference between evaluation and media criticism' (İnceoğlu, 2007). Teachers are reported to feel inadequate to teach media literacy: 'The subject of the course is not my professional area. I tell the students what I know and what I think about the media. A media specialist should teach this course' (Yazıcı, 2011). Although RTÜK's director also proposed these courses should be taught by graduates of faculties of communication (IV. Kuvvet Medya, 2011), these individuals lack pedagogic formation and are thus unqualified to teach (Ajans1, 2009).

The inability and unwillingness of the media to regulate itself, as well as the authoritarian and punitive nature of state regulation mobilized civil society to monitor the media's compliance with codes of ethics.

On the other hand, RTÜK's approach to media literacy has also received criticism on the ground that it is fuelled by a protective mentality. In the guide books, children 'are seen as the "most sensitive group" prone to media effect' and portrayed as 'vulnerable receivers' whose consciousness on the media need to be raised. The courses are not designed from a pedagogical perspective on critical media literacy education. Moreover, the comments of children about the media after attending the media literacy program attest that this education introduces a conservative rather than a critical perspective on the media (Bek, 2011).

On the other hand, considering that media literacy is not only a matter of education, but also a political and

ideological issue and a component of social opposition, it is sometimes classified as a new social movement (Hepkon and Aydın, 2005). In recent years, there has been a growing awareness on the need for social monitoring of the media. The inability and unwillingness of the media to regulate itself, as well as the authoritarian and punitive nature of state regulation mobilized civil society to monitor the media's compliance with universal principles and professional codes of ethics. Various nongovernmental organizations and activist groups started media watch initiatives in order to expand the culture of diversity and to reduce discrimination, racism and hate speech. For example, MEDİZ (Woman's Media Watch Group)⁸³ has been monitoring sexism in the media since 2006. The group opened the issue to public discussion at a conference titled 'For a non-sexist Media' and published a book named *End to Sexism in Media*. KAOS GL⁸⁴ regularly watches sexism and discrimination in the media against LGBT individuals.

After the assassination of the Armenian journalist and human rights defender Hrant Dink in 2007, hate crimes and hate speech in the media became a pressing issue for civil society. The Association for Social Change (*Sosyal Değişim Derneği*)⁸⁵ prepared a report entitled *Hate Crimes in National Press: 10 years, 10 examples* and recently launched a campaign for the adoption of Turkey's first anti-hate speech law. Similarly, the International Hrant Dink Foundation⁸⁶ combats racism and discrimination based on ethnic and religious grounds through media monitoring.

During a two years project funded by the European Commission, the Foundation analyzed 24 newspapers, published four monthly reports and organized workshops for journalists. The Human Rights Joint Platform (*İnsan Hakları Ortak Platformu- İHOP*)⁸⁷ published a report titled *I am not Racist but...: Racist and Discriminatory Speech in the Press*, which points out that 'discrimination denial strategy' is one of the most typical examples for discrimination in the media.

83 MEDİZ [Women's Media Watch Group], available at: <http://www.mediz.org/Kategori/13/1/English.aspx>, (date accessed 27 December 2011).

84 KAOS GL [LGBT's News Portal], available at: <http://www.kaosgl.org/category.php?id=21-o> (date accessed 27 December 2011).

85 Sosyal Değişim Derneği [The Association for Social Change], available at: <http://www.nefretme.org/hakkinda/> (date accessed 27 December 2011).

86 International Hrant Dink Foundation, Media watch on hate speech, available at: <http://www.nefretsoylemi.org/en/index.asp> (date accessed 27 December 2011).

87 İHOP [Human Rights Joint Platform], available at: http://www.ihop.org.tr/index.php?option=com_content&view=article&id=351&Itemid=46 (date accessed 27 December 2011).

7. Conclusion

An analysis of media independence and freedom of the press in Turkey is not just a matter of an analysis of the regulatory framework governing media content and structure, but also calls for a critical assessment of media-state relationships from a historical perspective. From the outset, since the establishment of the first newspaper in late Ottoman era, the media in Turkey has never been independent of the state. Neither has the media ever had such a claim or aspiration. To the contrary, since its emergence, the press was designed as a tool of political power and tasked with the mission of spreading the official ideology to the masses. With the transition to the republic, the Turkish press was used by the founders as an effective tool in processes of state formation and modernization. The attempts by a minority to establish a truly independent and free press were rebuffed by the punishment of dissident media. Since the late 19th century, opponent journalists have been suppressed by state and non-state actors who claimed to act in the name of 'state interests,' evident in the dozens of assassinations by 'unknown' perpetrators. The transition from an authoritarian single-party regime to a multiparty democracy in the 1950s did not change this fact; the press continued to be used by successive governments to consolidate their political power, be it military regimes or civilian governments.

The economic liberalisation of the 1980s resulted in the entry of new investors into the media sector, resulting in substantial change in the ownership structure. The profile of media patrons changed from journalist families to companies which also had investments in other sectors. Independent newspa-

Since the establishment of the first newspaper in late Ottoman era, the media in Turkey has never been independent of the state.

pers were replaced by companies that owned multiple newspapers and magazines. The ending of state monopoly over broadcasting in the 1990s and the proliferation of private broadcasters introduced the second wave of structural change in the sector; the media started to be dominated by only a handful of large corporations, which increased their economic power through vertical and horizontal mergers. The concentration in the media was made possible with the inadequacy of legal barriers to cross-mergers, as well as the lack of legal barriers that would prevent media conglomerates from participating into public tenders in other sectors they had investments in. The inadequacy of the regulatory framework to promote press freedom and diversity in the media has encouraged big corporations to see themselves as political actors that can bargain with the government (Mahçupyan, 2011). These corporations competed with the government for profit in sectors such as construction, transportation and industry. At the same time, media owners were extremely dependent on the clientelist relations with the state which enabled them to acquire tenders to undertake massive projects financed by the public. This has prevented these companies from performing the watchdog function expected from the media in established democracies.

The economic crisis of 2000-2001 caused by the collapse of private banks resulted in a new wave of

structural change in the media. This time, the entire sector was restructured with major changes in the ownership structure. The collapse of media conglomerates which owned some of these bankrupt banks led to their withdrawal from the sector and the transfer of their broadcasting companies to the state. The crisis had two major outcomes: the emergence of the state as a principal media owner and the establishment of high regulatory bodies. Newspapers, radios and televisions taken over by the state after the financial crisis were bought by companies which had no prior investment or experience in the media sector, but had close ties to the AK Party government. As a result of this reconfiguration of the mainstream media, the balance of power shifted in favour of the government and against the military which hitherto exercised ideological control over the media. Initially, the conflict between the government and the military was reflected in the media, which was sharply divided along pro-government and pro-military lines. The polarization in the media reached its peak in the run up to the presidential and general elections in 2007. With the launching of the Ergenekon cases against senior retired and on-duty military leaders accused of plotting a coup against the government, the re-election of AK Party in the general elections, and the election of a president from an Islamist background radically changed media-government relations in Turkey. Mainstream media organs which had backed the military's psychological warfare against AK Party drastically changed their positions; so much so that virtually all media has become pro-government.

The late 1990s and early 2000s also witnessed the initiation of the EU accession process, which served as the most recent and powerful trigger of structural change in the media sector. In order to align its legal framework with the EU's *acquis*, Turkey had to

undertake major reforms not only in laws and regulations concerning ownership of the media, but also those concerning content. In the meantime, the processes of globalization, the advancements in information technology, the growth of the Turkish economy and the prospect of stability offered by the EU candidacy not only rendered the media in Turkey an attractive sector for foreign investors, but also generated a need for further structural reform to cope with the rapidly changing technological developments in the sector. The outcome of these political, economic and social developments during the last three decades has been an extremely complex regulatory framework, which continues to be reshaped and redesigned, causing tremendous uncertainty for both the players and the wider public.

