



**Submission to the 142nd Session of the UN Human Rights Committee
for Consideration of the State Report of Türkiye**

by

İFADE ÖZGÜRLÜĞÜ DERNEĞİ (İFÖD)

An independent non-governmental organization specialized in defending and promoting freedom of expression

Freedom of expression, peaceful assembly and association (arts. 19, 21 and 22)

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I. Introduction on İfade Özgürlüğü Derneği

1. **İfade Özgürlüğü Derneği** [Freedom of Expression Association (“İFÖD”)] established on 08.08.2017, aims to protect and foster the right to freedom of opinion and expression in Türkiye. The Association envisions a society in which everyone enjoys freedom of opinion and expression and the right to access and disseminate information and knowledge. More recently, İFÖD received **Consultative Status** with the Economic and Social Council (“ECOSOC”) of UN on **25.07.2023**.
2. In short, İFÖD’s overall goal is to advance the right to free expression, promote transparency and strengthen democracy in Türkiye. The association is unique in terms of working in the field of freedom of expression with a specific focus on Internet freedom, academic freedom and freedom of information rather than focussing just on media and journalists related issues. İFÖD’s activities comprise five fundamental areas: legal support, third-party interventions, trial monitoring, research and capacity-building programs. In terms of legal support, İFÖD primarily provides all means of legal support to citizens, civil society advocates, human rights defenders, journalists, students and Internet media on a pro bono basis within the scope of freedom of expression and primarily with regard to political speech cases that are in the public interest.
3. İFÖD’s systematic work on documenting Internet censorship in Türkiye remains unique and a global reference point for the media, policy makers, civil society and academia. Under its EngelliWeb project, İFÖD has been systematically monitoring, documenting and analysing Internet censorship involving websites, news providers and content as well as social media accounts and content since the association started its Research and Monitoring programme in November 2018. In addition to the annual EngelliWeb reports,¹ İFÖD also publishes Internet censorship related developments on a daily basis through its social media accounts and website. This activity attracted attention and since 2020, İFÖD’s website has been subject to approximately 100 access blocking and content removal decisions. The association also published a series of reports on the right to be forgotten.²

II. The Human Rights Committee List of Issues Involving Freedom of Expression

4. The Human Rights Committee adopted the list of issues prior to the submission of the second periodic report of Turkey at its 132rd Session (28 June – 23 July 2021). The Committee, under **the Freedom of expression, peaceful assembly and association (arts. 19, 21 and 22)** heading, recalling the previous recommendation of the Committee, asked the Turkish authorities to **(a)** provide updated information about whether steps have been

¹ The Association has published six annual reports so far. See EngelliWeb 2018; An Assessment Report on Blocked Websites, News Articles and Social Media Content from Türkiye, June 2019, at https://ifade.org.tr/reports/EngelliWeb_2018_Eng.pdf; EngelliWeb 2019: An Iceberg of Unseen Internet Censorship in Türkiye, July 2020, at https://ifade.org.tr/reports/EngelliWeb_2019_Eng.pdf; EngelliWeb 2020: Fahrenheit 5651: The Scorching Effect of Censorship, August 2021, at https://ifade.org.tr/reports/EngelliWeb_2020_Eng.pdf; EngelliWeb 2021: The Year of the Offended Reputation, Honour and Dignity of High-Level Public Personalities, October, 2022, at https://ifade.org.tr/reports/EngelliWeb_2021_Eng.pdf; EngelliWeb 2022: The Constitutional Court in The Shadow of Criminal Judgeships of Peace, November 2023, at https://ifade.org.tr/reports/EngelliWeb_2022_Eng.pdf and [EngelliWeb 2023](https://ifade.org.tr/reports/EngelliWeb_2023): Symbol of Injustice in Türkiye: Criminal Judgeships of Peace & Internet Censorship, September 2024, Turkish version at https://ifade.org.tr/reports/EngelliWeb_2023.pdf

² Y. Akdeniz, The Right Not to Be Forgotten on The Internet: Freedom of Expression Assessment of the Application of The Turkish Right to Be Forgotten Measures Under Law No. 5651, İFÖD, May, 2023, at https://ifade.org.tr/reports/UnutulmamaHakki_2021_Eng.pdf; Y. Akdeniz, The Right to Remember: The Impact of Internet Censorship on Social Memory, İFÖD, June 2024, at https://ifade.org.tr/reports/HatirlamaHakki_2024.pdf

taken to decriminalize all offences relating to free expression, including defamation and insulting the President, and bring all parts of the Turkish Criminal Code into line with article 19 of the Covenant; **(b)** describe the provisions in Law No 5651 and discuss their compatibility with the Covenant and the Constitution; **(c)** respond to reports of systematic restrictions on online expression, including the blocking of websites, Government requests that social media companies take down content, network shutdowns and social media users facing criminal proceedings for posts related to the COVID-19 pandemic.

III. The Government's Response and Second Periodic Report

5. In its second periodic report submitted on 03.08.2022, Türkiye reaffirmed its commitment to safeguarding freedom of expression under Article 26 of the Constitution, while recognizing the limitations permitted by international conventions such as the ICCPR and ECHR. According to its submission, amendments to domestic laws, particularly articles 6 and 7 of the Anti-Terror Law, have been introduced to align with the European Court of Human Rights (ECtHR) standards. These reforms, including changes to article 286 of the Code of Criminal Procedure through Law no.7188, aim to prevent violations of rights related to speech by providing additional legal remedies. Crimes such as insults, incitement to crime, and degrading state symbols have been specified in the legislation to balance freedom of expression with public safety and order.
6. According to the official submission, Law No. 5651, regulating Internet publications, is highlighted as a key instrument in combating cybercrimes and protecting personal rights and privacy. It is argued that the law has undergone several amendments to ensure compliance with constitutional and international standards. The submission details the procedural safeguards for blocking content, emphasizing that such actions are only taken in exceptional cases, subject to judicial oversight. The submission argues that for the purposes of access blocking, "providers are first noticed and contents are taken down afterwards. In the event that the relevant content and/or hosting provider do not comply with their responsibilities concerning the illegal content in question, an administrative measure is exercised to the URL address where the violation occurred. In cases where measures cannot be implemented due to technical inadequacies, a measure for blocking access to the entire website is applied as a last resort. This procedure is compatible with the Constitution and the ICCPR".
7. Finally, it is argued that social media platforms are required to develop effective complaint resolution mechanisms, but their failure to address user requests often leads to court action by the users, which has been wrongly reflected as government requests and therefore is misconstrued as state censorship.

