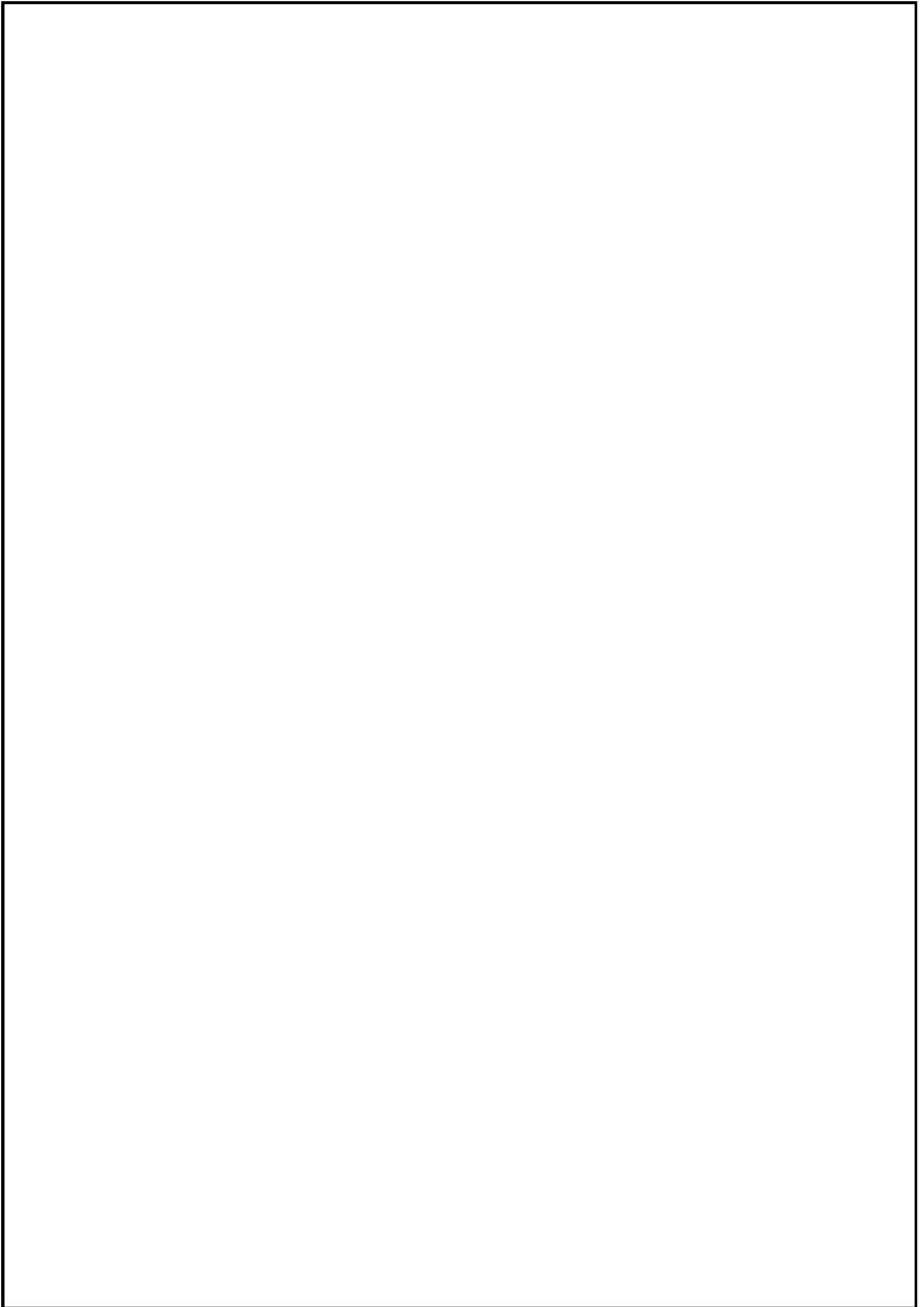




30 YEARS OF CENSORSHIP:  
**30TH ANNIVERSARY OF THE  
RADIO AND TELEVISION  
SUPREME COUNCIL**

MISA



## 30 Years of Censorship:

### *A Report on the 30th Anniversary of the Radio and Television Supreme Council*

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Istanbul

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# ABOUT THE MEDIA AND LAW STUDIES ASSOCIATION

The Media and Law Studies Association (MLSA) is a civil society organization dedicated to promoting freedom of expression since 2018. It provides legal support to individuals whose rights have been violated, focusing especially on journalists, media professionals, and human rights defenders. MLSA also plays a key role in advocacy by submitting regular reports to international bodies, including the Council of Europe's Committee of Ministers. Through workshops for journalists, lawyers, and civil society organizations, the association works to build skills and strengthen capacities. Since its founding, MLSA has run Turkey's most extensive trial monitoring program, issuing regular reports on its findings. The program has monitored over 1,500 hearings to date and serves as an essential resource for media outlets and human rights groups.

The Media and Law Studies Association (MLSA) also monitors internet freedom and censorship in Turkey through its *Free Web Turkey* project. In addition to this initiative, the organization offers legal and institutional support to associations and foundations as part of its civil society capacity-building program. Furthermore, the MLSA website serves as a platform for independent journalists, publishing their articles and providing a space to amplify their work.

**30 YEARS OF CENSORSHIP:  
30TH ANNIVERSARY OF THE  
RADIO AND TELEVISION SUPREME  
COUNCIL**

**RTÜK**

**MİSA**

# INTRODUCTION

The Radio and Television Supreme Council (RTÜK) has been a part of life in Turkey for three decades, although it has recently garnered attention for its involvement with issues like “Açık Radyo,” “YouTube,” and “street interviews.” This report by the Media and Law Studies Association (MLSA) provides a comprehensive examination of RTÜK on its 30th anniversary while also analyzing penalties it imposed between January 1, 2023, and June 30, 2024.

