

European External Action Services **Susma/Speak Up Platform Presentation by Sonay Ban**

Susma/Speak Up Platform was founded in September 2016 under Punto24 –an umbrella civil society organization (CSO) platform for independent journalism. Over the last six years, we monitor and document violations of freedom of expression in media as well as violations of artistic freedom in culture and the arts in Turkey.

How we define censorship

As a CSO, we define and treat censorship as an umbrella term. What it means is that traditional ways of censorship as we know it, namely removing and replacing censored artistic works are still intact in Turkey and they usually reveal themselves as “the banning of artistic expression through legal means” (Karaca 2011), namely official reasons for censorship.

Adding to this mechanism, we also include other “non-official” censorship mechanisms, namely targeting artworks or artists, preventing plays, cultural events, or public screenings, “hate speech directed at artists and art institutions which delimit the presentation and circulation of artworks” (Karaca 2011), delegitimization of cultural works, defamation, threats on social media, even physical attacks, among others.

Based on what I mentioned, we can see that censorship does not *only* come from the state institutions anymore, although they play big parts in many cases and enforce censorship quite well. In the last two decades, we see multiple enforcers and diverse *forms* of censorship, ranging from putting artists on trials to banning demonstrations, from blocking access to online resources and news sites to depriving newspapers or dissident TV stations of income through administrative sanctions or monetary fines, from declaring certain publications as “harmful/obscene” to targeting artists and artistic works, etc.

What we do at Susma/Speak Up Platform

- In day-to-day activities, we publish news and articles, conduct and publish interviews with artists and journalists whose works have been censored or who committed self-censorship over the years. For the last five years, we published annual reports on cases we record.¹
- We work closely with cultural organizations, publishers, writers, journalists, and several institutions in Turkey to develop networks of solidarity. Our membership has extended to more than 120 participants.²
- We follow court cases of artists and journalists currently tried or sentenced based on their artistic works. Among the legal cases and trials we have monitored over the years include Ahmet Altan’s, İlhan Çomak’s, Zehra Doğan’s, Ferhat Tunç’s,

¹ <https://susma24.com/en/index.php/publications/>

² <https://susma24.com/en/index.php/members/>

and the *Bakur* case, alongside many others, unfortunately.

- We organize webinars on local and international levels: The most recent one in 2021 was called “Freedom of Artistic Expression: What happened to the canary in the coal mine?” Our panelists discussed which rights and freedoms fell within the freedom of artistic expression, and by what means and which actors it was prevented, as well as relevant domestic and international laws and mechanisms.³
- We organize online conferences (due to the pandemic for the last two years). The most recent one we held was in May 2021. The conference is entitled “Freedom of expression of LGBTQI+ individuals and censorship,” in collaboration with the KaosGL Association.
- We create alternative spaces for censored artworks and artists. In July 2021, we organized a forum called “Documentary Films Resisting Censorship” where we talked with directors, producers, and audiences of documentary films that were blocked from being screened, censored at festivals, and lawsuits filed against their directors since the early 2000.
- Collaborations with international organizations have been sustained over the years: The most recent partnership of our platform was with Freemuse as we documented violations of freedom of expression in Turkey and submitted a [report](#) as part of the Third Cycle of the Universal Periodic Review (UPR) of Turkey for 2020 to the UN Human Rights Council. We have also established collaborations with Article 19 and SH|FT (Safe Havens|Freedom Talks), a CSO based in Sweden.
- Moreover, we were invited to the panel called “Art Under Pressure” as part of the Göteborg Book Fair in September 2021. There, we discussed our work within the scope of freedom of artistic expression in Turkey. We were also invited to moderate one of the Freedom Talks organized by SH|FT. The online panel, in participation of two artists from Turkey (one anonymous street artist who has been on trial for his works and a musician/academic), is [scheduled to be broadcast on June 14, 2022](#).
- We push for policy changes for lifting restrictions on the arts. To this end, in 2021, we held meetings with lawmakers as part of our advocacy efforts. We shared our findings and recommendations with them. This resulted in the submission of two parliamentary questions to the Grand National Assembly of Turkey (TBMM) by deputy Sera Kadigil from the Worker’s Party of Turkey –TİP. One of the parliamentary questions is about the recently launched hotline as part of the Fight Against Obscene Publication project by the Board for the Protection of Minors from Obscene Publications, addressed to the Minister of Family, Labor and Social Services. The other one is concerning the allegations that the RTÜK (Radio and Television Supreme Council) applied to have radio stations broadcasting online shut down and that the Supreme Council interfered with certain TV scripts on such grounds as “public morality” before those shows were produced.

³ <https://susma24.com/en/index.php/webinar-freedom-of-artistic-expression-what-happened-to-the-canary-in-the-coal-mine/>

Recent examples of censorship practices in Turkey

For recent “official” reasons for censorship, we can primarily mention;

1) **“Insulting the president”**

Article 299 of the *Turkish Penal Code (Türk Ceza Kanunu* in Turkish) penalizes insulting Turkishness, the Republic, the organs, and the institutions of the State and *that* involves insulting the president.