Eager to join the EU, Turkey also found itself having to undertake substantial reforms in the sphere of human rights and media freedom. Hundreds of ECtHR judgments waiting to be executed by the Turkish state provided the EU with an effective benchmark for measuring Turkey's progress in fulfilling the political criteria for membership to the Union. Dozens of these judgments pertained to freedom of expression and freedom of the press. While the need for the complete overhaul of Turkey's constitutional and legal framework was evident, the change proved to be very difficult. Thanks to a series of constitutional amendments and 'reform packages,' some progress was achieved towards the protection of human rights and press freedom. On the other hand, not only has progress been limited, but it has also been marked with regressions. While the AK Party government introduced significant human rights reforms in the early 2000s, it substantially rolled most of them back in later years, particularly after 2005. Turkey continues to have an extremely restrictive anti-terror law and its penal code retains authoritarian provisions in violation of fundamental rights and freedoms. The amorphous and over inclusive definition of terrorism and terrorist activity in the laws has caused hundreds of human rights activists, journalists and politicians to be prosecuted on remand for lawful political activities.

The outcome of developments during the last three decades has been an extremely complex regulatory framework, which continues to be reshaped and redesigned.

While there is a formal commitment to freedom of expression, freedom of the press and freedom of information in Turkey's laws, what lies beyond this seemingly liberal facade is a framework where nationalism, statism and cultural conservatism are the supreme values looming over individual rights. The constitution and the laws governing the media are written with an authoritarian, paternalistic and conservative spirit, making the exercise of freedom of expression and media freedom prohibitively difficult due to expansive restrictions. The marginal space left in laws for the exercise of these freedoms is restricted further with media regulatory agencies, which are equipped with extensive sanctioning powers. The principal role designed for these agencies in Turkey is not policy making for the media but rather policing, which they successfully perform.

In an environment where the media is dominated by corporations driven with profit maximization and which therefore refrain from building adversarial relations with the state, the emergence and survival of an independent media proves difficult. The existence of an authoritarian legal framework which penalizes critical media coverage of sensitive political issues accentuates this challenge. The handful independent media organs which try to provide the public access to truth face significant financial difficulties and are harassed by criminal prosecutions. Virtually all journalists, of the mainstream and dissident media alike, work under extremely harsh conditions of very low wages, lack of social security, long work hours and lack of job security. Journalists who dared to join labour unions have faced and continue to face pressure, harassment and threats from their employers and often have to choose between their rights and their jobs. It cannot be denied that the vulnerable position of the journalists in face of the media owners or the political power is at the same time the result of the lack of horizontal solidarity among the journalists. The competition among the workforce and the fear of unemployment prevent journalists from voicing their problems even through the media.

The handful independent media organs which try to provide the public access to truth face significant financial difficulties and are harassed by criminal prosecutions.

As a result, the prospects for media independence and freedom in Turkey appear extremely weak. In a sector driven by corporate interests, nepotism, clientelist relations, the media owners do not have the incentive to provide truthful and critical news coverage. The historical weakness of trade unions in Turkey, the high level of unemployment among journalists, the high turnover rate in the sector and the deep divisions among journalists due to ideological differences make it very difficult for media employees to engage in a unified struggle against their employers. The lack of a strong pro-democracy social movement, the ideological conservatism of the judiciary, the institutional weakness of the parliament and the lack of democracy within political parties render the government –and future governments– too powerful vis-à-vis the society and the media. On a positive note, however, there is a growing awareness on the need for social monitoring of the media. The inability and the unwillingness of the media to regulate itself, as well as the authoritarian and punitive nature of state regulation, has mobilized the civil society to monitor the media's compliance with universal principles and professional ethical codes and to combat discrimination and hate speech in the media.

While Turkey has undergone significant political reforms in the past decade and will continue to do so, change will not be quick or easy. What awaits the society in general and the media in particular is a long struggle, where real change will only be possible with an overhaul of institutions and a radical change in mindsets.

In a sector driven by corporate interests, nepotism, clientelist relations, the media owners do not have the incentive to provide truthful and critical news coverage.

Bibliography

REFERENCES

- Adaklı, G. (2006), *Türkiye’de Medya Endüstrisi / Neoliberalizm Çağında Mülkiyet ve Kontrol İlişkileri* [The Media Industry in Turkey / Ownership and Control Relationship in the Age of Neo-liberalism] (Ankara: Ütopya Publishing House)
- Agos (2012), ‘Akreditasyon yasağı devam ediyor’, [Accreditation ban continues], *Agos*, available at: <http://www.agos.com.tr/akreditasyon-yasagi-devam-ediyor-1030.html> (date accessed 08 May 2012)
- Ajans1 (2009), ‘İÜ, medya okur-yazarlığı öğretmeni yetiştirecek’ [Istanbul University will educate media literacy teachers] available at: <http://www.ajansbir.com/haber-25007---IU-medya-okur-yazarligi-ogretmeni-yetistirecek.html> (date accessed 24 December 2011)
- Akdeniz, Y. (2011), ‘OSCE Report on Freedom of Expression on the Internet: Study of legal provisions and practices related to freedom of expression, the free flow of information and media pluralism on the Internet in OSCE participating States’, available at: <http://www.osce.org/fom/80723> (date accessed 20 November 2011)
- (2008), ‘Freedom of Information in Turkey: A Critical Assessment of the Implementation and Application of the Turkish Right to Information Act 2003’, available at: http://www.bilgiedinmehakki.org/doc/Turkey_FOI_2008_Report.pdf (date accessed 21 December 2011)
- Akdeniz, Y. and K. Altıparmak (2011), ‘İnternet Filtresi Zorunlu Değil ama Zorunlu’ [The Internet Filter System isn’t seemingly mandatory, but is mandatory] *Bianet*, available at: <http://www.bianet.org/biamag/ifade-ozgurlugu/131976-internet-filtresi-zorunlu-degil-ama-zorunlu> (date accessed 26 December 2011)
- Alpay, Ş. (2010), ‘Two faces of the press in Turkey: the role of media in Turkey’s modernisation and democracy’ in C. J. Kerlake, K. Öktem & P. Robins (ed.) *Turkey’s Engagement with Modernity* (Oxford: Palgrave Macmillan), p. 370
- Altan, A. (2012), ‘Sabır’ [Patience], *Taraf*, available at: <http://www.taraf.com.tr/ahmet-altan/makale-sabir.htm> (date accessed 26 April 2012).
- Altıparmak, K. and Y. Akdeniz (2011a), ‘Zorunlu Değil ama Sorunlu Filtreleme’ [The Internet Filter System isn’t mandatory, but it has many problems], *Cyber-Rights.org.tr*, available at: http://cyberlaw.org.uk/wp-content/uploads/2011/08/BTK_cevap.pdf (date accessed 20 November 2011)
- Alternatif Bilişim Derneği [Alternative Information Technologies Association] (2011), ‘İnternet’e basın kartı değil, özgürlük gerek’ [Internet needs freedom not press cards], available at: http://www.alternatifbilisim.org/wiki/%C4%B0nternet%27e_bas%C4%B1n_kart%C4%B1_de%C4%9Fil_%C3%B6zg%C3%BCr_l%C3%BCk_gerek (date accessed 24 December 2011)
- Amargi (2011), ‘RTÜK eşcinsellere yönelik ayrımcılığı körüklemeye son vermeli,’ [RTÜK should stop provoking discrimination against homosexuals], available at: <http://www.amargi.org.tr/?q=node/799> (date accessed 6 December 2011)
- Arsan, E. (2011), ‘Gazeteci Gözüyle Sansür ve Otosansür’ [Censorship and self-censorship in Turkish News Media], *Cogito*, 67, 56
- Atabek, Ü. (1999), ‘RTÜK’ün yap(a)madıklarının eleştirisi’ [The criticism of the matters that RTÜK couldn’t deal with], available at: <http://mediaif.emu.edu.tr/pages/atabek/docs/rtuk1.html> (date accessed 25 December 2011)