## Origins of RTÜK: From State Monopoly to Regulation

Turkey’s 1982 Constitution granted the state exclusive control over radio and television broadcasting, banning private broadcasters and designating TRT as the sole legal outlet. However, the rise of unlicensed private broadcasting in the 1990s led to significant change. In 1993, a constitutional amendment abolished the state monopoly, paving the way for the establishment of RTÜK in 1994.

The council, composed of nine members appointed by parliament based on party representation, was tasked with regulating broadcast content, issuing licenses, and establishing broadcasting standards. In 2018, its authority expanded to include internet streaming services, broadening its influence over digital content.

## A Shift in Focus: From Regulation to Punishment

While RTÜK’s initial mandate centered on curbing unlicensed broadcasting and regulating content, its punitive role has since taken precedence. The council now has the power to impose administrative fines, suspend programs, or halt broadcasts that violate its principles.

## Analyzing Penalties: January 2023–June 2024

RTÜK’s enforcement disproportionately targeted opposition channels during the review period, with penalties concentrated in four key areas:

**Criticism of the Government:** Content critical of the government accounted for the highest number of penalties. Reports addressing corruption allegations and critiques of election processes frequently faced sanctions.

**Disaster Management Criticism:** Following the Kahramanmaraş earthquake, millions of liras in fines were issued against broadcasters criticizing the government’s disaster response.

**Conservatism and Religion:** Dramas like *Kızıl Goncalar* and *Kızılıcak Şerbeti* faced substantial penalties after being targeted by religious groups, reflecting RTÜK’s sensitivity to content perceived as challenging conservative or religious norms.

## The Kurdish Issue, Minorities and LGBTQ+

Opposition channels faced penalties for statements made in news and discussion programs addressing the Kurdish issue. Additionally, Açık Radyo was fined during this period for the use of the term "Armenian genocide." A technical complication related to this penalty ultimately led to the loss of the station's broadcasting license.

Significant penalties were also imposed on broadcasts covering LGBTQ+ topics, reflecting the council's restrictive stance on such content.

## Election coverage and criticism of disaster management face millions in fines

Between January 1, 2023, and June 30, 2024, broadcasters in Turkey were fined a total of 124 million lira by the Radio and Television Supreme Council (RTÜK). During this period, RTÜK also issued 1,304 program suspensions and broadcast bans. FOX (NOW) TV received the highest total fines, while channels affiliated with the pro-government Turkuvaz and Demirören Media Groups faced no penalties.

The single largest fine in RTÜK's history, amounting to 13 million lira, was imposed on FOX TV during the 2023 Presidential Election. The penalty was triggered by journalist Çiğdem Toker's remark that "democracy is not limited to the ballot box."

### Penalties by Theme

Nearly half of the fines (61 million TL, 49%) were related to criticism of the government:

- **Corruption Allegations:** 15.6 million TL in fines were issued for broadcasts covering allegations of government corruption.
- **Election Coverage:** Content critical of election-related issues resulted in 13.5 million TL in penalties.
- **Disaster Management Criticism:** Following the February 2023 Kahramanmaraş earthquake, 4 million TL in fines were levied against outlets criticizing the government's disaster response.

Programs addressing other sensitive topics also faced harsh penalties:

- **Religious Themes:** Dramas such as Kızılıcak Şerbeti and Kızıl Goncalar were fined and faced suspensions after being targeted by religious groups.
- **The Kurdish Issue:** Statements addressing the Kurdish issue led to fines totaling 1 million TL.
- **LGBTQ+ Content:** Broadcasts featuring LGBTQ+ topics incurred 568,000 TL in fines.

## RTÜK's interpretation of "neutrality" boiled down to supporting the government

RTÜK most frequently cited violations of the "principle of neutrality" as the basis for its penalties. At least 28 million lira in fines were issued under this justification.

For example, channels penalized for criticizing the government's disaster management following the earthquake were often fined under the pretext of violating "neutrality."

The second most frequently cited justification for fines was "violations of advertising regulations," followed by "derogatory statements." The latter was commonly used to penalize reports and critiques of government corruption and bribery involving state officials.

Additionally, nearly 10 million lira in fines were issued under the justification of "violating national and moral values."

### **Internet broadcasts come under RTÜK oversight, YouTube may be next**

In 2018, a regulatory change brought digital platforms like Netflix and Amazon Prime under RTÜK's oversight. By November 2023, RTÜK demanded that international public broadcasters Deutsche Welle (DW) and Voice of America (VOA) apply for broadcasting licenses. Both organizations refused, leading Ankara's 1st Criminal Court of Peace to impose access bans on their platforms.

In the summer of 2024, RTÜK Chairman Ebubekir Şahin announced plans to regulate street interviews published on YouTube, criticizing the content of such interviews. Shortly after his remarks, on August 12, Dilruba Kayserilioğlu was detained for 18 days after criticizing Instagram's potential ban in a street interview. She was later sentenced to 7.5 months in prison for her comments.

Most recently, on September 2, 2024, Şahin declared that individuals and organizations producing news or programs on YouTube would be required to obtain licenses.

### **RTÜK cites 'Armenian Genocide' remark to silence 29-year-old Açık Radyo**

One of RTÜK's most controversial actions in 2024 was its decision to revoke the terrestrial broadcasting license of Açık Radyo, effectively ending its 29-year-long run. The move followed a penalty of five program suspensions over the use of the term "Armenian Genocide." RTÜK justified the license cancellation by claiming the suspensions were not implemented. Legal proceedings challenging the decision are ongoing.