Notable examples:

- Rap singer, Şehinşah, was detained for “insulting the president” based on his Twitter posts.
- Actors Müjdat Gezen and Metin Akpınar have been on trial for “insulting the president” in a TV program on Halk TV, a TV channel dissident to the current government and pro-main opposition party CHP (Republican People’s Party). Actor Genco Erkal will also appear in court with the same allegation, based on his social media posts.

2) Allegations of **“making propaganda for a terrorist organization,” “membership of a terrorist organization” and “aiding a terrorist organization”** based on the article 7/2 of Turkey’s Anti-Terror Law (*Terörle Mücadele Kanunu* in Turkish)

Examples:

* Filmmaker Çayan Demirel and journalist Ertuğrul Mavioğlu, directors of the documentary movie *Bakur (North)*, were each sentenced to 4 years and 6 months in prison in July 2019, over the allegation of “making terrorist propaganda.” The verdicts are appealed, yet the court placed a travel ban on the directors.

* Filmmaker Weysî Altay, director of *Nu Jîn (New Life)* was also sentenced to 2 years and 6 months in prison for the same allegation through the poster of his film, which shows the YPG flag with a YPJ fighter. The verdict was appealed, and he is on a travel ban.

* Writer Yavuz Ekinci has been charged with “making terrorist propaganda” under the Anti-Terror law based on his social media posts from 2013 and 2014. His tweets involved the celebration of Newroz in Diyarbakır, and the support for Kobane, Syria, during the Turkish government’s intervention at the time. His trial is postponed and we are following it closely.

* Musician Ferhat Tunç has been tried on charges of “insulting the president,” and “making terrorist propaganda,” among other charges through his social media posts. He has been living in Germany for some time as his trial continues.

3) **“Obscenity effect:”** Certain books have been enlisted to have an “obscene effect” on the spirituality of minors, and they were declared as obscene publications according to the decision by the Protection of Minors from Obscene Publications Board, which operates under the Ministry of Family and Social Services. Authors and translators were prosecuted on the charge of “obscenity” (*Turkish Penal Code, 226*), accordingly.

Example:

English author Alice Oseman's comic book *Heartstopper*, which tells the love and life of two men and was published in Turkish, was declared an obscene publication in September 2021.

- 4) **“Coronavirus, pandemic, and public health”** have become among the justifications for many governorships/district governorships across Turkey to declare bans on public gatherings and demonstrations.
- 5) Reasons, including **“public order, national security, prevention of possible provocations and social events, public peace,”** and occasionally **“public morality,”** have been used by governorships and district governorships for some time to declare demonstration bans.

Example:

In November 2017, Ankara Governorship indefinitely canceled the scheduled German LGBTI Film Days to be held in the German Embassy in Ankara. The organizer KuirFest declared that they have been targeted online with hashtags before the cancellation. In the official statement by the Governorship office, it was stated that the event “may provoke one section of the public with different social class, race, religion, sect, and regional features to show hatred and animosity in the disadvantage of other section, therefore clear and imminent danger towards public safety may arise; also, considering that this may jeopardize public order, prevention of crime, protection of public health and morality, and protection of rights and liberties of others; as a result of several social sensibilities there may occur provocations and reactions by several sections towards groups and individuals who want to attend the intended event.”⁴

Unofficial reasons:

- 1) **Suppression of Kurdish language and culture**

Example:

According to a news article from the Mezopotamya Agency, Turkish sentences were written on each step of the 10-step stairs in an elementary school in a neighborhood of Adana where the Kurdish population is high. Some of the racist and discriminatory expressions are the following: “Let’s not be ashamed of our language,” “Either speak Turkish or shut up!” “Turk means Turkish,” “Turkish will not thorn your tongue,” “He who loses his language loses his country.”

- 2) **The Radio and Television Supreme Council (RTÜK in Turkish) [founded in 1994] impose disproportionate penalties** for programs on TV channels that are not affiliated with the government and that broadcast critical comments and news.

Example:

In August 2021, an independent journalist posted on Twitter an official document sent by the Council to the administratives of the news outlets. The document imposes **not to** broadcast news on wildfires in Turkey. The government authorities were largely blamed on social media and on dissident TV channels for their lack of intervention in the

⁴ KaosGL is an LGBTI+ rights organization in Turkey. <https://kaosgl.org/en/single-news/indefinite-lsquo-public-moralityrsquo-ban-on-lgbti-events-by-governorship-of-ankara>

wildfires. In turn, government authorities targeted social media users and called them traitors as these users were globally disseminating the images of fire and the hashtags called “Global Call #HelpTurkey” during the wildfires.

- 3) Last but not least, **preventing news items, specifically on the internet, regarding state corruption or other irregularities is another unofficial reason that results in blocking access to the websites.** We monitor and record cases for blocking access to the news on the internet and the websites on a weekly basis –we also have certain news blocked by the same token.