IV. İFÖD's CCPR Submission

8. In this submission, İFÖD will concentrate on Internet related freedom of expression issues, in particular concerning the provisions and application of Law No. 5651 which is predominantly used to block access to websites, news articles, social media accounts as well as removal of such content from Türkiye. The submission will demonstrate that Turkish laws and practice falls short of complying with the requirements of the Turkish Constitution, the European Convention as well as the ICCPR as clearly demonstrated by the recent access blocking of popular platforms such as Instagram, Roblox and Wattpad from Türkiye during the summer of 2024. The submission will also show that the existing legal measures do not **provide any safeguards** against abuse of power by public authorities including criminal judgements of peace. Finally, it will be demonstrated that legislative amendments in the Law No. 5651 **have not provided necessary safeguards** against arbitrary interference with freedom of expression on the Internet.

V. Internet Freedom is in Serious Decline in Türkiye

9. Türkiye has a long history of Internet censorship, documented through multiple İFÖD reports and rulings by the Constitutional Court and the European Court of Human Rights. Initially, Law No. 5651 was enacted in 2007 to protect children from harmful content, but it was later extended to cover the protection of individual rights and personal privacy in 2014.
10. Despite the law's intended purposes, it has been used to block major platforms like **YouTUBE** (2008-2010 & again between March-May 2014) and **Twitter** (March 2014), leading to violation rulings by the European Court³ and the Constitutional Court.⁴
11. In 2015, the law was amended again to include provisions for blocking access to content for reasons such as national security, public order, and public health. This measure was also used to block access to the **Wikipedia** platform for 2.5 years, until it was reinstated following a Constitutional Court ruling finding violation of freedom of expression.⁵ The 2020 amendments introduced the removal of content alongside access blocking, and required social media platforms with over one million daily users in Türkiye to establish legal presence in the country.
12. Further amendments in **October 2022** granted the President of the Information Technologies and Communications Authority (ITCA) additional blocking powers and imposed stricter regulations on social media platforms. Internet media sites were also brought under the Press Law, and OTT ("Over The Top") services like WhatsApp, Signal, and Telegram became subject to similar regulations as social media platforms under the Electronic Communications Law ("Law No. 5809").
13. Numerous reports, including the US 2020 Human Rights Report, noted that Türkiye continues to restrict Internet freedom with limited judicial oversight.⁶ The European Commission's 2020 Türkiye report similarly highlighted the misuse of anti-terror legislation and broad legal frameworks to justify blocking content without court orders, undermining freedom of expression.⁷
14. İFÖD and Article 19 have characterized Law No. 5651 as a **censorship tool in practice to silence dissent**, including investigative journalism.⁸ The Council of Europe Commissioner for Human Rights also criticized the law, noting that it enables the executive branch to arbitrarily block content without adequate judicial safeguards.⁹
15. The Council of Europe's Committee of Ministers expressed concern in March 2021 that Law No. 5651 still allows for the blanket blocking of entire websites, without

³ *Cengiz and Others v. Turkey*, nos. 48226/10 and 14027/11, 01.12.2015.

⁴ *Yaman Akdeniz and Others*, Application No: 2014/3986, 02.04.2014; *YouTUBE LLC Corporation Company and Others* (Plenary), Application No: 2014/4705, 29.05.2014.

⁵ *Wikimedia Foundation and Others* (Plenary), Application No: 2017/22355, 26.12.2019.

⁶ US 2020 Country Reports on Human Rights Practices: Turkey, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/turkey/>

⁷ The European Commission Staff Working Document accompanying the 2020 Communication on EU Enlargement Policy, Turkey 2020 Report, SWD(2020) 355 final, 06.10.2020, https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/turkey_report_2020.pdf, p 34.

⁸ Communication from NGOs (İfade Özgürlüğü Derneği, Human Rights Association, Article 19) (27/01/2021) in the Ahmet Yildirim group of cases v. Turkey (Application No. 3111/10), DH-DD(2021)144, 08.02.2021. See further Akdeniz, Y. & Güven, O., *EngelliWeb 2019: An Iceberg of Unseen Internet Censorship in Turkey*, İFÖD, August 2020, p.16, at https://ifade.org.tr/reports/EngelliWeb_2019_Eng.pdf.

⁹ Third party intervention by the Council of Europe Commissioner for Human Rights, Application no. 25479/19 *Wikimedia Foundation, INC. v. Turkey*, CommDH(2019)28, 18.11.2019, at <https://rm.coe.int/third-party-intervention-before-the-european-court-of-human-rights-app/168098e542>, § 11.

proportionality assessments. The Committee called on Turkish authorities to amend the law in line with European standards to prevent abuse and ensure judicial oversight of blocking orders.¹⁰ The Committee, in particular invited the Turkish authorities to provide “effective safeguards to prevent abuse by the administration in the imposition of wholesale blocking orders on entire Internet sites and ensuring effective judicial review containing an assessment of the proportionality of such orders.”¹¹

16. According to **İFÖD’s EngelliWeb 2023 report** entitled *Symbol of Injustice in Türkiye: Criminal Judgements of Peace & Internet Censorship*, the number of blocked websites exceeded one million by the end of the **first quarter of 2024**. By the first quarter of 2024, **1.043.312** websites and domain names were blocked by a total of **892.951** different decisions issued by **833** different institutions and judgements.