## Establishment, functioning, and structure of RTÜK

The Radio and Television Supreme Council (RTÜK) was established in 1994 following constitutional amendments that ended the state monopoly on broadcasting in Turkey. This shift allowed private broadcasters to operate legally, making RTÜK responsible for regulating radio, television, and, later, internet broadcasting.

RTÜK is composed of nine members, appointed by parliament based on the proportion of seats held by political parties. This structure often leads to a council reflective of the prevailing political balance in parliament, raising concerns about its independence.

The council is tasked with:

- Issuing broadcasting licenses,
- Monitoring compliance with broadcasting principles,
- Enforcing penalties for violations, which include fines, program suspensions, and broadcast bans.

In 2018, RTÜK's authority was expanded to include online streaming platforms like Netflix and Amazon Prime, and more recently, it has begun regulating social media content and YouTube broadcasts.

RTÜK's dual role as both a regulator and an enforcer has faced criticism, with accusations that it disproportionately targets opposition voices while shielding pro-government media outlets from scrutiny.

RTÜK's responsibilities include issuing licenses for radio and television broadcasts, monitoring compliance with broadcasting regulations, and imposing penalties when necessary. Additionally, the council is tasked with drafting regulations to govern and manage radio and television broadcasts.

### **Election of RTÜK members**

RTÜK consists of nine members selected from candidates nominated by political parties in the Turkish Grand National Assembly (TBMM). The number of seats each party holds in parliament determines their allocation of RTÜK member nominations. Once elected, members are required to relinquish their party affiliations.

The chairperson of the council is chosen by RTÜK members from among themselves. As of November 2024, the composition of RTÜK includes four members from the AK Party, two from the CHP, and one member each from the MHP, İYİ Party, and DEM Party.



## RTÜK decisions: January 2023 – June 2024

**TV broadcasts were penalized with a total of ₺124 million in fines and 1,357 instances of screen blackouts.**

Between 2023 and the first half of 2024, RTÜK imposed fines totaling ₺124,494,256.72.

The council issued 352 penalty decisions in 2023, but this number dropped sharply to just 23 in 2024. Of the total fines, ₺88,840,826 was levied in 2023, and ₺36,013,430 in 2024, affecting 44 television and radio channels overall.

	2023	2024 (First half)
<b>Total administrative fines imposed:</b>	88.480.826,72 TL	36.013.430,00 TL
<b>Program suspension penalties:</b>	292 programs	18 programs
<b>Broadcast suspension penalties:</b>	997 days	50 days

In addition to administrative fines, there were a total of 1,357 instances of screen blackouts. In 2023, RTÜK issued 292 program suspension penalties and halted broadcasts for a total of 997 days across various channels. During the first half of 2024, 18 program suspensions were issued, along with 50 days of broadcast suspensions.

# FOX | NOW

## Fines and penalties by channel: Highest fine issued to FOX (NOW) TV

Channel	Total fine (TL)
FOX (NOW) TV	₺71,346,846.00
SHOW TV	₺9,871,088.00
STAR TV	₺9,702,849.00
h halk	₺3,857,388.00
TELE1	₺1,815,004.00
TGRT HABER	₺928,340.00
FLASH HABER	₺883,420.72
BEYAZ TV	₺617,572.00
HABER TÜRK	₺495,965.00
SZC TV	₺429,049.00
KRT	₺342,952.00
Açık Radyo	₺189,283.00
İLKE TV - CRR MEDYA A.Ş	₺85,738.00
Other Channels	₺23,928,762.00
<b>TOTAL</b>	<b>₺124,494,256.72</b>

incurring 71 million TL (approximately \$2.54 million) in administrative fines—nearly half of all fines imposed by RTÜK. Most of these penalties targeted the channel's news bulletins and the political commentary program Orta Sayfa. Following FOX TV, Show TV and Star TV each faced fines totaling 9 million TL (approximately \$320,000).

Channels identified as opposition-aligned were also significantly fined: Halk TV received 3.86 million TL (approximately \$138,000) in fines, while TELE1 faced penalties of 1.82 million TL (approximately \$65,000).



## No fines for pro-gov't Demirören and Turkuvaz groups, Starbucks segment leads penalty for TGRT

Turkey's Radio and Television Supreme Council (RTÜK) has issued record fines to several channels but did not penalize outlets owned by pro-government media groups. Channels under Demirören Group, including Kanal D and CNN Türk, and Kalyon-Turkuvaz Group, which operates ATV, A2, and A Haber, avoided any sanctions.

TGRT, known for its pro-government stance, faced a penalty of 715,000 Turkish lira (approximately \$25,000). The fine was issued for "covert advertising" after a coffee cup bearing the Starbucks logo appeared during its weekend news broadcast. Starbucks has recently been accused by groups aligned with the government of supporting Israel in the ongoing Israel-Hamas conflict.

## Half of media fines target government criticism

A significant portion of the fines imposed by RTÜK targeted broadcasts critical of the government or addressing politically sensitive issues. According to topic-specific data, RTÜK fined channels a total of 1,079,728 Turkish lira (approximately \$38,000) for discussions related to the Kurdish issue. Additionally, programming that included commentary on LGBTQ+ topics resulted in fines amounting to 568,000 lira (about \$20,000).

Main category of the fine	Sum of fine
Criticism of the government, AKP, or AKP affiliates	₺61,048,055.72
Violations of advertising regulations	₺24,433,145.00
Broadcasts featuring violence or depictions of death	₺12,470,543.00
Content involving child abuse or explicit sexual material	₺10,010,185.00
Criticism of religious groups or communities	₺9,304,238.00
Unauthorized fundraising or donations	₺3,236,934.00
Use of coarse or profane language	₺1,116,846.00
Discussions of the Kurdish issue	₺1,079,728.00
Depictions of tobacco products without blurring	₺694,110.00
Statements concerning LGBTQ+ topics	₺568,237.00
Mentions of the Armenian Genocide	₺189,283.00
Criticism targeting private individuals or organizations	₺171,476.00
Content related to fortune-telling and superstitions	₺171,476.00
Toplam	₺124,494,256.72

# ₺61,048,055.72

The **total fines imposed** for criticisms of the government during the reporting period.