What do we expect from the European Union institutions for solutions for identified challenges?

As the Speak Up Platform, we partnered with Freemuse and submitted [a report](#) as part of the Third Cycle of the Universal Periodic Review (UPR) of Turkey for 2020 to the UN Human Rights Council.

There we had many recommendations for the Turkish authorities to comply on the way to protect freedom of expression and artistic freedom. I'll provide two examples:

- “[We asked for the removal of] criminal defamation and insult from the statute books by abolishing Articles 125 [Offenses against dignity–Insult] and 299 [Insulting the President, from the Turkish Penal Code]. In the meantime, [we asked for restricting] public officials and authorities, and the President from initiating defamation cases before criminal and civil courts.”

- “[Turkish] Penal Code Article 215 ([criminalizes] ‘praising a criminal’) should not be applied in a manner that leads to the prosecution of those practicing their rights to artistic freedom of expression.”

We are here to say that as a civil rights organization, we do what we can, in our capacity and on our ends, to push for practice-based advocacy work and policy changes in Turkey.

We ask EU institutions to help us and other CSOs in Turkey to push the Turkish authorities to comply. In the last couple of years, especially in 2021, the AKP government put **more financial and bureaucratic pressure on many CSOs** through auditing, targeting on media as “the agents of external powers,” or even arrests of CSO employees, as in the case of Rosa Women Association, which is represented in these meetings.

Also, additional to the ongoing support of CSOs and timely advocacy works for freedom of the media (media freedom), **we would appreciate it if more EU institutions also *specifically support freedom of artistic expression* in non-EU countries and *create specific funding opportunities in compliance with the EU standards.***

We all know that funds allocated to CSOs in the non-EU countries are way less than for those in the EU countries for a variety of reasons [financial, bureaucratic, and international politics-related]. **Political and financial instability in Turkey indicates significant reasons for many international collaborations to be suspended over the last two years in the CSO sector. Nonetheless, as Susma/Speak Up Platform, we believe that international collaborations should be sustained especially at times of crises and instabilities for strengthening networks of solidarity and support on the way to concrete policy changes.**

Our UPR report of 2020 ends with recommendations for the Turkish authorities to comply and I just mentioned two of them. All these recommendations, unfortunately, are on hold. Hence, we ask the related EU institutions to support us for the Turkish state authorities to make necessary changes in the legal system in favor of freedom of artistic expression and media freedom.

Some of the recommendations we put forward on the UPR report of 2020:

“A multitude of legislation is applied in Turkey that either directly targets freedom of expression, or in its applications suppresses this right as protected under Article 19 of the ICCPR [International Covenant on Civil and Political Rights], as well as under the Turkish Constitution. The following recommendations address some of these infractions of human rights protections as they relate to the practice of the right to freedom of expression by artists and cultural practitioners.

- Review legislation introduced in July 2018 under Law No. 7145 that normalizes within law decrees enforced during the 2016-2018 State of Emergency and that are incompatible with Turkey’s commitments under the ICCPR.
- Recognize that the definition of “terrorism” in the application of anti-terror laws is ambiguous. The notions such as “terror”, “terrorist organization”, “membership of a terrorist organization”, and “disseminating propaganda on behalf of a terrorist organization” remain ambiguous and should be clarified by law.
- Acknowledge that anti-terror legislation should not be applied against artistic and creative works that clearly have no connection with nor propagate violence. Public officials should desist from issuing statements that ally artists with terrorism, and hence turn artists into targets for harassment, intimidation, and attack.
- Review and repeal the Anti-terror Law to bring it in line with the Turkish Constitution and Article 19 of the International Covenant on Civil and Political Rights.
- Take serious steps to abolish discretionary powers by non-elected officials who regularly rely on Laws no. 2911 and Provincial Administration Law No. 5442 to curtail peaceful meetings and arts events as guaranteed under the Turkish Constitution and international agreements.

- Revoke Penal Code Article 216/3 [by] removing the crime of ‘denigration of religion.’⁵
- Remove criminal defamation and insult from the statute books by abolishing Articles 125 [Offenses against dignity–Insult] and 299 [Insulting the President]. In the meantime, restrict public officials and authorities, and the President from initiating defamation cases before criminal and civil courts.
- Penal Code Article 215 (“praising a criminal”) should not be applied in a manner that leads to the prosecution of those practicing their rights to artistic freedom of expression.”

Cited Works

Karaca, Banu. 2011. “Images Delegitimized and Discouraged: Explicitly Political Art and the Arbitrariness of the Unspeakable.” *New Perspectives on Turkey* 45: 155–83.

⁵ “A person who publicly degrades the religious values of a section of the public shall be sentenced to a penalty of imprisonment for a term of six months to one year, where the act is capable of disturbing public peace.”

https://www.legislationline.org/download/id/6453/file/Turkey_CC_2004_am2016_en.pdf