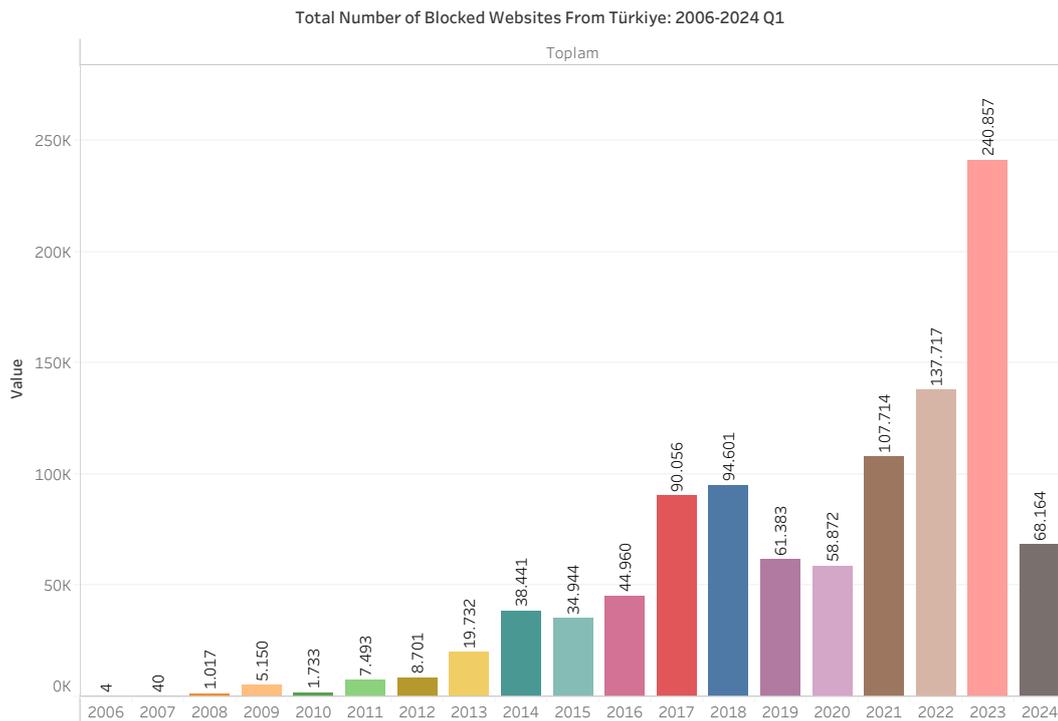


Figure 1

17. The enactment of Law No. 5651 and the subsequent expansion of access blocking authority, resulted with approximately **30 different institutions and organisations** to have the power to block or request access under various regulations. Most of these powers are exercised through “**administrative measures**” often without judicial approval. As a result, more than one million websites and domain names have been permanently blocked from Türkiye.
18. For example, access to both **Voice of America** Turkish news website as well as the entire German news website **Deutsche Welle** were blocked from Türkiye since **30.06.2022** subsequent to a request made by RTÜK, the Supreme Board of Radio and Television who claimed that the two companies which air Turkish-language audio-visual content online did not apply for a broadcast license.¹² Similarly, popular gaming platform **Roblox** and

¹⁰ Ahmet Yıldırım group v. Turkey (Application No. 3111/10), Supervision of the execution of the European Court’s judgments, 1398th meeting, 9-11 March 2021 (DH), § 6.

¹¹ *Ibid*, § 8.

¹² See among others, AP News, “*Turkey blocks access to Deutsche Welle and Voice of America*,” 01.07.2022, at <https://apnews.com/article/middle-east-turkey-f963d16987d5fb1e4baa4b44fa92737c>

Wattpad which connects a global community of millions of readers and writers through a text based story telling platform remain blocked from Turkey since July 2024.

19. Finally, as of the end of 2023, 260.000 URL addresses, 13.300 Twitter/X accounts, 67.100 tweets, 24,730 YouTube videos, 14.625 Facebook content and 13.820 Instagram content were blocked from access based on Law No. 5651 and other provisions.

VI. Provisions of the Law No. 5651

20. In summary, the current **Turkish Internet Content Control Model** through the Law No. 5651 includes the following:

- a. **Access blocking** to websites
- b. **Access blocking** to individual Internet addresses (URL based)
- c. **Removal** of individual news articles or social media content (URL based)
- d. **Right to be forgotten** orders targeting search engines' results
- e. **Liability** of social media platform providers

21. Therefore, in its current version, Law No. 5651 includes **four separate** blocking as well as removal measures through **article 8** (protection of children from allegedly harmful content), **article 8/A** (protection of national security, public order, protection of life and property as well as protection of public health and prevention of crime), **article 9** (violation of individual rights) and **article 9/A** (violation of privacy of individuals). These provisions involve **separate content criteria** and **different legal procedures for blocking and/or removal measures**. It should be immediately mentioned that the **Venice Commission** examined in full the Law No. 5651 in **June 2016** and found especially articles 8/A, 9, and 9/A to be incompatible with the European standards and recommended either to repeal these articles or amend in order to bring these measures in line with the case-law of the Court on Article 10 of the Convention.¹³

22. The below table is included to show the different legal criteria for blocking and removal, as well as the relevant blocking authority for the four separate provisions (**articles 8, 8/A, 9 and 9/A**) under Law No. 5651.¹⁴ The below table also clearly shows the date when each article and amendment came into force.

Blocking Provision	Removal Provision	Blocking & Removal Criteria	Blocking & Removal Method	Blocking & Removal Authority
Article 8 – blocking provision introduced in May 2007	Article 8 amended to include removal in July 2020	There are specific “ catalogue crimes ” that are included and the aim of this provision is the protection of children from allegedly harmful content. The so called catalogue crimes are: encouragement and incitement of suicide, ¹⁵ sexual exploitation and abuse of children, ¹⁶ facilitation of the use of drugs, ¹⁷ provision of dangerous substances for	Article 8(17): Originally whole websites (domain based) and since 2019 URL based or whole websites (domain based) when necessary and technically not feasible	Criminal Judgeships of Peace and Head of ICTA through ex officio administrative decisions without the need for judicial approval.

¹³ See the Venice Commission, Opinion on Law No.5651 on Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publications, No. 805/2015, CDL-AD(2016)011, June 2016, at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)011-e)

¹⁴ It should be noted that a new “**right to be forgotten measure**” with regards to search engines was included to article 9 of Law No. 5651 with the addition of a newly introduced paragraph 10 with the July 2020 amendments through Law No. 7253.

¹⁵ Article 84, Turkish Penal Code.

¹⁶ Article 103(1), Turkish Penal Code.

¹⁷ Article 190, Turkish Penal Code.

		health, ¹⁸ obscenity, ¹⁹ prostitution, ²⁰ gambling, ²¹ crimes committed against Atatürk, ²² crimes regulated under the Law No. 7258 on the Regulation of Betting and Lottery Games in Soccer and Other Sports and offences specified in the first and second paragraphs of article 27 of the Law No. 2937 on State Intelligence Services and the National Intelligence Organization		
Article 8/A – blocking provision introduced in April 2015	Article 8/A – removal provision introduced in April 2015	Access to content can be blocked or such content removed for the protection of life and property, national security and public order, prevention of crime or for the protection of public health.	Article 8/A(3): URL based or whole websites (domain based) when necessary and technically not feasible	Criminal Judgeships of Peace and in cases of emergency the President of Türkiye and/or relevant ministries can request head of ICTA to block or remove content. Head of ICTA decision is subject to approval by a criminal judgeship of peace
Article 9 – blocking provision introduced in February 2014	Article 9 – removal provision introduced in July 2020	Violations of individual rights are the subject matter of Article 9 decisions	Article 9(4): URL based or whole websites (domain based) when necessary and technically not feasible	Criminal Judgeships of Peace and the Association of Internet Service Providers (“ESB”)
Article 9/A – blocking provision introduced in February 2014	No removal provision included	Individual privacy violations may be the subject of blocking decisions.	Article 9/A(4): Only URL based, whole website blocking is not included	Head of ICTA and Criminal Judgeships of Peace

23. The Turkish authorities often argue in their submissions to the international bodies that the current practice with regards to these provisions is primarily based on the procedure of **notice-and-take-down**.²³ It is contended that local authorities first notify the representative of the relevant website if they consider a publication constitutes an offence and if the content provider fails to remove the impugned content then blocking access is applied as a “**last resort**”. Nevertheless, **no such procedure of notice-and-take-down is stipulated** in articles 8, 8/A, 9 or 9/A of the Law No. 5651. The authorities also often claim that if a website uses the secure “**https protocol**”, then specific **URL based access blocking measures are technically impossible** and blocking access to the entire website is the only available option.²⁴ As the **flawed Turkish model** does not have any legal basis formalizing the Government’s notice and take-down approach²⁵ and in the absence of due process,

¹⁸ Article 194, Turkish Penal Code.