## Distribution of fines issued over criticism levelled at the government or AKP

RTÜK issued the largest fines for broadcasts criticizing the government and individuals close to the administration, with a significant portion related to allegations of corruption. News reports on corruption incurred fines exceeding 15 million Turkish lira (approximately \$530,000), while coverage of election-related content resulted in penalties surpassing 13 million lira (about \$460,000).

Theme of the fine	Total of fine
Criticism related to corruption	₺15,622,875.00
Election coverage	₺13,565,623.00
Criticism of the government's counterterrorism policies	₺9,595,885.00
Criticism of MHP or nationalist groups	₺6,730,797.00
Criticism of the Presidential System of Government	₺6,345,108.00
Criticism of the government's earthquake response	₺4,617,304.00
Criticism of far-right ideologies (e.g., dictator, fascist, Islamist)	₺1,471,752.00
Criticism of economic policies	₺919,395.72
Criticism of foreign policy or refugee policy	₺809,539.00
Criticism of public institutions and organizations	₺731,355.00
Miscellaneous	₺357,458.00
Criticism of torture policies	₺195,226.00
Issues related to healthcare institutions	₺85,738.00



## Historic fine for statement 'Democracy is more than the ballot box' APACAK

The largest fine in the history of RTÜK was imposed following remarks by journalist Çiğdem Toker on FOX TV during the May 28 presidential election. Toker's statement, "Democracy is not just about the ballot box," was deemed by RTÜK as incitement to hatred and hostility. The comment led to a fine exceeding 13 million Turkish lira (approximately \$460,000). In addition to the financial penalty, Toker was summoned for questioning based on her remarks during the election-night broadcast.

### FOX TV fined 6 million lira over report on nationalist group in middle school

RTÜK fined FOX TV 6.3 million Turkish lira (approximately \$220,000) for allegedly violating the principle of "impartial journalism." The penalty followed comments aired on the network's *Çalar Saat* program on January 28, which reported claims that *Ülkü Ocakları*, a nationalist youth organization, had conducted promotional activities at a middle school in Ankara.

RTÜK argued that the broadcast failed to maintain neutrality, a charge frequently leveled against critical media outlets in Turkey.

# ₺13,394,147

The total fine imposed on FOX TV following remarks made by journalist Çiğdem Toker during its election-night coverage on May 28. In dollars, it amounts to about \$460,000.





## Largest fine of 2024 goes to news report on 'AKP's lobster'

RTÜK issued its largest fine of 2024, penalizing FOX TV over a report aired on its April 17 primetime news program. The report, titled "Lobster in the AK Party Group," covered social media backlash against Justice and Development Party (AKP) deputy Şebnem Bursalı, who had shared images of herself dining on lobster at a yacht club in Monaco during the holiday break. The segment also detailed the internal reactions within the AKP parliamentary group following the post.

RTÜK fined FOX TV over 8 million Turkish lira (approximately \$280,000), citing the report as a violation of broadcasting principles.

### More than 6 million TL for report on nepotism

In 2024, FOX TV's evening news faced the largest fine of the year for a report titled "Document of the Scandal, Caught Red-Handed in Favoritism," which alleged that a Deputy Minister of Justice engaged in nepotism during the recruitment of judges and prosecutors. The penalty, amounting to 6 million Turkish lira (approximately \$210,000), was soon followed by another 6 million lira fine for a report covering an inheritance dispute involving Mehmet Uçum, the Chief Legal Advisor to the Presidency. Both reports were deemed to violate broadcasting standards by RTÜK.

## ₺8,894,614.00

FOX TV was also fined by RTÜK for its coverage of a news story involving an AKP Member of Parliament's social media post about a lobster meal (\$310,000 in US dollars).

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## Fines issued to criticism of disaster management post 2023-quakes

Turkish television channels faced a total of ₺4.7 million (approximately \$170,000) in fines for criticisms of the government's earthquake relief efforts and crisis management.

In one instance, statements made by TİP MP Ahmet Şık during a post-earthquake broadcast, where he declared, "After witnessing this situation, everyone should know that being an enemy of such a state is a right and legitimate. It's that clear," were deemed contrary to "the existence and independence of the state" and "Atatürk's principles and reforms."

As a result, an administrative fine of ₺93,241 (roughly \$3,300) was imposed, alongside a penalty requiring the suspension of five programs on the channel. Separately, Halk TV was fined ₺201,775 (about \$7,300) for violating the "principle of impartial broadcasting." The penalty was related to claims aired during journalist Şirin Payzın's Great Disaster Special program, suggesting that irregular migrants engaged in looting in earthquake-stricken areas.

# ₺ 4,703,000

The total amount of fines imposed for criticisms of the government's post-earthquake relief efforts.



## Fines issued over remarks on Kurdish issue

Merdan Yanardağ, a journalist on the TELE1 channel, received a seven-day broadcast suspension for comments made during a June 20, 2023, program regarding PKK leader Abdullah Öcalan's prison conditions. Yanardağ described Öcalan as "a highly intelligent person, someone who reads extensively, has almost become a philosopher in prison because he does nothing but read, and someone who understands, interprets, and analyzes politics correctly." These remarks prompted RTÜK to impose the penalty.

Following these statements, Yanardağ was detained and spent 101 days in custody. At his first court appearance, he was convicted but released after sentencing.