- Barış, R. (2005), 'The Turkish Media Landscape' in G. Terzis (ed.) *European Media Governance: National and Regional Dimensions* (Bristol: Intellect)
- Barr, T. (2006), 'Telecommunication', in S. Cunningham and G. Turner (eds) *Media & Communication in Australia* (Crows Nest NSW: Allen & Unwin), p.113
- Baydar, Y. (2011), 'The Turkish Experience: Ombudsman-ship in a Hostile Environment', in *Professional Journalism and Self-Regulation: New Media Old Dilemmas in South East Europe and Turkey*, (Paris: UNESCO), p.95
- Bek, M.G. (2011), 'Critical Media Literacy and Children in Turkey: Policies, Initiatives and Suggestions', International Conference on The Future of Education, available at: http://www.pixel-online.net/edu_future/common/download/Paper.pdf/MLE11-Bek.pdf (date accessed 24 December 2011)
- (2004), 'Research Note: Tabloidization of News Media: An Analysis of Television News in Turkey', *European Journal of Communication*, 19 (3), 371
- (2003), 'Küreselleşme, Ulus-Devlet ve İletişim: Avrupa Birliği'nin Türkiye'deki İletişim Politikalarına Etkisi Üzerine Bir Değerlendirme' [Nation-State and Communication: An Evaluation on the Influence of European Union over the Communication Policies in Turkey], in M.G. Bek (ed.) *Avrupa Birliği ve Türkiye'de İletişim Politikaları* [Communication Policies in the European Union and Turkey], (Ankara: Ümit Publishing), p.237
- Belge, B. (2011), 'Lambda İstanbul: "RTÜK's input for discrimination of LGBT individuals"', *Bianet*, available at: <http://bianet.org/english/english/126753-rtuks-input-for-discrimination-of-lgbt-individuals> (date accessed 6 December 2011)
- BİA (2012), 'So-called journalists are police murderers and molesters', *Bianet*, available at: <http://www.bianet.org/english/freedom-of-expression/135748-so-called-journalists-are-police-murderers-and-molesters> (date accessed 26 April 2012).
- (2012a), 'Sendikasıylaştırma Yargıya Taşınıyor', [Non-unionization is taken to court], *Bianet*, available at: <http://www.bianet.org/bianet/emek/136704-sendikasisizlastirma-yargiya-tasiniyor> (date accessed 07 May 2012)
- (2010), '2010 Media Monitoring Report', *Bianet*, available at: <http://www.bianet.org/bianet/ifade-ozgurlugu/119085-bia-medya-gozlem-raporlari> (date accessed 24 December 2011)
- BTK (2011), 'The Safe Usage of the Internet, decision no. 2011/DK-10/91', available at: <http://www.btk.gov.tr/mevzuat/kurul.kararlari/dosyalar/2011%20DK-10-91sss.pdf> (date accessed 20 November 2011)
- (2011a) 'The Principles and Procedures for Safe Usage of the Internet', Decision No: 2011/DK-14/461 available at: <http://www.btk.gov.tr/mevzuat/kurul.kararlari/dosyalar/2011%20DK-14-461.pdf> (date accessed 20 November 2011)
- Cankaya, Ö. and M.B Yamaner (2006), *Kitle İletişim Özgürlüğü* [Freedom of Mass Communication] (İstanbul: Turhan Bookstore)
- Cankaya, Ö. (2008), 'TRT'de Neler Oluyor? Ne Olmalı?' [What happened in TRT? What should happen?], *Bianet*, available at: <http://bianet.org/biamag/bianet/106180-trtde-neler-oluyor-ne-olmalı> (date accessed 17 May 2012)
- Cemal, H. (2012), "'Büyük medyanın eski gücü neden mi yok?'" [And why does the big media no longer have the power of its hey days?], *Milliyet*, available at: <http://siyaset.milliyet.com.tr/buyuk-medyanin-eski-gucu-neden-mi-yok-/siyaset/siyasetyazarde-tay/04.05.2012/1535945/default.htm> (date accessed 07 May 2012)
- Cemal, H. (2011), 'Milliyet buzdolabı fabrikası gibi satıldı' [Milliyet was sold like a fridge factory], *Milliyet*, available at: <http://www.sivilmedya.com/hasan-cemal-milliyet-buzdolabi-fabrikasi-gibi-satildi-23504h.htm> (date accessed 22 April 2011)
- Christensen, C. (2007), 'Concentration of ownership, the fall of unions and government legislation in Turkey', *Global Media and Communication*, 3 (2), 179
- Cinmen, I. (2011), "'Tek Başına Grev Yapan Pankart'" [The banner which striking alone], *Bianet*, available at: <http://www.bianet.org/bianet/insan-haklari/132556-tek-basina-grev-yapan-pankart> (date accessed 15 January 2012)
- Çatalbaş, D. (2003), 'Glocalization: a Case History Commercial Partnership and Cooperation between Turkish and American Satellite Broadcasters',

- Transnational Broadcasting Studies*, available at: <http://www.tbsjournal.com/Archives/Spring03/catalbas.html> (date accessed 25 December 2011)
- Çevikel, T. (2004), 'Türkçe Haber Siteleri ve Türkiye'de İnternet Gazeteciliğinin Gelişimini Sınırlayan Faktörler' [Turkish news sites and the factors which restrict the development of the online journalism in Turkey], *İleti-s-im Galatasaray University Faculty of Communication Refereed Academic Journal*, 1, 147
- Duran, R. (2012), intervention in debate titled 'Money talks: Economy and press freedom', *Writing without Chains*, Bilgi University, 31 March, Istanbul, available at: <http://www.bilgi.edu.tr/en/news-and-events/news/991/writing-without-chains/> (date accessed 17 May 2012).
- (2011), 'Hakiydi Yeşil Oldu Egemen Medya' [The Dominant Media, formerly khaki, have become green], *Apoletli Medya*, available at: <http://apoletlimedya.blogspot.com/> (date accessed 01 November 2011)
- (2010), 'Başbakan, Patron ve Köşe Yazarı' [Prime Minister, Media Owner and Columnist], *Apoletli Medya*, available at: http://apoletlimedya.blogspot.com/2010_02_28_archive.html (date accessed 24 December 2011)
- EFJ (2011), 'Set Turkish Journalists Free', available at: <http://europe.ifj.org/fr/pages/turkey-campaign-set-journalists-free> (date accessed 6 December 2011)
- Elmas, E., and D. Kurban (2011), *Communicating Democracy-Democratizing Communication: Media in Turkey: Legislation, Policies, Actors* (Istanbul: TESEV Publications)
- Erdemir, F. (2011), 'Başlangıcından Günümüze TRT'nin Reklam Serüveni' [The Advertising Adventure of TRT from its foundation until today], *İletişim Kuram ve Araştırma Dergisi*, 32, 205
- Ergün, E., (2011) 'ATV-Sabah'ta Son Grevci olarak İşe İade Hikayem ve Bazı Dersler...' [My re-employment story as the last striker in the ATV-Sabah Strike and Some Lessons...] *Bianet*, available at: <http://bianet.org/bianet/toplum/127441-atv-sabahta-son-grevci-olarak-ise-iade-hikayem-ve-bazi-dersler> (date accessed 27 November 2011)
- Erişime Engellenen Websiteleri [Access Blocked Websites] (2011), available at: <http://engelliweb.com> (date accessed 26 April 2012)
- Ertürk, A. E. (2011), 'Van çıkışına RTÜK cezası' [RTÜK penalty for scolding about Van earthquake] *Akşam*, available at: <http://www.aksam.com.tr/van-cikisi-na-rtuk-cezasi--81135h.html> (date accessed 6 December 2011)
- European Commission (2010), *Turkey Progress Report*, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/tr_rapport_2010_en.pdf (date accessed 21 December 2011)
- (2011), *Turkey Progress Report*, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf (date accessed 21 December 2011)
- European Parliament resolution of 9 March 2011 on Turkey's progress report (2011), available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0090+0+DOC+XML+Vo//EN> (date accessed 29 December 2011)
- Gazeteciler.com (2011), 'Eşcinsel evliliğe RTÜK cezası,' [RTÜK penalty for homosexual marriage], available at: <http://www.gazeteciler.com/gundem/rtukten-digiturke-escinsel-evlilik-cezasi-32205h.html> (date accessed 6 December 2011)
- Görmüş, A. (2011), 'Lafla "editorial bağımsızlık" gemisi yürümez' [Editorial independency: Fine words butter no parsnip (Fine words couldn't ensure the editorial independency)], *Taraf*, available at: <http://www.taraf.com.tr/alper-gormus/makale-lafla-editorial-bagimsizlik-gemisi-yurumez-1.htm> (date accessed 11 November 2011)
- Gülcan, E. (2012), 'BIA media monitoring report 2011/Full text,' *Bianet*, available at: <http://www.bianet.org/english/freedom-of-expression/136599-bia-media-monitoring-report-2011-full-text> (date accessed 26 April 2012)
- Hakan, A. (2012), 'Aydın Doğan Star TV'yi kanuni zorunluktan satmış.' [Aydın Doğan Sold Star TV out of legal necessity], *IV. Kuvvet Medya*, available at: <http://dorduncukuvvetmedya.com/4264-aydin-dogan-star-tv-yi-zorunluluktan-satmis.html> (date accessed 07 May 2012)