¹⁹ Article 226, Turkish Penal Code.

²⁰ Article 227, Turkish Penal Code.

²¹ Article 228, Turkish Penal Code.

²² Provided by the Law No. 5816.

²³ See Communication from Turkey concerning the group of cases Ahmet Yıldırım v. Turkey (Application No. 3111/10), Action Report (06/01/2021, DH-DD(2021)51, para 20.

²⁴ *Ibid*, para 21-25.

²⁵ No such procedure of notice-and-take-down is stipulated in articles 8, 8/A, 9 or 9/A of the Law No. 5651.

procedural guarantees or any appeal mechanism, the “**We Tell You & You Remove It Or We Will Block Your Website Model**” falls short of the ICCPR standards.²⁶ In other words, there are **no procedural safeguards** to guarantee that blocking access to a whole website is applied as a last resort. In order to align the Turkish legal framework with the ICCPR and ECHR standards, it must be ensured that wholesale blocking can only be resorted to in exceptional cases where the whole website contains criminal material such as child abuse and the restrictive measure should never be used to block access to news portals and social media platforms.

A. Article 8 of the Law No 5651

24. As summarized above, the primary purpose of the article 8 provision is to protect children from harmful content with regards to certain “catalogue crimes”. In practice, as can be seen from figure 2, **majority of the article 8 decisions** are issued by a **non-judicial authority**, the President of the Information Technologies and Communications Authority (“ICTA”). The President’s decisions are not subject to judicial approval.

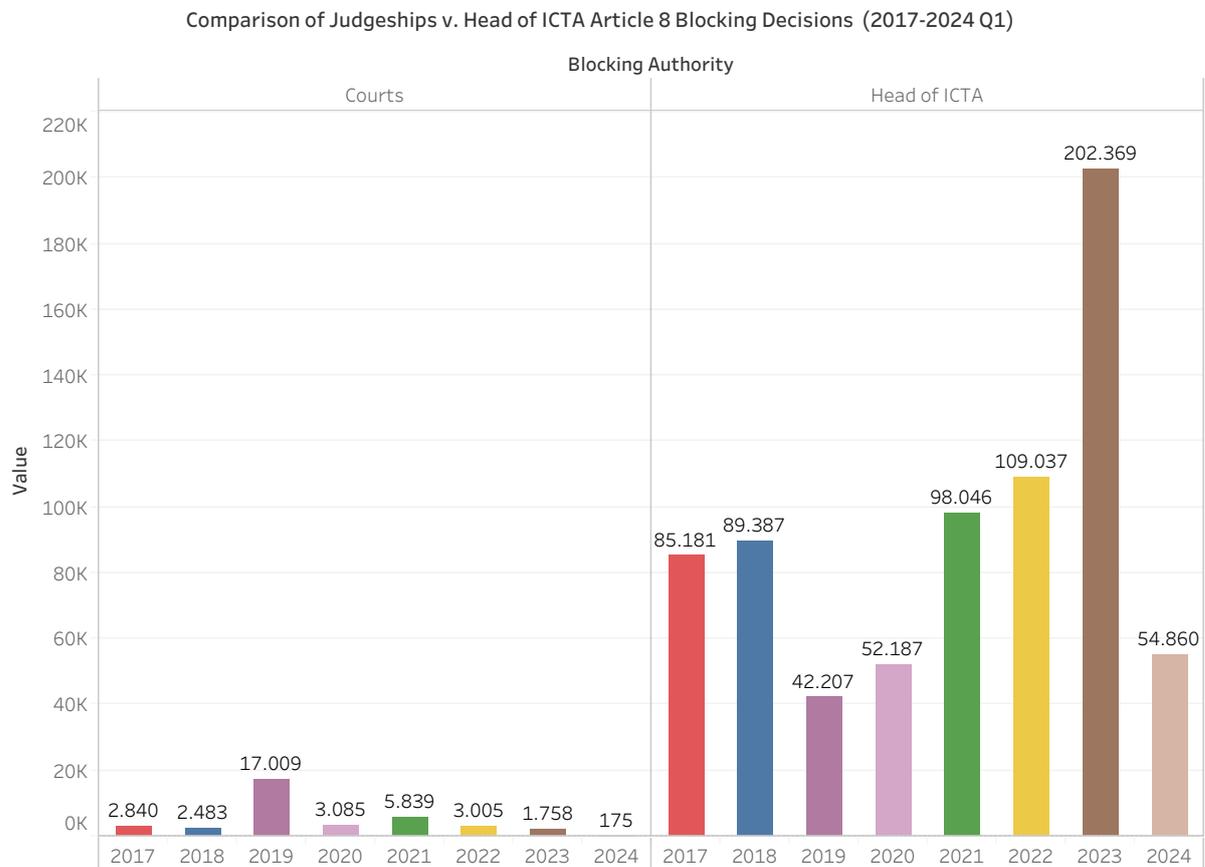


Figure 2

25. The Constitutional Court highlighted the issue with **ex officio** decisions made by the President of ICTA without judicial approval, specifically in cases involving obscenity. The Court found this practice in violation of the principle of **legal certainty**, which is a fundamental aspect of the rule of law. This principle requires that any legal regulation must be clear, precise, comprehensible, applicable, and objective, leaving no room for arbitrary

²⁶ See *OOO Flavus and Others v. Russia*, no. 12468/15, 23.06.2020, §§ 38-44; *Ahmet Yildirim v. Turkey*, no. 3111/10, ECHR 2012, § 66; *Kablis v. Russia*, nos. 48310/16 and 59663/17, 30.04.2019, § 94. See also *Bulgakov v. Russia*, no. 20159/15, 23.06.2020; *Engels v. Russia*, no. 61919/16, 23.06.2020; *Vladimir Kharitonov v. Russia*, no. 10795/14, 23.06.2020.

use of state power by public authorities.²⁷ However, in practice, the President of ICTA continued to block access to obscene websites **ex officio** through administrative decisions without judicial approval, even after the Constitutional Court’s annulment decision came into effect on 07.02.2019. This issue was resolved in favour of the President of ICTA with the **October 2022 amendments**, disregarding the Court’s decision.

26. More recently, the Constitutional Court annulled the power to **remove content** granted to the President of ICTA by **Law No. 7253**.²⁸ The Court ruled that allowing the President of ICTA to unilaterally determine that an act constitutes a criminal offence and remove content indefinitely, without judicial review, violates the **presumption of innocence**. The annulment decision will come into force on **10.10.2024**. However, the Court did not examine the constitutionality of the power granted to the President of ICTA to block access. It is clear that the reasoning of the Court also applies to access blocking decisions. Despite this, on **02.08.2024**, access to Instagram, with over 50 million users in Türkiye, was blocked by the President of ICTA under vague references to “**catalogue crimes**” as outlined in article 8 of Law No. 5651, without specifying any particular crime. Unofficially, the decision was believed to have followed accusations that Instagram removed posts by Turkish users expressing condolences over the death of **Hamas’s political leader Ismail Haniyeh**, who was killed on **31.07.2024**. The censorship continued until **10.08.2024**.
27. İFÖD emphasises that the broad powers granted to the President of ICTA to issue **ex officio** decisions on content removal and access blocking without any judicial oversight are in clear violation of the **Constitution** and **Article 19 of the ICCPR**.