### Fined for "glorifying a criminal" over mention of Demirtaş's book

During the broadcast of Görkemli Hatıralar on Halk TV, host Serhan Asker introduced Dad, a book by Selahattin Demirtaş. RTÜK deemed this an act of "glorifying crime and criminals" and imposed a suspension of the program for five episodes. Additionally, the channel was fined ₺155,402 (approximately \$5,600).

# ₺1,079,728.00

Total sum of fines imposed for statements on the Kurdish issue.



## Fines imposed regarding LGBTQ+ content

The most notable fine issued for LGBTQ+ content during the reporting period targeted Halk TV, following a broadcast featuring Esmeray, a transgender parliamentary candidate.

On November 25, 2023, journalist İrfan Değirmenci hosted Esmeray on his program aired on Halk TV. During the show, Esmeray stated: "I am certain that LGBTQ+ children, especially those from Generation Z, who are watching me right now, are feeling happy and no longer alone."

Citing these remarks, RTÜK imposed a fine of ₺495,636 (approximately \$17,700) on December 28, 2023. The council justified the penalty by stating the broadcast violated principles prohibiting content that is "contrary to national and moral values, general morality, and the protection of the family."

## Praise from RTÜK vice president for anti-LGBTQ+ documentary

RTÜK Vice President İbrahim Uslu publicly praised a new anti-LGBTQ+ documentary series produced by TRT World, sharing its trailer on X (formerly Twitter). Uslu wrote: "The new digital series 'True Colours,' exclusive to TRT World, investigates untold stories of those affected by the spread of gender ideology and the LGBT lobby. "

## Anti-LGBTQ+ rally aired as a public service announcement

One of the most debated public service announcements supported by RTÜK was created to promote the "Great Family Gatherings" organized by the Istanbul Family Foundation. The PSAs, recommended by RTÜK in both 2022 and 2023, included content featuring slogans such as "Stop LGBT Propaganda," which critics have labeled as hate speech.



## Record fines for TV Series targeted by religious and pro-government groups

Two television series faced unprecedented fines following heavy criticism from religious communities and pro-government groups.

The series *Kızılık Şerbeti*, which included critiques of conservative family structures, was fined ₺1,089,209 (approximately \$39,000) and issued a penalty halting the broadcast of five episodes. However, this decision was later overturned by an administrative court. On the evening the penalty was enforced, the series' new episode was replaced by an RTÜK-mandated documentary on Islamophobia, introduced with remarks by President Erdoğan.

Towards the end of the year, another series, *Kızıl Goncalar*, which pro-gov't groups claimed critiqued religious communities, was penalized for allegedly violating "national and moral values." In addition to a fine (estimated at ₺300,000, or approximately \$10,700), the series was ordered to suspend two episodes.



## RTÜK causes Açık Radyo to shutdown over 'Armenian Genocide' remarks

On April 24, 2024, RTÜK penalized Açık Radyo for comments aired during the Açık Gazete program. The broadcast marked the 109th anniversary of the Armenian Genocide, stating: "This is the 109th anniversary of the deportation and massacres in Ottoman territories, known as genocide. As you know, commemorations have been banned again this year." RTÜK accused the station of inciting hatred and hostility, issuing a fine and suspending five episodes of the program.

When Açık Radyo defied the ruling and continued broadcasting, RTÜK announced on July 4 that the penalty had been electronically served on May 31 and claimed the station's failure to comply led to the automatic revocation of its license under media regulations.

On July 10, the Ankara 21st Administrative Court temporarily halted the program suspension, citing the risk of irreparable harm. However, RTÜK appealed the decision. On August 9, the Ankara 10th Regional Administrative Court rejected RTÜK's appeal, upholding the earlier ruling.

Despite this, the Ankara 21st Administrative Court later reversed its position, denying Açık Radyo's request to halt enforcement of the shutdown. This led to the station officially ceasing operations on October 16, 2024.

## Justifications for fines: “Violating principle of neutrality’ for being on the wrong side

Legal Basis	Total Fine
Violation of the principles of neutrality, truth, and accuracy	₺28,313,616.00
Breach of advertising, consumer protection, or product placement regulations	₺25,874,943.00
Violations of human dignity, privacy, or use of defamatory language	₺17,346,891.00
Incitement to hatred and hostility among the public	₺14,797,577.72
Programs harmful to the physical, mental, or moral development of children and young people	₺12,858,393.00
Content contrary to national and moral values or general morality	₺9,958,213.00
Broadcasting that glorifies violence	₺8,137,733.00
Violations related to matchmaking programs, supplements, and similar prohibited formats	₺1,764,882.00
Breach of gender equality principles	₺1,524,893.00
Improper use of Turkish or use of coarse language	₺980,986.00
Presenting terrorism, its perpetrators, or victims in ways that serve terrorist purposes	₺938,396.00
Violation of call sign regulations	₺724,364.00
Breaches against the existence and independence of the state	₺511,599.00
Broadcasting that glorifies crime or criminals	₺241,140.00
Violations of the principles of rule of law, justice, and impartiality	₺213,294.00
Exploitation of individuals through superstition	₺171,476.00
Content violating anti-discrimination laws	₺135,860.00

## Justifications for fines: “Violating principle of neutrality’ for being on the wrong side

**₺28,313,616.00 for violating principle of neutrality**

The most frequent reason cited by RTÜK (Turkey’s Radio and Television Supreme Council) for imposing fines is "violations of the principles of neutrality, truth, and accuracy." Under this justification, fines totaling over ₺28 million have been issued. Programs that included criticism of the government and ruling party, particularly discussions and news broadcasts addressing post-earthquake relief efforts, were heavily penalized under this rationale.