-
- Hammarberg, T. (2011), *Freedom of Expression and Media Freedom in Turkey*, report by the Commissioner for Human Rights of the Council of Europe following his visit to Turkey from 27 to 29 April 2011, CommDH(2011)25, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1814085> (date accessed 20 November 2011)
- (2011a), *Promotion of Pluralism in New Media*, presentation by the Commissioner for Human Rights of the Council of Europe, to the OSCE Supplementary Human Dimension Meeting, 7-8 July 2011, Vienna, CommDH/Speech(2011)25, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1811433> (date accessed 20 November 2011)
- Hepkon, Z. and O.Ş. Aydın (2005), 'A Political Approach to Media literacy: The Movement of Media Literacy', in N. Türkoğlu (ed.) *Medya Okuryazarlığı* [The Conference Book on Media Literacy], (Istanbul: Marmara University Communication Faculty), p. 45.
- IAB Turkey (2012), 'IAB Türkiye Paylaşım Toplantısı', [IAB Turkey Press Release], *IAB Turkey*, available at: http://www.iab-turkiye.org/uploads/bas_topl.27.3.12.pdf (date accessed 07 May 2012)
- İLAD [Communication Research Association] (2010), 'RTÜK Kanun Tasarısı Taslağı Değerlendirme Raporu' [Assessment Report on the Draft Law on the Establishment and Broadcasting Services of Radios and Televisions], available at: <http://www.iletisimarastirma.org/haberler/71-RTUK-kanun-tasarisi-taslagi-degerlendirme-raporu.html> (date accessed 29 December 2011)
- İnceoğlu, Y. (2007), 'Introduction of the Media Literacy Course to Turkey's Curriculum', *Medienimpluse*, available at: <http://www2.mediamanual.at/themen/kompetenz/61Inceoglu-Introduction-of-Media-Literacy-Course-in-Turkeys-Curriculum.pdf> (date accessed 24 December 2011)
- İnternethaber (2011), 'Medya toplu işten çıkarmalarla sarsılırken Sabah Grubu ve Habertürk'teki "küçülme" internet sayfalarına yansımadi' [While media was shocked by collective redundancy, the downsizing of Sabah and Habertürk weren't covered by media], available at: <http://www.internethaber.com/bu-haberi-vermeye-yurekleri-yetmedi-324040h.htm> (date accessed 25 December 2011)
- Karlidoğ, M. et al. (2011), 'Deep Packet Inspection: Privacy and Communication Rights Violations', XVI. Türkiye'de İnternet Konferansı [XVI. Internet Conference in Turkey] available at: <http://inet-tr.org.tr/inetconf16/bildiri/108.pdf> (date accessed 20 November 2011)
- Karaca, E. (2012), 'Vasiliadis: Resmi ilan Rumlur için çok önemli' [Official advertisement is very important for the Greek Orthodox], *Bianet*, available at: <http://www.bianet.org/bianet/azinliklar/136627-vasiliadis-resmi-ilan-rumlur-icin-cok-onemli> (date accessed 26 April 2012).
- (2012), 'Gazeteciler maaş alamıyor: Akşam'da yaşananları çalışanları anlattı', [Journalists are not paid their salaries: Journalists account the latest at Akşam], *Bianet*, available at: <http://www.bianet.org/bianet/emek/137100-aksamda-yasananlari-calisanlari-anlattidate> accessed 8 May 2012
- (2011), 'Vicdani ret mutlaka uygulanmalı' [Conscientious objection must be applied], *NTVMSNBC*, available at: <http://www.ntvmsnbc.com/id/25300906/> (date accessed 6 December 2011).
- (2011), 'Basın İlan Kurumu'ndan Apoyevmatini'ye Destek Sözü [Promise to support from The Directorate General of Press Advertisement to Apoyevmatini], *Bianet*, available at: <http://www.bianet.org/bianet/azinliklar/131454-basin-ilan-kurumundan-apoyevmatiniye-destek-sozu> (date accessed 28 May 2012)
- Kaya, K. and E. Altan (2012), 'İki gazeteci tahliye, kaldı 101' [Two journalists were released, remains 101], *Bianet*, available at: <http://www.bianet.org/bianet/ifade-ozgurlugu/137249-iki-gazeteci-tahliye-kaldi-101> (date accessed 26 April 2012).
- Kılıç, M. (2002), 'Radyo ve Televizyon Yayıncılığı Frekans Planlaması' [Frequency Planning of Radio and Television Broadcasting], available at: http://www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=52259f3c-88ad-41b9-aa6b-427274bc2671 (date accessed 25 December 2011)
- IV. Kuvvet Medya (2011), 'Medya okuryazarlığı derslerini iletişim mezunları versin' [The graduates of communication faculties should teach the media literacy courses], available at: <http://www.dorduncukuvvetmedya.com/3938-medya-okury->