B. Article 8/A of the Law No 5651

28. Article 8/A, titled “Removing content and/or blocking access in circumstances where delay would entail risk” was introduced on 27.03.2015. Under article 8/A, the power to remove content and/or block access to a website in order to protect the right to life or security of life and property, ensure national security, protect public order, prevent crimes, or protect public health is primarily vested in judges. However, in situations where delay would entail risk, the **Office of the President of Türkiye** may also request the President of ICTA to remove or block Internet content to safeguard these interests. Similarly, **relevant ministries** are authorized to request the President of ICTA to remove or block content for the protection of national security, public order, crime prevention, or public health.
29. The President of the ICTA may evaluate these requests and decide to remove the content and/or block access to the publications on the Internet. The decision must be immediately communicated to the access providers, as well as the relevant content and hosting providers. The requirements of the decision to remove or block access must be fulfilled immediately and no later than four hours after the notification of the decision.
30. The President of ICTA is then required to submit the administrative decision to a **criminal judgeship of peace** for approval within 24 hours. The judge must review the submission and issue a decision within 48 hours. Blocking decisions under this article should target specific publications or sections (e.g., URL-based blocking). However, if technical reasons prevent this or if the violation cannot be prevented by blocking specific content, the judge may decide to block access to the entire website. According to the **Venice Commission**, the “access-blocking” decisions issued under article 8/A are not “precautionary measures” to

²⁷ Constitutional Court Judgment, E. 2015/76., K. 2017/153, 15.11.2017, Official Gazette, 07.02.2018, no. 30325.

²⁸ Constitutional Court Judgment, E. 2020/76., K. 2023/172, 11.10.2023, Official Gazette, 10.01.2024, no. 32425.

prevent irreparable damages pending a substantive trial, but are **fully-fledged, independent procedures** through which substantive decisions on “access-blocking” are made.²⁹

31. A total of **1.536 8/A blocking decisions** were issued by the **end of 2023** with access to more than **26.585 Internet addresses** including approximately 2.990 news websites and domain names, more than 775 news articles, more than 3.800 Twitter/X accounts, approximately 5,300 tweets, more than 700 Facebook content and more than 1.950 YouTube videos was blocked pursuant to these decisions. Recently, İFÖD has observed that Instagram, Blogspot, Telegram, Patreon, TikTok, Periscope and Pinterest content have also started to be subject to article 8/A decisions.
32. Since its introduction, article 8/A measure has been used as a political tool to silence opposition, primarily targeting Kurdish and left-wing news websites as well as social media accounts and content associated with Kurdish journalists, activists, and opponents who have thousands of followers and disseminate vital news stories that often do not receive coverage in the national media.
33. In addition to left-wing news websites like Sendika.org³⁰ and SiyasiHaber.org, regional news websites that publish articles in both Kurdish and Turkish -crucial for Kurdish politics- have been regularly blocked under article 8/A. These news websites include Yüksekova Güncel, Dicle Haber Ajansı (“DİHA”), Azadiya Welat, Özgür Gündem, Yeni Özgür Politika, Rudaw, RojNews, ANF, Kaypakkaya Haber, Güney doğu’nun Sesi İdil Haber, Kentin Özgün Sesi Bitlis Güncel, Besta Nuce, JINHA, Demokrasi.com, and JinNews.
34. Moreover, the **Wikipedia** platform was blocked in Türkiye for 2.5 years starting on 29.04.2017, on the grounds that two articles on the platform allegedly praised terrorism, incited violence and crime, and posed a threat to public order and national security.³¹ The platform became accessible again only after a Constitutional Court judgment. Similarly, access to news websites such as OdaTV and Independent Türkçe as well as the popular **Ekşi Sözlük** platform which was blocked following the earthquakes that hit Türkiye in February 2023 were restored only after a violation decision from the Constitutional Court.³²
35. However, the official website of the **National Film Board of Canada** and the Internet music and podcast platform **iHeart.com**, which were blocked in 2022 under an Article 8/A decision at the request of the Çanakkale Provincial Gendarmerie Command, remain inaccessible in Türkiye.³³ Similarly, the popular reading and writing platform **Wattpad**, blocked in July 2024 at the request of the Ministry of Family and Social Services,³⁴ and the gaming platform **Roblox**, blocked in August 2024,³⁵ also remain blocked as of this submission. Moreover, **article 8/A** is frequently used to block access to or remove content from news articles and popular news outlets. Past targets have included **Cumhuriyet, Sözcü, Birgün, Evrensel, Diken, Sendika.org, T24, BBC, Artı Gerçek, Gazete Duvar, soL Haber**, and **OdaTV**.

²⁹ Venice Commission, Opinion on Law No. 5651 (“The Internet Law”), CDL-AD(2016)011, 15.06.2016, § 35.

³⁰ Between 2015 and 2017, the news website Sendika.Org was blocked 63 times by 7 different Ankara criminal judgeships of peace under article 8/A.

³¹ Ankara 1st Criminal Judgeship of Peace, no. 2017/2956, 29.04.2017.

³² Constitutional Court Decision, individual application, *Ahmet Alphan Sabancı ve diğerleri*, B. No: 2015/13667, 21/11/2023.

³³ Çanakkale 1st Criminal Judgeship of Peace, no. 2022/3482, 26.10.2022.

³⁴ Ankara 10th Criminal Judgeship of Peace, no. 2024/6507, 12.07.2024.

³⁵ Adana 6th Criminal Judgeship of Peace, no. 2024/5282, 07.08.2024.