**Violation of privacy fines amounted to ₺17,346,891.00**

Following neutrality violations, breaches of advertising regulations constituted the second-highest reason for fines. The third most common justification cited by RTÜK was "violations of human dignity, privacy, or the use of defamatory language," resulting in administrative fines exceeding ₺17 million. A significant portion of these penalties targeted content criticizing corruption, the economic system, and the Nationalist Movement Party (MHP) or its supporters.

**Content against ‘nation’s moral values’**

Fines for content deemed contrary to "national and moral values" amounted to ₺9,958,000 in total. A notable example under this category was a fine imposed on the series *Kızıl Goncalar* (Red Roses) for its critical portrayal of religious communities. Another high-profile case involved comments made by activist Esmeray during a program hosted by İrfan Değirmenci, where she said: "I’m sure LGBTQ+ kids, especially from Generation Z, watching me right now feel joyful and no longer alone."

**₺9,958,213.00**

Fines for violations of national and moral values exceeded ₺9 Million





## **RTÜK's overdue task: Three decades without a terrestrial broadcasting auction**

One of RTÜK's core regulatory responsibilities is conducting the "terrestrial digital broadcasting ranking auction" in Turkey. This process involves allocating broadcasting frequencies used by terrestrial transmitters through competitive bidding. However, this auction has not been held for 30 years.

Before the enactment of the RTÜK Law in 1994, broadcasters were using these frequencies illegally. After the law was passed, these frequencies were temporarily assigned to existing broadcasters for a fee, while new broadcasters were prohibited from entering the market until an official auction could be held. Under the RTÜK Law, frequencies must be allocated to broadcasters via an auction. A regulation issued in 1995 allowed broadcasters who had been operating until that year to continue their services temporarily.

However, new entrants were restricted to operating only after frequencies were officially auctioned. Despite several attempts, the auction has never been successfully conducted due to various reasons, leading to an estimated financial loss of billions of dollars. As of now, there has been no progress toward holding the frequency allocation auction.

The issue has been highlighted in audit reports by the Turkish Court of Accounts (Sayıştay), which underscored RTÜK's responsibility to organize the terrestrial broadcasting ranking auction. The reports called for urgent action, emphasizing the need for RTÜK to complete the necessary steps as soon as possible to fulfill this long-standing obligation.

## **Constitutional Court rules RTÜK violated free speech due to 30-year delay in frequency bid**

Radio broadcasters who have been unable to secure licenses for decades due to the Radio and Television Supreme Council's (RTÜK) failure to hold a frequency auction have turned to Turkey's Constitutional Court (AYM) for redress. In a landmark ruling, the court determined that RTÜK's inaction—failing to organize a "broadcast frequency allocation" auction for 30 years—constituted a violation of freedom of expression and press freedoms. It has now directed RTÜK to immediately hold the auction.

The decision, known as the "Good News" ruling, was officially published in the Official Gazette on April 17, 2023. The case stemmed from a complaint filed by six radio companies that were denied the ability to broadcast due to the absence of a frequency auction. The AYM found that the lack of new frequency allocations created inequalities between new and existing broadcasters, hindering fair competition.

Referring to its previous "Our Radio" decision, the Constitutional Court emphasized that RTÜK had yet to comply with earlier rulings and stressed that its decisions are binding for the regulatory body. The court's move signals a strong call for RTÜK to address its longstanding inaction, underscoring the critical importance of upholding freedoms of expression and ensuring equal access to broadcasting rights.



In 2018, Turkey's Radio and Television Supreme Council (RTÜK) was granted new powers to regulate internet broadcasts through an amendment to the law. This change required digital platforms like Netflix and Amazon Prime to obtain licenses and subjected their content to oversight. The regulation also brought foreign media organizations broadcasting online under RTÜK's jurisdiction.

RTÜK determines which online broadcasters must obtain licenses. Those who fail to apply are subject to access bans within 72 hours. Between 2022 and 2023, RTÜK mandated licenses for 190 websites. Of these, 94 websites were blocked, and 40 ceased operations.

Licensed broadcasters are obligated to adhere to RTÜK's broadcasting principles, which include regular inspections. RTÜK may impose fines or order the removal of content it deems non-compliant with its standards.

As of 2024, broadcasters must pay 643,517 TL (approximately \$23,000) to obtain a license and contribute 1.5% of their revenue as a participation fee to RTÜK. This framework has raised concerns about increased oversight and potential restrictions on press freedom in Turkey's digital media landscape.

## RTÜK expands scrutiny to internet broadcasts

### First penalty to Netflix Show Cuties

In September 2020, RTÜK imposed its first penalty on an on-demand platform by targeting Netflix. The Supreme Council reviewed the controversial film "Cuties" ("Minnoşlar" in Turkish) and determined that it violated the broadcasting regulation stating that "broadcast services... must not contain exploitation of children, the vulnerable, or persons with disabilities, nor promote violence." As a result, RTÜK ordered the removal of the film from Netflix's catalog.

In its explanation, RTÜK cited an expert report, which concluded that the production depicted children engaging in adult-like behavior at an early age and involved elements of exploitation and abuse. The report also expressed concerns that the film could encourage patterns of potential child exploitation. The penalty highlighted RTÜK's increasing scrutiny of content on digital platforms and its willingness to enforce regulations to align with its broadcasting principles.



### Platforms fined for LGBTQ+ content

In November 2023, RTÜK imposed fines on six different platforms for hosting LGBTQ+ content, by citing violations of its principles regarding the "protection of the family" and "general morality."

RTÜK specifically pointed to what it described as "the depiction of an alternative, gender-based ideal world" and "the rejection of traditional gender boundaries," claiming that these elements were being normalized through the content. These grounds were used to support the council's decision to issue fines, underscoring its stance on media portrayals that challenge conventional social norms in Turkey.