- azarligi-derslerini-iletisim-mezunlari-versin.html (date accessed 24 December 2011)
- Kurban, D. et al. (2008), 'Supranational Rights Litigation, Implementation and the Domestic Impact of Strasbourg Court Jurisprudence: A Case Study of Turkey', prepared for the JURISTRAS project funded by the European Commission, DG Research, Priority 7, Citizens and Governance in a Knowledge Based Society, available at: <http://www.juristras.eliamep.gr/wp-content/uploads/2008/10/casestudyreportturkeyfinal.pdf> (date accessed 24 December 2011)
- Mahçupyan, E. (2011), 'TESEV's Presentation' in E. Elmas and D. Kurban, *Communicating Democracy-Democratizing Communication: Media in Turkey: Legislation, Policies, Actors* (Istanbul: TESEV Publications)
- NTVMSNBC (2011), 'Şok Eden "Sansür" Listesi' [The shocking censorship list] available at: <http://www.ntvmsnbc.com/id/25207341> (date accessed 11 November 2011)
- OSCE (2011), 'OSCE expresses concern over jailed Turkish journalists', available at: http://www.europeanforum.net/news/1125/osce_expresses_concern_over_jailed_turkish_journalists (date accessed 21 November 2011)
- Önderoğlu, E. (2011), 'RTÜK: "Magnificent Century" series clashes with "moral values"', *Bianet*, available at: <http://bianet.org/english/english/127153-rtuk-magnificent-century-series-clashes-with-moral-values> (date accessed 21 December 2011)
- (2007), 'Medya Gözlem Raporu', [Media Monitoring Report], *Bianet*, available at: <http://www.bianet.org/english/minorities/104719-bia-2007-media-monitoring-report-full-text> (date accessed 08 May 2012)
- (2005), '15 Yıldır Yapılamayan Frekans İhalesi' [The frequency tender that couldn't be made for 15 years], *Bianet*, available at: <http://www.bianet.org/bianet/medya/52937-15-yildir-yapilamayan-frekans-ihalesi> (date accessed 25 December 2011)
- Özvarış, H.(2012), 'Mehmet Altan: AKP'ye yakın gazeteler siyasi baskıyla ilan topluyor!', [Newspapers pro-AKP are getting ads through political pressure], *T24*, available at: <http://t24.com.tr/haber/mehmet-altan-akpye-yakin-gazeteler-siyasi-baskıyla-ilan-topluyor/194727> (date accessed 07 May 2012)
- Pekman, C. (2002), 'Audiovisual Policy on the Way to the EU: The Turkish Case', in P. G. Xuereb (ed.) *Euro-Mediterranean Integration: The Mediterranean's European Challenge Vol. 3* (Malta: European Documentation and Research Centre of University of Malta), p.346
- Pura, A. (2012), 'Reklamverenler Derneği 12. Olağan Genel Kurulu yapıldı', [The Advertisers' Association convened its 12th general assembly], *IAB Turkey*, available at: <http://www.iab-turkiye.org/> (date accessed 08 May 2012)
- Reporters without Borders (2011), 'Internet Enemies', available at: <http://march12.rsf.org/en/> (date accessed 21 December 2011)
- RTÜK (2012), 'Üst kurul başkanı Prof. Dr. Davut Dursun: RTÜK uyumuyor ama RTÜK bir sansür kurulu da değildir' [RTÜK is not sleeping but RTÜK is also not a censorship body], available at: http://www.rtuk.gov.tr/sayfalar/IcerikGoster.aspx?icerik_id=89decf8c-2e2f-4172-acfb-f5ae1f3182e7 (date accessed 26 April 2012).
- (2006), 'İlköğretim Çağındaki Çocukların Televizyon İzleme Alışkanlıkları Araştırması' [The Survey of TV viewing habits in the Primary School Children], available at: http://www.medyaokuryazarligi.org.tr/arastirmalar/ilkogretim_cagindaki_cocuklarin_tv_aliskanliklari.pdf (date accessed 24 December 2011)
- Sancar, M. and E.Ü. Atılğan (2009), *Justice can be Bypassed Sometimes: Judges and Prosecutors in the Democratization Process* (Istanbul: TESEV Publications)
- Semerci, Y. (2012), 'Murdoch Ankara'dan ne istiyor?' [What Murdoch demands from Ankara?], *Gazeteport*, available at: <http://www.gazeteport.com.tr/yazar/2/yavuz-semerci/2095/murdoch-ankara#8217dan-ne-istiyor> (date accessed 17 May 2012)
- Sinclair, C. (2006), 'Advertising' in S. Cunningham and G.Turner (eds) *Media & Communication in Australia* (Crows Nest NSW: Allen & Unwin) p. 209
- Sönmez, M. (2003), *Filler ve Çimenler* [Elephants and

- Grasses], (İstanbul: İletişim Publishing)
- Söylemez, A. (2012), 'Kim bu "tecavüzcü" gazeteciler?' [Who are these "rapist" journalists?], *Bianet*, available at: <http://www.bianet.org/bianet/ifade-ozgurlugu/136753-kim-bu-tecavuzcu-gazeteciler> (date accessed 26 April 2012).
- (2011a), 'RTÜK reprimand for "slang and curses"', *Bianet*, available at: <http://bianet.org/english/freedom-of-expression/130599-rtuk-reprimand-for-slang-and-curses> (date accessed 6 December 2011)
- (2011b), 'We will Comply with Official Publication Bans...', *Bianet*, available at: <http://www.bianet.org/english/freedom-of-expression/133600-we-will-comply-with-official-publication-bans> (date accessed 24 October 2011)
- (2011), "Sendikadan İşten Çıkarılan Gazetecilere 'Birleşme' Çağrısı" [Journalists Union's Call for Unification to the dismissed journalists], *Bianet*, available at: <http://bianet.org/bianet/insan-haklari/127504-sendikadan-isten-cikarilan-gazetecilere-birlesme-cagrisi> (date accessed 15 January 2012)
- Sözeri, C., and Z. Güney (2011), *The Political Economy of the Media in Turkey: A Sectoral Analysis* (İstanbul: TESEV Publications)
- Sözeri, C. (2009), 'Türkiye'de Medya Sektöründe Uluslararası Şirket Birleşmeleri' [Transnational Media Mergers in Turkey], unpublished PhD Thesis (İstanbul: Marmara University Institute of Social Science)
- Sümer, B. and G. Adaklı (2011), 'Ankara Üniversitesi İletişim Fakültesi'nin Radyo ve Televizyonların Kuruluş ve Yayın Hizmetleri Hakkındaki Kanun Tasarısı Taslağı Değerlendirme Raporu' [Evaluation Report of the New Broadcasting Law Draft], available at: http://ilef.ankara.edu.tr/gorsel/dosya/1275562046RTUK_TASLAGI...ILEF.GORU-SU_2010.pdf (date accessed 24 December 2011)
- Tekerek, T. (2011), 'Seke seke giderken "çat" duvara çarptım' [I hit the wall "bang" while I was hopping], *Taraf*, available at: <http://www.habername.com/haber-banu-guven-leyla-zanantv-bagimsiz-taraf-62232.htm> (date accessed 24 December 2011)
- The Media Association [*Medya Derneği*] (2011), *Ethics Codes for Journalists in Turkey*, available at: <http://www.medyadernegi.org/wp-content/uploads/2011/09/medyaetiking.pdf> (date accessed 24 December 2011)
- Tılıç, D. (2000), *Utaniyorum Ama Gazeteciyim* [I'm ashamed to be a journalist], (İstanbul: İletişim Publishing)
- (2011), 'Bir Demokratlık Testi Sabah-ATV Grevi' [A Test for Democracy: The Sabah –ATV Strike], *Birgün*, available at: http://www.birgun.net/writer_2010_index.php?category_code=1186995520&news_code=1269909303&year=2010&month=03&day=30 (date accessed 25 December 2011)
- TIAK (2012), Press release, *TIAK*, 18 April, available at: <http://tiak.com.tr/> (date accessed 08 May 2012)
- Today's Zaman (2010), 'State-owned TRT channels withdraw from rating system' available at: http://www.todayszaman.com/newsDetail_getNewsById.action;jsessionid=1082F89312809F9E99984CC36DA5F389?newsId=198431 (date accessed 17 May 2012)
- Tulgar, A. (2006), 'TGS: Sendikaya üye olanları işverenden gizliyoruz' [We hide the names of the journalists who become the members of the union from media employers], *Sesonline*, available at: http://www.sesonline.net/php/genel_sayfa.php?KartNo=46805 (date accessed 24 December 2011)
- Tunç, A. and Görgülü, V. (2012), *Mapping Digital Media: Turkey*, Open Society Foundation, available at: http://www.soros.org/initiatives/media/articles_publications/publications/mapping-digital-media-turkey-20120424 (date accessed 08 May 2012)
- Turkish Press (2011), 'Minority publications to get Govt help to stay afloat', available at: <http://www.turkishpress.com/news.asp?id=365295> (date accessed 24 December 2011)
- TURKSTAT [Turkish Statistical Institute] (2009), 'Print Media Statistics', available at: <http://www.tuik.gov.tr/kulturmedyadagitimapp/medya.zul> (date accessed 24 December 2011)
- Üstündağ, E. (2011), 'Organized "intolerance" against "Magnificent Century" series,' *Bianet*, available at: <http://bianet.org/english/english/127112-orga->