36. As a result, several applications were made to the Constitutional Court. The Constitutional Court issued several decisions involving article 8/A since 2019.³⁶ The “*prima facie violation*” doctrine developed by the Court in the Court’s early decisions was completely ignored by the criminal judgements of peace.³⁷ During 2023, the Constitutional Court issued two consecutive decisions on article 8/A. Firstly, in September 2023, in its **quasi-pilot decision** on the application of Artı Media GmbH,³⁸ the General Assembly of the Court, with a majority vote, ruled that article 8/A of Law No. 5651, in its current form, does not have the basic safeguards to prevent arbitrary application of this measure by narrowing the discretionary power of public authorities and to guarantee a fair balance between freedom of expression and the legitimate right of democratic society to protect itself against the activities of terrorist organisations. It was concluded that the freedoms of expression and press were violated and that the **violation stemmed directly from the law**.³⁹
37. In reaching this conclusion, the Constitutional Court stated that article 8/A does not contain the procedural safeguards of the judicial law, does not have a strict and effective protection mechanism, and does not contain the safeguards that will ensure a proportionate decision in accordance with the requirements of the democratic social order. Subsequent to this quasi-pilot decision, the Constitutional Court, in the *Ahmet Alphan Sabancı and Others* decision,⁴⁰ examined a total of 62 applications against access blocking/removal of content decisions based on article 8/A by merging them and, with reference to the Artı Media GmbH decision, ruled a violation of freedom of expression on the grounds that the interventions did not meet the requirement of legality, as article 8/A of Law No. 5651 does not have basic safeguards that can guarantee the protection of freedom of expression.
38. The Council of Europe Commissioner for Human Rights stated that “the article 8/A measure is a **symptom of a deep systemic problem** stemming from, on the one hand, **the incompatibility of Turkey’s Internet legislation with its obligations under the Convention**, and on the other hand, **the persistent failure of the Turkish judiciary to mitigate these legislative shortcomings in a Convention-compliant manner**.”⁴¹
39. Despite clear findings from the Constitutional Court and growing concerns from international bodies, such as the Council of Europe Commissioner for Human Rights, the use of article 8/A continues unabated, particularly in politically sensitive contexts. The recent blocking of popular platforms such as **Wattpad** and **Roblox** exemplifies the misuse of this provision, reflecting broader systemic issues within Türkiye’s regulatory approach to the Internet. The persistence of these practices indicates a troubling disregard for constitutional protections of freedom of expression, as well as the standards set out under Article 19 of the ICCPR.
40. It is evident that article 8/A is used as a tool to suppress dissent, silence critical voices, and limit access to independent information and free expression. This provision lacks necessary

³⁶ Constitutional Court decision, *BirGün İletişim and Yayıncılık Ticaret A.Ş.* Application No: 2015/18936, 22.05.2019, §§ 70-75

³⁷ *Ali Kızık Application*, No: 2014/5552, 26.10.2017, §§ 62-63.

³⁸ *Artı Media GmbH Application*, No: 2019/40078, 14.09.2023.

³⁹ *Artı Media GmbH Application*, No: 2019/40078, 14.09.2023, § 47.

⁴⁰ *Ahmet Alphan Sabancı and Others Application*, No: 2015/13667, 21.11.2023.

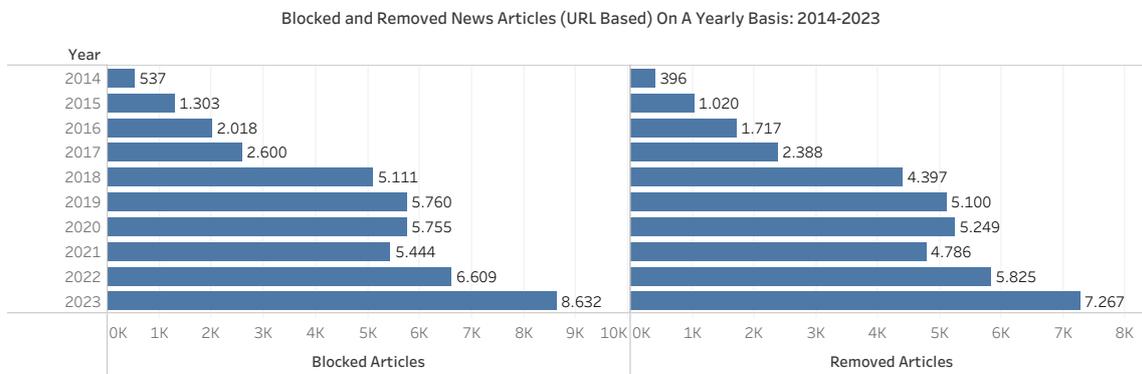
⁴¹ Third party intervention by the Council of Europe Commissioner for Human Rights, Application no. 25479/19 *Wikimedia Foundation, INC. v. Turkey*, CommDH(2019)28, 18.11.2019, § 15. See further *Wikimedia Foundation v. Turkey*, no. 25479/19, 01.03.2022, at <https://hudoc.echr.coe.int/eng?i=001-216677>. See further Akdeniz, Y., *The Calm Before the Storm? The Inadmissibility Decision in Wikimedia Foundation v. Turkey*, *Strasbourg Observers*, 18.04.2022, at <https://strasbourgobservers.com/2022/04/18/the-calm-before-the-storm-the-inadmissibility-decision-in-wikimedia-foundation-v-turkey/>

procedural safeguards and continues to allow arbitrary and disproportionate actions by public authorities without the essential judicial oversight which is required in a democratic society. The ongoing application of this provision to block platforms and news outlets not only violates individual rights but also undermines the public’s right to access information on matters of significant public interest.

41. Given the fundamental incompatibility of article 8/A with both domestic and international human rights standards, İFÖD **urges the Committee to recommend the abolition** of article 8/A of Law No. 5651. The Committee **should ask the Turkish authorities to repeal this provision** and ensure that any future legislative framework for Internet regulation complies fully with Articles 26 and 28 of the Turkish Constitution, as well as Article 19 of the ICCPR. Any measures restricting access to content must be narrowly tailored, transparent, and subject to independent judicial review to prevent further erosion of freedom of expression in Türkiye.

C. Article 9 of the Law No 5651

42. Immediately after the 17-25 December 2013 corruption investigations, in February 2014, **article 9** of Law No. 5651, which concerns the protection of personal rights, was amended to include an **access blocking** measure. This provision was further amended in July 2020 to introduce the **removal of access** measure in addition to the existing access blocking measure. A **“right to be forgotten”** provision was also introduced as part of these amendments to protect personal rights. Similarly, **article 9/A**, concerning the protection of personal privacy, was introduced in the February 2014 amendments. However, as this provision is rarely used, İFÖD’s assessment does not refer to article 9/A.
43. Under the current scope of **article 9**, individuals who believe their personal rights have been violated can request that the criminal judgeships of peace remove the relevant content and/or block access to it. Additionally, they can request that their names not be associated with the Internet addresses in question in search engine results.⁴² The **protection of individual rights** is broad, covering real persons, legal entities and public institutions.
44. İFÖD, through its EngelliWeb Project, determined that 43.769 news articles (URLs) were blocked and 38.145 news articles (URLs) were removed or deleted subject to 7.663 separate article 9 decisions issued by 582 separate judgeships in 2014-2023. The yearly breakdown of İFÖD identified number of blocked and removed news articles is provided in **Figure 3**. This data does not include the number of blocked and/or removed social media content but provides data with regards to **1.083 news websites** content of which has been subject to access blocking and/or removal decisions.



⁴² The Association of Access Providers is also empowered to issue decisions with regards to “same content” which appears on different websites as long as individuals have obtained a judge issued decision previously.