30 YEARS OF CENSORSHIP

30TH ANNIVERSARY OF RTÜK

RTÜK imposed administrative fines on several programs featuring LGBTQ+ themes, including Anne+ and Elite on Netflix, Love Victor on Disney+, The Book of Queer on BluTV, and Room in Flames (Ateşli Oda) on Mubi. The council cited violations of the principle that “broadcasts must not contradict the national and moral values of society, general morality, and the protection of the family.”

In response to ongoing concerns about content, RTÜK announced plans to hold a comprehensive meeting with digital streaming platform representatives in Ankara. Scheduled for September, the meeting will focus on broadcast policies concerning sensitive topics, including the Turkish family structure, national values, and the country’s indivisible integrity.



## Deutsche Welle and Voice of America websites blocked

Since gaining the authority to regulate internet broadcasts, RTÜK has enforced licensing obligations on foreign media organizations operating online. Platforms that fail to comply face access bans.

On February 21, 2022, RTÜK issued a 72-hour ultimatum to three major outlets—Voice of America ([amerikaninsesi.com](http://amerikaninsesi.com)), Euronews Turkish ([tr.euronews.com](http://tr.euronews.com)), and Deutsche Welle ([dw.com](http://dw.com))—to apply for on-demand broadcasting licenses. The justification provided stated that these outlets, by offering categorized and cataloged content such as “audio files,” “videos,” and “programs,” were deemed to be providing on-demand broadcasting services, thus requiring an internet IBYH license under Turkish regulations. Failure to obtain a license would result in access restrictions.

This move has raised concerns over press freedom and access to independent information in Turkey, as licensing obligations may introduce barriers to foreign media operating in the country.

After Euronews removed its video content to comply with Turkish regulations, RTÜK withdrew its licensing requirement for the platform on April 13, 2022.

However, Deutsche Welle (DW) and Voice of America (VOA) refused to apply for licenses, announcing plans to challenge the decision in court. As a result, on July 1, 2022, RTÜK successfully petitioned to block access to both platforms in Turkey.

### **Continued broadcasting via alternative domains**

Despite the bans, both outlets continued their Turkish broadcasts through alternative web addresses. However, RTÜK targeted these new domains as well.

- For Voice of America, RTÜK mandated licensing for its alternative address, voaturkce.com, on August 21, 2023, resulting in an access ban on August 28, 2023.
- For Deutsche Welle, the domains dwturkce.com and inspiredminds.de were similarly required to obtain licenses on November 10, 2023, with access blocked on November 17, 2023.

### **Additional restrictions on Deutsche Welle**

In March 2023, the Ministry of Industry and Technology refused to renew Deutsche Welle's operational license, which must be renewed every two years. The ministry cited an “incorrect selection of operational scope” as the reason for denial. As a result, Deutsche Welle shut down its Turkey office and announced that it would continue its operations in the country by relying on licensed content partnerships.



## **RTÜK announces oversight of street interviews; critic detained and sentenced**

On August 8, 2024, RTÜK Chairman Ebubekir Şahin announced on social media that “street interviews” and “citizens’ opinions” shared on platforms like Instagram would be subjected to regulatory oversight. The move followed mounting criticism of the government’s restrictive media policies.

Just days earlier, on August 3, 2024, Dilruba Kayserilioğlu criticized the Instagram ban during a street interview. She was subsequently detained and charged with insulting the President. After spending 18 days in detention, she was released but faced two separate convictions arising from the same interview. One sentenced her to seven months and 15 days in prison for allegedly inciting hatred and enmity, while another handed down an 11-month and 20-day sentence for insulting the president.



## RTÜK to require licenses for regular YouTube broadcasters

RTÜK Chairman Ebubekir Şahin has announced plans to enforce a licensing requirement for YouTube channels that broadcast regularly, following discussions with the platform. The new regulation is expected to significantly impact journalists running independent YouTube channels.

Channels subject to the licensing rule will have 72 hours to apply. Once licensed, broadcasters must comply with RTÜK's content guidelines. The council will have the authority to remove videos it deems inappropriate or impose fines. Additionally, broadcasters will be required to pay 1.5% of their revenue to RTÜK as a participation fee.

On September 1, 2024, during an appearance on Ekol TV's *Sorgusuz Sualsiz (No Questions Asked)* program, Şahin confirmed that preparations for a protocol with YouTube were underway, emphasizing that the platform would not be banned. Instead, the focus will be on integrating regular broadcasters into RTÜK's regulatory framework.

This follows RTÜK's expanded oversight of digital platforms under a 2018 law that granted the council authority over internet broadcasts. Platforms like Netflix, Amazon Prime Video, and Disney+ have since obtained licenses and fallen under RTÜK's supervision.



## A 72-hour deadline for licensing regular internet broadcasters

The process of obtaining an internet broadcasting license in Turkey can occur in two ways: broadcasters can voluntarily apply, or RTÜK can impose a mandatory licensing requirement if deemed necessary. When RTÜK enforces this requirement, broadcasters have 72 hours to comply. Failure to obtain a license within this timeframe can result in the platform being blocked in Turkey.

RTÜK Chairman Ebubekir Şahin clarified that the licensing obligation applies only to broadcasters producing regular content, excluding personal channels. Licenses will be valid for ten years, with the cost set at 643,517 TL (approximately \$23,000) as of 2024. In addition to the license fee, YouTube broadcasters must pay 1.5% of their revenue to RTÜK as a participation fee.

## Stricter oversight for licensed content

Content from licensed broadcasters will be evaluated against the broadcasting principles outlined in RTÜK regulations. Videos deemed non-compliant may be removed under the “catalog removal” provision, or broadcasters could face administrative fines ranging from 1% to 5% of their monthly revenue.