-
- nized-intolerance-against-magnificent-century-series (date accessed 6 December 2011)
- Yaşayan, O.Ö. (2011), *İnternet Ölçüleme Araştırması: Gençler ya uykuda, ya online* [IAB Internet Measurement Survey: The youth either sleep or online], *IAB Turkey*, available at: http://www.iab-turkiye.org/files/newsletter/iab_newsletter_01_02_2011.pdf (date accessed 28 May 2012)
- Yazıcı, A. (2011), 'Medya dersinde dökülen dişler' [The teeth broken in media literacy course], *Taraf*, available at: <http://www.taraf.com.tr/haber/medya-dersinde-dokulen-disler.htm> (date accessed 10 October 2011)
- Zlatev, Ognian (2011) 'Media Accountability Systems (MAS) and their Applications in South East Europe and Turkey', in *Professional Journalism and Self-Regulation New Media Old Dilemmas in South East Europe and Turkey*, (Paris: UNESCO), p.17
- Law no.6112 Establishment of Radio and Television Enterprises and Their Broadcasts, available at: http://www.rtuk.org.tr/sayfalar/IcerikGoster.aspx?icerik_id=5a3cac1e-b6d9-4b23-bc7a-8dcd-671fceb3 (date accessed 27 December 2011)
- Internet Law no.5651, available at: <http://www.mevzuat.adalet.gov.tr/html/27511.html> (date accessed 27 December 2011)
- Press Law no.5187, available at: <http://en.hukuki.net/index.php?topic=26.0;wap2> (date accessed 27 December 2011)
- The Anti terror Law no.3713, available at: <http://www.mevzuat.adalet.gov.tr/html/809.html> (date accessed 27 December 2011)
- Turkish Penal Code no.5237, available at: <http://www.tbmm.gov.tr/kanunlar/k5237.html> (date accessed 27 December 2011)
- Turkish Constitution (1982), trans. by E.Yasar, available at: <http://www.anayasa.gen.tr/1982Constitution-EYasar.htm> (date accessed 29 December 2011)

LAWS AND REGULATIONS:

Annex 1. List of Interviews Conducted as Part of This Research Project

Interview with Ayşe Sözeri Cemal, member of Press Watch and Research Committee and Advertising Group Director of daily *Hürriyet*, by Ceren Sözeri and Zeynep Güney, Istanbul, 15/12/2010

Interview with Ferhat Boratav, News Editor of *CNN Turk* TV station, by Ceren Sözeri, Ebru İlhan, Istanbul, 02/11/2010

Interview with Markar Esayan, Vice Chief Editor of daily *Taraf*, by Ceren Sözeri, Istanbul, 12/07/2011

Interview with Sancak Basa, Human Resources Director of daily *Hürriyet*, by Ceren Sözeri, Istanbul, 08/12/2010

Interview with Uğur Şeker, General Manager of interactive advertising agency *Dijital Büro İstanbul*, and founding member of IAB Türkiye, by Ceren Sözeri, Istanbul, 02/02/2011

Annex 2. List of Discussion Groups Organized as Part of This Research Project

Minutes of the discussion groups convened with journalists and academicians on the topic of 'Media and Democratisation', Istanbul, 8/10/2010

Minutes of the discussion groups convened with policymakers, bureaucrats, academics and representatives of professional media unions on the topic of 'Human Resources Problems and the Future of the Media Sector', Ankara, 18/12/2010

Minutes of the discussion groups convened with journalists and journalist associations on the topic of 'Labour Relations and Working Conditions in the Media Sector', Istanbul, 21/12 2010

Minutes of the discussion groups convened with academics, policymakers and civil society representa-

tives on the topic of 'The New Legislation on the Structure and Authority of the Radio and Television Supreme Council', Istanbul, 11/03/2011

Minutes of the discussion groups convened with convened with policymakers, bureaucrats, media owners and high level executives of the media sector on the topic of 'Investment and Competition Relations in the Media Sector: The Present and the Future of the Sector', Istanbul, 21/04/2011

Minutes of the discussion groups convened with policymakers, bureaucrats, journalists and experts on the topic of 'Media and regulatory high bodies: The status of legal and governance regulations' Ankara, 18/10/2011

Annex 3. Which Media Group Owns Which Companies, 2012

Company	Media Investments	Other Investments
Doğan Grubu	<p>Gazete: Hürriyet, Hürriyet Daily News, Radikal, Posta, Fanatik, TME Gazeteleri (İz Ruk v Ruki, Expressz, Oglasnik)</p> <p>TV: Kanal D, Turner’la ortak kanallar (TNT, CNNTürk, Catroon Network), İnteraktif Kanallar:(Fix TV, Dijital TV Platformu: D-Smart, Doğan Teleshopping</p> <p>Radyo: RadyoD, CNNTürk Radyo, Slow Türk, Radyo Moda</p> <p>TV-Müzik Yapım: D Productions, Kanal D Home Video, DMC</p> <p>Haber Ajansı: DHA</p> <p>Dergi-Kitap Yayıncılığı: Doğan Burda Dergi, Doğan Egmont, Doğan Kitap</p> <p>İnternet: hurriyet.com.tr yenibiris.com.tr hurriyetemlak.com hurriyetoto.com arabam.com anneyiz.biz Hurriyetkiyasla.com Tipeez.com arakibulaki.com hangisinegitsek.com TME siteleri www.nekretnine.net www.auti.hr www.irr.ru www.job.ru www.expressz.hu www.szuperallas.hu www.mojedelo.com www.oglasnik.hr www.posao.hr</p> <p>Dijital Hizmetler: Doğan Platform Doğan Telekom Smile ADSL Birpa Müşteri Hizmetleri (Call Center)</p> <p>Dağıtım Ve Perakendecilik: YAYSAT (Doğan Dağıtım) Dergi Pazarlama Planlama DØR</p> <p>Basım: Doğan Printing Center (DPC), Doğan Ofset</p> <p>Avrupa: DMG International TME Kanal D Romania Euro D</p> <p>Diğer Faaliyetler: Doğan Dış Ticaret (Foreign Trade) Doğan Factoring</p> <p>Sosyal Faaliyetler Aydın Doğan Vakfı</p>	<p>Enerji: Elektrik Yatırımları (Boyabat Elektrik Üretim ve Ticaret Limited Şirketi, Doğan Enerji)</p> <p>Sanayi: Çelik Halat, Ditaş (Otomotiv Yan Sanayi), Doğan Organik Ürünler</p> <p>Ticaret: Milpa</p> <p>Finans: DD Konut Finansmanı,</p> <p>Turizm: Milta</p>