Figure 3

45. As documented by the annual İFÖD EngelliWeb reports, majority of these blocked or removed news articles were closely related to matters of public interest and were subject to politically motivated requests. High-level public figures, including President Erdoğan, his family members, several ministers, and other high-ranking politicians, as well as numerous public institutions (such as municipalities and the Parliament), along with entities and companies close to the government, frequently claimed through applications to the criminal judgeships of peace that their individual rights, reputation, honour, and dignity had been violated.
46. The article 9 measure has been under scrutiny by the **Constitutional Court** since 2017. The Court's "exceptional remedy" requirement and its prima facie assessment approach⁴³ have largely been ignored by the criminal judgeships of peace, as documented by İFÖD reports. İFÖD found that the Constitutional Court's relevant decisions were cited in very few access blocking cases—only 11 per thousand in 2019. This rate increased to 62 per thousand in 2020, 65 per thousand in 2021, 96 per thousand in 2022, and 147 per thousand in 2023.
47. On 27.10.2021, the General Assembly of the **Constitutional Court**, in the case of *Keskin Kalem Yayıncılık ve Ticaret A.Ş. and Others*,⁴⁴ identified **structural problems** with **article 9** of Law No. 5651. The Court initiated the pilot judgment procedure with this decision, noting that while article 9 provided a legitimate basis for restriction, it failed to "describe how criminal judgeships of peace shall exercise this authority" and was not capable of preventing arbitrary and disproportionate interference. The **indefinite blocking practice** was deemed a severe measure that interfered with freedom of expression and freedom of the press. The Court concluded that the violation stemmed directly from the law, which failed to provide fundamental safeguards for the protection of these freedoms.⁴⁵ Despite the Court's call for Parliament to address the structural problems identified, this call was ignored by the Turkish Parliament.
48. In fact, the Constitutional Court delayed the application of its pilot judgment procedure until 23.11.2023, on which the Court published its *Abdullah Kaya and Others* decision,⁴⁶ finding violations of freedom of expression and right to effective remedy in **503 consolidated applications**. **Although** these applications **span** approximately **10 years**, the oldest application was made by BirGün newspaper in 2014⁴⁷ and it was determined that the majority of the applications in the consolidated judgement were related to political speech cases. Of the applications included in the consolidated violation decision, two were made in **2014**, 12 in **2015**, 33 in **2016**, 35 in **2017**, 37 in **2018**, 56 in **2019**, 47 in **2020**, 104 in **2021**, 128 in **2022** and 49 in **2023**. Therefore, a large number of striking political applications with a high impact factor were brought to the Constitutional Court, which then kept these applications in the shadows, pending for years.
49. Still, regardless of the consolidated decision, large number of criminal judgeships of peace ignored the Constitutional Court's judgement and refused to conduct a retrial and fulfil the requirements of the judgement. Therefore, the violation decision of the Constitutional Court remains ineffective.

⁴³ Ali Kızılk Application, No: 2014/5552, 26.10.2017.

⁴⁴ Keskin Kalem Yayıncılık ve Ticaret A.Ş. and Others Application, No: 2018/14884, 27.10.2021, Official Gazette: 07.01.2022, No. 31712

⁴⁵ Keskin Kalem Yayıncılık ve Ticaret A.Ş. and Others Application, No: 2018/14884, 27.10.2021, Official Gazette: 07.01.2022, No. 31712

⁴⁶ Abdullah Kaya and Others, No: 2016/1430, 22.11.2023.

⁴⁷ See <https://x.com/cyberrights/status/1755142606844006436>

50. Finally, in a norm review case⁴⁸ the Constitutional Court annulled article 9 of Law No. 5651 on 11.10.2023, based on the structural problems identified in the Keskin Kalem Yayıncılık decision. The annulment decision however will come into force on **10.10.2024** and therefore has been in force since the annulment decision has been published on the Official Gazette on 10.01.2024. In the meantime, the Parliament is bound to revisit this contested provision and it is expected that a new model will be introduced.
51. While the Committee should remind the Turkish authorities about their obligations with regards to complying with articles 26 and 28 of the Constitution and Article 19 of the ICCPR, this **pending review in practice provides a unique opportunity** for the Turkish authorities to address the shortcomings in the existing legal framework under article 9 of Law No. 5651.
52. In formulating a new model, it is crucial to strike a balance between the legitimate protection of personal rights and the fundamental freedoms of expression and the press, as guaranteed under Articles 26 and 28 of the Turkish Constitution and Article 19 of the ICCPR.
53. The **new model** should include equality of arms, therefore an adversarial trial with a proper court review and explicit guidelines for the courts to prevent arbitrary and disproportionate decisions that excessively restrict access to online content. These guidelines must define clear criteria for the protection of personal rights while ensuring that measures such as content removal and access blocking are only applied as a last resort and in cases where there is demonstrable and imminent harm. The new model should also strictly define the individuals who can rely on such a measure and public institutions as well as private entities and companies should not be included within the scope of such a legal measure.
54. Moreover, the new model should also include meaningful and timely judicial oversight and any new legislative framework should incorporate procedural safeguards that guarantee a proportional and fair balance between the right to personal dignity and the right to freedom of expression. Furthermore, decisions regarding access blocking or content removal should be time-limited and subject to periodic review to avoid the indefinite blocking practices identified by the Constitutional Court.
55. Finally, İFÖD believes that, in alignment with international human rights standards, Türkiye should consider adopting measures that focus on less intrusive solutions such as content anonymization or redaction and the right to reply for affected parties rather than outright removal or blocking, especially when dealing with news websites. Such measures should respect both personal rights and the public's right to access information on matters of public interest, ensuring that freedom of expression is not unduly restricted in the digital age.

D. Article 9 Decisions are Destroying Press Archives

56. Within the context of article 9 of Law No. 5651, İFÖD has also observed that individuals increasingly request that past events not negatively affect their future, invoking the **right to be forgotten**. These requests, often assessed under article 9 of Law No. 5651 by **criminal judgeships of peace**, frequently result in **access blocking** and **content removal** decisions, even though the **content in question was lawful** and did **not violate personal rights** at the time of publication. İFÖD's research has been determined that a total of **15.732 news articles** and other content were subjected to sanctions, access was blocked, and, even worse, decisions were made to remove the news and content from publication and press archives in 930 different rulings during 2020-2022.