## Focus on news channels

The licensing requirement is expected to have the most significant impact on journalists with large followings on YouTube. High-profile channels such as Cüneyt Özdemir (1.63 million subscribers), Fatih Altaylı (1.15 million), Fatih Portakal (780,000), and Nevşin Mengü (713,000) could face mandatory licensing. If brought under RTÜK regulation, their content would be subject to regular scrutiny.

## Legal cases: majority ruled in favor, fines top disputes

According to data shared by RTÜK's Legal Counsel, the regulatory body secured favorable outcomes in 64 court cases in 2023, while 26 cases were decided against it. An additional 93 cases remain ongoing.

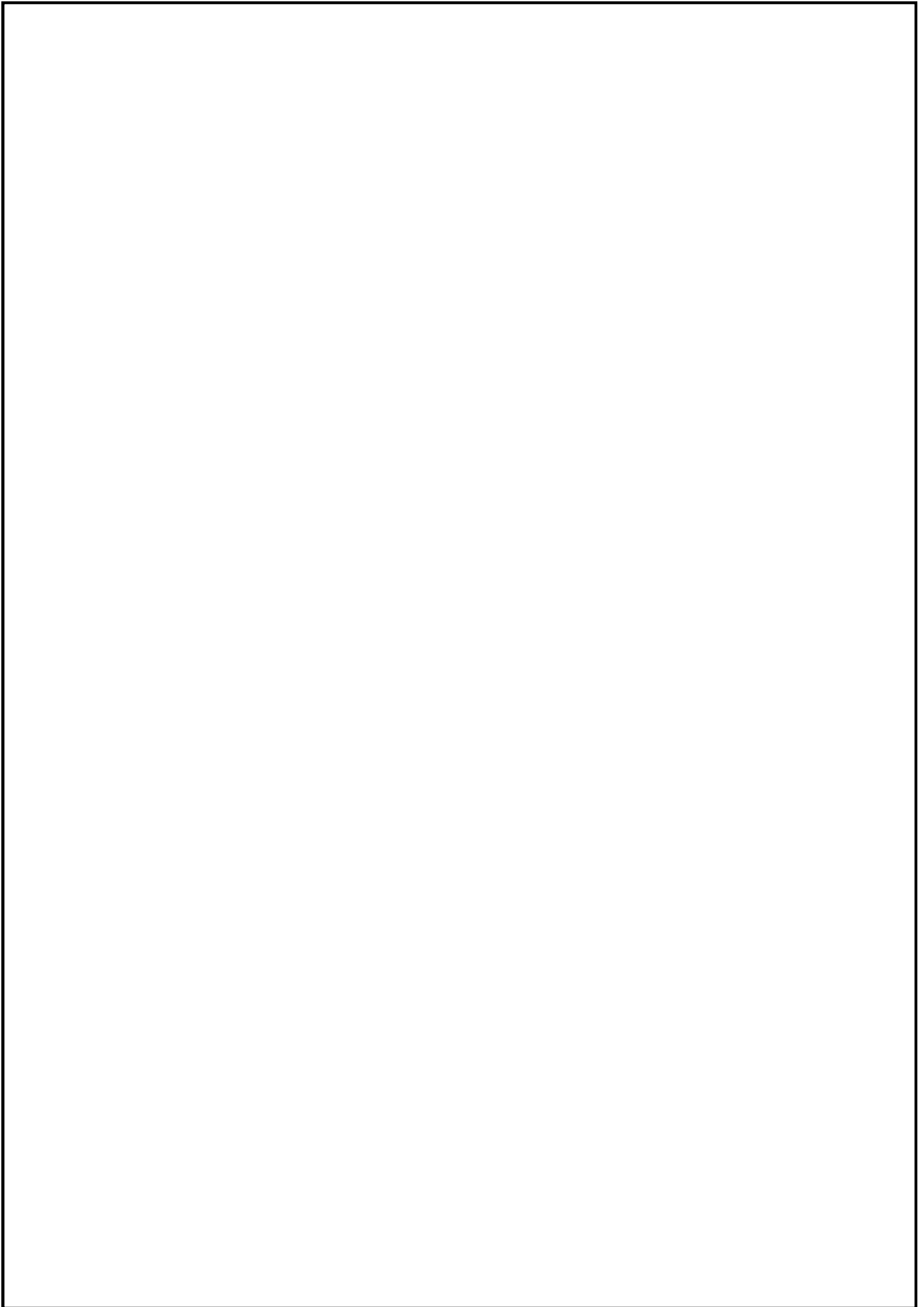
The majority of lawsuits involve challenges to the administrative fines imposed by RTÜK. These disputes highlight the contentious nature of RTÜK's penalties and its role as a regulatory authority in Turkey's media landscape.

Type of Case	Number of Cases
Administrative Fines	106
Administrative Fines + Program Suspension	11
Temporary Broadcast Suspension	16
Temporary Broadcast Suspension + Administrative Fines	1
Broadcast License Revocation	5
Unauthorized Broadcasts and Other Cases	30
Compensation Claims	9
Personnel-Related Cases	5
<b>Total</b>	<b>183</b>

Year	Favorable	Unfavorable	Pending	Total
<b>2019</b>	334	28	21	383
<b>2020</b>	199	32	12	243
<b>2021</b>	161	37	40	238
<b>2022</b>	58	4	151	213
<b>2023</b>	64	26	93	183

RTÜK's annual reports do not include information on how many of its sanction decisions are overturned. However, in 2023, the penalty imposed on the TV series *Kızılık Şerbeti* (Cranberry Sherbet) was annulled by an administrative court.

In contrast, the penalty issued against the series *Kızıl Goncalar* (Red Buds) was upheld, as the administrative court rejected the case challenging RTÜK's decision.



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