Company	Media Investments	Other Investments
Doğuş Grubu	<p>Televizyon: NTV, Star TV, CNBC-E, NTV SPOR, Kral TV, ez</p> <p>Yeni Medya: NTVMSNBC, NTVSPOR.net, Oley.com, Footbo.com, Enmoda.com</p> <p>Radio: NTV Radyo, Kral FM, Virgin Radyo, NTV SPOR Radyo, Radyo Voyage, Radyo Eksen, Capital Radio</p> <p>Dergi: Vogue, National Geographic, National Geographic Kids, Robb Report, CNBC-e Business, Motor Boat & Yachting, GQ</p> <p>NTV Yayınları: NTV Tarih</p>	<p>Bankacılık ve Finans: Garanti Bankası, Garantibank International N.V., Garanti Bank SA, Garantibank Moscow, Garanti Yatırım, Garanti Portföy, Garanti Leasing, Garanti Filo Yönetim Hizmetleri A.Ş., Garanti Factoring, Garanti Emeklilik ve Hayat, Garanti Ödeme Sistemleri, Garanti Mortgage, Garanti Filo Yönetim Hizmetleri A.Ş Garanti Teknoloji</p> <p>Otomotiv: Doğuş Otomotiv (Volkswagen Binek Araç, Volkswagen Ticari Araç, Audi, Porsche, Bentley, Lamborghini, Bugatti, SEAT, Skoda, Scania, Krone ve Meiller), İştirakler ve Kuruluşlar (Doğuş Oto, DOD, D-Auto Suisse, Yüce Auto, Oto-Fix, vdf Grubu, TUVTÜRK ve LeasePlan), Lojistik Hizmetler, Üretim (Meiller Doğuş Dampir Fabrikası, Krone Doğuş Treyler Fabrikası)</p> <p>İnşaat: Doğuş İnşaat, Teknik Mühendislik ve Müşavirlik A.Ş., Ayson Sondaj ve Araştırma</p> <p>Turizm ve Hizmetler: Doğuş Turizm Grubu (D-Hotel Maris, Maritim Hotel Club Alantur, Maritim Hotel Grand Azur, Grand Hyatt İstanbul ve Park Hyatt İstanbul - Maçka Palas, Arena Giyim), D-Marin Marinalar Grubu, D-Gym, D-Life</p> <p>Gayrimenkul: Doğuş GYO, Doğuş Gayrimenkul, Enerji: Boyabat Elektrik Üretim ve Ticaret Ltd. Şti., Doğuş Enerji Üretim ve Tic. A.Ş. (Artvin HES), Aslancık Elektrik Üretim ve Ticaret Ltd. Şti., D-Tes Elektrik Enerjisi Toptan Satış A.Ş.</p>
Çalık Holding	<p>Gazete: Turkuvaz Medya Grubu (Sabah, Sabah Avrupa, Yeni Asır, Takvim, Fotomaç,</p> <p>Dergi: Turkuvaz Dergi Yayıncılık</p> <p>TV: ATV, ATV Avrupa</p> <p>Radio: Turkuvaz Televizyon ve Radyo İşletmeciliği Sanayi ve Ticaret A.Ş (Radyo Turkuvaz, Radyo Romantik)</p> <p>Dağıtım: Turkuvaz Dağıtım Pazarlama A.Ş.</p> <p>Kitap Yayıncılık: Turkuvaz Kitapçılık Yayıncılık Sanayi ve Ticaret A.Ş., Turkuvaz Matbaacılık Yayıncılık Sanayi ve Ticaret A.Ş.</p> <p>Prodüksiyon: Turkuvaz Prodüksiyon ve Tanıtım A.Ş.</p> <p>Haber Ajansı: Turkuvaz Haber Ajansı</p> <p>Dijital Medya ve Mobil Hizmetler: Turkuvaz Medya Digital, Turkuvaz Mobil Hizmetler</p>	<p>Tekstil: Gap Güneydoğu Tekstil, Türkmenbaşı Tekstil Kompleksi, Türkmenbaşı Jeans Kompleksi, Balkan Dokuma, Serdar Pamuk Eğrici, Serdar Altın Asır Tekstil Kompleksi, Çalık Alexandria</p> <p>Enerji: Çalık Enerji, Bursagaz, Kayserigaz, Naturelgaz</p> <p>İnşaat: Gap İnşaat</p> <p>Finans: Aktif Bank, Banka Kombetare Tregtare (BKT)</p> <p>Telekomünikasyon: Alb Telecom</p>
Ciner Grubu	<p>Ciner Yayın Holding: Gazete Habertürk, Ciner Medya Yatırımları, Ciner Gazete Dergi (dergi yayıncılığı), Habertürk Gazetecilik ve Matbaacılık, C Yapım Filmcilik, GD Gazete Dergi (dergi yayıncılığı)</p> <p>TV: Habertürk, Bloomberg HT</p> <p>Radio: Habertürk Radyo, Bloomberg HT Radyo</p>	<p>Enerji ve Madencilik: Park Termik, Park Teknik, Eti Soda, Park Enerji, Park Elektrik, Silopi Elektrik Üretim, Park Toptan Elektrik Enerjisi Satış, Park Maden, Riotur</p> <p>Ticaret, Sanayi ve Hizmet: Park Holding, ETİ Hava Taşımacılığı A.Ş., Park Tıp Sağlık, Havaş, Larespark Hotel, Park Denizcilik, Denmar, Park Sigorta, Park Cam, Ciner Denizcilik, Ciner Gemi, Lares Turizm</p>

Company	Media Investments	Other Investments
Çukurova Grubu	<p>Gazete: Akşam, Güneş</p> <p>Dergi: Alem, Stuff, Platin, FourFourTwo, Autocar (Turkmedya gazete ve dergileri bünyesinde bulunduran şirket)</p> <p>Digital Platform: DIGITURK</p> <p>TV: Show TV, Show Max, Show Turk, Show Plus, Sky Turk360, Lig TV, Spor Max, Türk Max</p> <p>Radyo: Alem FM, Lig Radyo</p> <p>Yapım: Eksen</p> <p>Medya Pazarlama: Zedpaş, Mepaş</p>	<p>Enerji: Genel Enerji, Taq Taq Operating Company</p> <p>Telekomünikasyon: TURKCELL, Kuzey Kıbrıs TURKCELL, Turkcell Teknoloji, Geocell, Kcell, Azercell, Moldcell, Life, Global Bilgi, Global Tower, Superonline, Tellcom, KVK, Inta Spaceturk, Millenicom, KVK Teknik Servis, TURKCELL Teknoloji, European Telecommunication Holding E.T.H AG, Atel, Topaz, Inteltek, Turkkule, Hobim, Bilyoner.com, Life, Moldcell</p> <p>Taşımacılık ve Hizmet: Geden Lines, Baytur Trading S.A., Baytur S.A., Anadolu Uluslararası Ticaret ve Taşımacılık A.Ş., Inter Depo, Pamuk Spor, Çukurova Havacılık A.Ş.</p> <p>Endüstri: BMC, Çukurova İthalat ve İhracat Türk A.Ş., Çukurova Makine İmalat ve Ticaret A.Ş., Çukurova İnşaat Makineleri Sanayi ve Ticaret A.Ş. (Çimsataş), Çukurova Mümesillik Müşavirlik, Çukurova Ziraat, Çukurova Powergeneration, Çukurova Kimya, Çukurova Sanayi İşletmeleri T.A.Ş., Daussan Çukurova Kimya A.Ş, Kamplamin Ambalaj San. Ve Tic. A.Ş, Noksel, Noksel Espana, Maysan Mando, Selkasan, SCA Packaging, OVA SCA Packaging, Atkasan</p> <p>Finans: Banque de Commerce et de Placements (BCP)</p> <p>İnşaat: Baytur</p>
Feza Gazetecilik	<p>Gazete: Zaman, Today's Zaman, Zaman Azerbaycan, Zaman Kazakistan, Zaman Avusturya, Zaman Avrupa Zaman Bulgaristan, Zaman Romanya, Zaman Türkmenistan, Zaman Amerika</p> <p>Dergi: Aksiyon, Sızıntı, Gonca</p> <p>TV: STV, STV Avrupa, STV Amerika, S Haber, Mehtap TV, Ebru TV, Yumurcak TV, Küre TV, Hazar TV, Dünya TV</p> <p>Haber Ajansı: Cihan</p> <p>Radyo: Burç FM, Dünya Radyo, Samanyolu Haber,</p> <p>Kitap Yayıncılığı: Zaman Kitap</p>	
Albayrak Grubu	<p>Gazete: Yeni Şafak</p> <p>TV: TVNET</p> <p>İnternet: Yenişafak.com.tr</p>	<p>İnşaat: Albayrak GYO, Albayrak İnşaat</p> <p>Sanayi: Tümosan Traktör ve Motof Fabrikası, Ereğli Entegre Tekstil Fabrikası</p> <p>Lojistik: Trabzon Limanı, Albayrak Araç Kiralama, Albayrak Personel Taşımacılığı</p> <p>Hizmet: Al-Bil Bilgi İşlem, Atık Yönetimi (Yeşil Adamlar), Sayaç Okuma</p> <p>Turizm: Albayrak Turizm</p>
Koza İpek	<p>Gazete: Bugün</p> <p>TV: Kanaltürk, Bugün TV</p> <p>Radyo: Kanaltürk Radyo</p>	<p>Matbaa: Koza Davetiye</p> <p>Maden: Koza Altın İşletmeleri A.Ş (Ovacık Altın Madeni, Mastra Altın Madeni)</p>
Fox Grubu	<p>Televizyon: Fox TV, Fox life, FX, National Geographic Channel, Baby TV,</p> <p>İnternet: Myspace.com</p>	

Company	Media Investments	Other Investments
İhlas Grubu	<p>Gazete: Türkiye TV: TGRT Haber, TGRT Haber TV EU, TGRT Belgesel Haber Ajansı: İHA Reklam: İhlas Reklam Ajansı Medya Pazarlama: TGRT Pazarlama Dergi Grubu İnternet: İhlas.net</p>	<p>İnşaat: İhlas İnşaat Grubu Üretim: İhlas Ev Aletleri, Bisan, Kristal Kola</p> <p>Sağlık ve Turizm: Türkiye Gazetesi Hastanesi, İhlas Armutlu Tatil Köyü, Kuzuluk Tatil Köyü, Kuzuluk Termal Otel</p> <p>Eğitim: İhlas Koleji</p> <p>Madencilik: İhlas Madencilik A.Ş</p>
Hayat Görsel Yayıncılık A.Ş	<p>TV: Kanal 7, Kanal 7 Avrupa, Ülke TV Radyo: Radyo 7 İnternet: Haber7.com, Haber7Emlak Pazarlama: Mepa Medya A.Ş</p>	<p>Beyaz Şirketler Grubu Eğitim: İstanbul Büyükşehir Belediyesi Sanat ve Meslek Eğitimi Kursları (İSMEK), İzmir Büyükşehir Belediyesi Meslek Edindirme Kursları (İZMEB), Bursa Büyükşehir Belediyesi Sanat ve Meslek Eğitimi Kursları (BUSMEK), Odunpazarı Belediyesi Meslek Edindirme Kursları (OMEK) ve Beyoğlu Belediyesi Semt Konakları Yayıncılık: Beyaz İletişim A.Ş ve Nokta Elektrik Medya Ltd. Şti.</p>
Demirören Grubu	<p>Gazete: Milliyet, Vatan</p>	<p>Demirören Şirketler Grubu: Gaz Grubu: Milangaz, Likidgaz, Mutfakgaz, Güneşgaz Sanayi Grubu: Demirören Tüp A.Ş., Azerbaycan Ağır Sanayi, Parsat Piston A.Ş İnşaat Grubu: Demirören İnşaat Eğitim Grubu: Ata Koleji</p>
Dünya Grubu	<p>Gazete: Dünya gazetesi Basım: Dünya Süper Web Ofset A.Ş Dünya Yayıncılık A.Ş., Dünya Aktüel A.Ş., Dağıtım: Dünya Süper Dağıtım E-Dünya: kobiden.com, dunyastore.com, pcworld.com.tr, computerworld.com.tr, byte.com.tr, dunyagida.com.tr, dunyainsaat.com.tr, makinamagazin.com</p>	
TMSF	<p>Olay TV, Olay FM</p>	<p>Kamu</p>
MNG Holding	<p>TV: TV8</p>	<p>İnşaat: Günel İnşaat, Ticaret ve Sanayi A.Ş., MAPA İnşaat ve Ticaret A.Ş., MNG ESMAŞ A.Ş., MNG Tesisat A.Ş., MNG Targem A.Ş., MNG Zemtaş A.Ş.</p> <p>Turizm: MNG Turizm Taşımacılık: MNG Havayolları ve Taşımacılık A.Ş., MNG Kargo Finans: MNF Factoring, MNG Finansal Kiralama</p> <p>Uçak Bakım: MNG Technic</p> <p>Enerji: Derya Elektrik Üretimi ve Ticaret A.Ş., BGT Mavi Enerji Elektrik Üretim Dağıtım Pazarlama Sanayi ve Ticaret A.Ş.</p>
Termikel	<p>KTV Yayıncılık: Kanal A, Radyo A</p>	<p>Sanayi: Termikel A.Ş.</p>
Mediasa (Sabancı)	<p>Fashion TV Türkiye, Fashion TV Magazine, Z TV</p>	<p>Tekstil: Demsa Group, Harvey Nichols</p>

Company	Media Investments	Other Investments
Spectrum Medya:	<i>Süper FM, Metro FM, Joy FM, Joy Türk FM</i>	Actera Group (Özel Fon) Mey İçki, G2M, LBT Varlık Yönetim, Mars Entertainment Group
Power Group	<i>Radio: Power FM, Power Türk, Power XL, Radyo Fenomen</i>	Giyim: Vakko, Vakkorama, V2K Designers, W Collection
Saran Group	<i>Radio: Radyo Spor, Radyo Tatlıses, Radyo Time ve Radyo Pink</i> <i>Seslendirme: Saran Digital Studios</i>	Turizm: Cedok Enerji: Saran Enerji Savunma Sanayi: Saran Savunma (Raytheon International, Bell Helicopter Textron, Israel Aircraft Industries, Astronautics) Sağlık: Vita Family
Bir Numara Yayıncılık	<i>TV: Number One TV, Fashion One TV</i> <i>Radio: Number 1 FM, Radyo Klas</i>	

About the authors

DİLEK KURBAN

Dilek Kurban is the Director of the Democratization Program at the Turkish Economic and Social Studies Foundation (TESEV) and an adjunct professor of law at the Political Science Department of Boğaziçi University. She holds a Master's in International Affairs (MIA) from Columbia University's School of International and Public Affairs and a Juris Doctor (JD) degree from Columbia Law School, where she was a Harlan Fiske Stone scholar. Her primary research areas are the Kurdish question, internal displacement, minority rights and media freedom in Turkey, as well as the European human rights law. Kurban was a Columbia Human Rights Fellow at the European Center for Minority Issues in Germany. Between 1999 and 2001, she worked as an Associate Political Affairs Officer at the Security Council Affairs Division of the United Nations Department of Political Affairs in New York. She is a founding member of the Diyarbakır Institute for Political and Social Research (DISA) in Turkey. Kurban was a columnist for daily *Radikal* and an editor for the weekly Armenian-Turkish *Agos* and is a regular commentator in the media on Turkey's democratization process. She has authored academic and policy publications nationally and internationally.

CEREN SÖZERİ

Ceren Sözeri is a faculty member at the Communications Department of Galatasaray University. She earned both her bachelor's and master's degree from Galatasaray University. She received her Ph.D. from Marmara University with a thesis on 'transnational media mergers in Turkey'. Her research areas are media economics, media policy, competition, diversity, new media and social media. She co-authored the report titled 'The political economy of the media in Turkey: A sectoral analysis report' (Turkish Economic and Social Studies Foundation-TESEV, 2011).



TESEV

Bankalar Caddesi
Minerva Han, No:2, Kat: 3
34420 Karaköy İstanbul
T +90 212 292 89 03
F +90 212 292 90 46
www.tesev.org.tr

ISBN:978-605-????-??-?