⁴⁸ Constitutional Court Decision, E.2020/76, K. 2023/172, 11.10.2023

57. Following the annulment decision by the **Constitutional Court** regarding article 9 of **Law No. 5651**, there is an expectation that new legislative reforms will also address gaps related to the **right to be forgotten** after **10.10.2024**. However, İFÖD is concerned over how the new legislation will balance **personal rights** and **freedom of expression**, particularly in ways that minimize harm to **press archives** and the broader **social memory**.
58. Current practices, which often **treat the right to be forgotten as part of broader personal rights violations**, pose significant challenges. These challenges are exacerbated by the lack of distinction between claims for content removal based on personal rights and those invoking the right to be forgotten. In many cases, content removal measures are disproportionately applied, leading to the **erasure of valuable historical records from press archives**.
59. A major issue with the existing framework is the reliance on measures such as **access blocking** and **content removal**, which have caused irreversible damage to **press archives** and, consequently, to **social memory**. These measures are often implemented without sufficient consideration of the **public interest** in maintaining access to information, particularly in cases where content was lawful at the time of its publication and does not necessarily violate personal rights. The overuse of such measures undermines **historical accuracy** and erases important aspects of the public record.
60. **Search engines** are typically the most appropriate target for right to be forgotten measures in Europe, yet the focus often falls instead on **press websites** and **news archives** in Türkiye. This misdirection results in unnecessary harm to **journalistic content**, which is integral to the **public's right to information**. In this regard, the lack of clarity in the law leads to broad, indiscriminate applications of content removal, impacting the integrity of **news archives**.
61. In rare cases where a balance must be struck between the **right to be forgotten** and the **right to remember**, less intrusive solutions, such as **anonymizing content** or removing it from **search engine indexes**, are often overlooked within the Turkish context through the application of article 9 of Law No. 5651. Instead, authorities frequently resort to **access blocking** and **content removal**, even when such measures are excessive and disproportionate to the alleged harm. This not only threatens **freedom of expression** but also **distorts the public's understanding of past events**.
62. Another key concern is the absence of a clear requirement for individuals invoking the right to be forgotten to demonstrate **significant harm**. As a result, requests for content removal or access blocking are sometimes approved without sufficient evidence, leading to the revision or suppression of historical records without proper justification. This practice risks undermining **journalistic integrity** and, ultimately, **public accountability**.
63. The lack of robust **judicial oversight** in assessing content removal requests further exacerbates the problem. **Criminal judgeships of peace**, which handle these cases, often fail to adequately consider the nature of the information, the time elapsed since its original publication, or the public's interest in the content. As a result, the balance between protecting personal rights and upholding **freedom of expression** and **press freedom** is frequently skewed.
64. İFÖD believes that the right to be forgotten must also be weighed against the **right to remember**—the public's right to access historical information. However, this aspect is often neglected in judicial decisions, which tend to prioritize the removal of content over less invasive solutions, such as **anonymization**. The failure to adopt less harmful measures

not only violates the **right to remember** but also poses a long-term threat to the preservation of **press archives**.

65. Finally, the broad application of the **right to be forgotten** also creates a **chilling effect** on the press. Media outlets may preemptively censor themselves or refrain from archiving content to avoid future legal challenges. This threatens to narrow **public discourse** and harm **press freedom**, with long-term consequences for journalism in Türkiye.
66. İFÖD, therefore calls upon the Committee to recommend that any new legal framework should not include measures like access blocking or content removal which cause lasting damage to press archives and, by extension, social memory.⁴⁹

VII. İFÖD's Conclusions

67. Overall, the Government's **aggressive policy to systematically block access to political speech** on the Internet should be considered within the broader restrictions on freedom of expression, freedom of the media and Internet freedom. This policy should be reflected within the context of a general deterioration in the state of freedom of expression in Türkiye alongside a broader crackdown on dissenting voices. Therefore, blocking access to websites and Internet content must be understood in the context of these wider, systematic measures aimed at silencing critical opinions.⁵⁰
68. The Council of Europe Commissioner for Human Rights has identified the detention and prosecution of numerous journalists and opposition parliamentarians as part of a broader pattern of repression targeting those who express dissent or criticism of the authorities.⁵¹ This repression is particularly evident in discussions surrounding government policies concerning South-Eastern Türkiye. Hence, measures taken under Law No. 5651 **cannot be isolated from a general atmosphere targeting freedom of expression and media freedom in Türkiye**.
69. Despite several violation and annulment decisions by the Constitutional Court, the widespread use of Law No. 5651 continues, with judges and public authorities frequently disregarding the Court's decisions. As a result, access remains blocked to platforms such as **Wattpad, Roblox, iheart.com**, and even the **National Film Board of Canada's** website. Additionally, access to critical international news outlets like Voice of America and Deutsche Welle has remained blocked since June 2022 under article 29/A of Law No. 6112 on Radio and Television Establishment and Broadcasting Services. This **systemic failure** to uphold the rule of law and protect freedom of expression **underscores the urgent need for reform**.
70. The continued widespread application of access blocking and content removal measures clearly fails to comply with both the Turkish Constitution and the ICCPR. As highlighted

⁴⁹ Any new legal framework must be shaped in line with a recent decision of the **Grand Chamber of the European Court of Human Rights** in *Hurbain v. Belgium* (GC), no. 57292/16, 04.07.2023.

⁵⁰ See generally Y. Akdeniz & K. Altıparmak, Turkey: freedom of expression in jeopardy: Violations of the rights of authors, publishers and academics under the State of Emergency, English PEN (London), March 2018, at https://www.englishpen.org/wp-content/uploads/2020/07/Turkey_Freedom_of_Expression_in_jeopardy_ENG.pdf.

⁵¹ Third party intervention by the Council of Europe Commissioner for Human Rights, concerning applications *Abdullah Zeydan v. Turkey* (no. 25453/17); *Ayhan Bilgen v. Turkey* (no. 41087/17); *Besime Konca v. Turkey* (no. 25445/17); *Çağlar Demirel v. Turkey* (no. 39732/17); *Ferhat Encü v. Turkey* (no. 25464/17); *Figen Yüksekdağ Şenoğlu v. Turkey* (no. 14332/17); *Gülser Yıldırım v. Turkey* (no. 31033/17); *İdris Baluken v. Turkey* (no. 24585/17); *Nihat Akdoğan v. Turkey* (no. 25462/17); *Nursel Aydoğan v. Turkey* (no. 36268/17); *Selahattin Demirtaş v. Turkey* (no. 14305/17); *Selam Irmak v. Turkey* (no. 25463/17), CommDH(2017)33, 01.11.2017, at <https://rm.coe.int/third-party-intervention-12-cases-v-turkey-on-freedom-of-expression-an/1680764ef6>, § 23.

by General Comment No. 34 on Article 19 of the ICCPR, “any restrictions on the operation of websites, blogs, or any other Internet-based information dissemination systems, including systems that support such communication, are only permissible to the extent that they are compatible with paragraph 3.”⁵² Permissible restrictions **must be content-specific**; broad and **generic bans on the operation of websites are not compatible** with paragraph 3 and are in direct violation of international standards when applied solely based on government criticism.⁵³

71. In conclusion, the current Internet content regulation regime in Türkiye—including the access blocking and content removal provisions of Law No. 5651, along with related measures under the Radio and Television Establishment and Broadcasting Services Law—falls short of the requirements of Article 19(3) of the ICCPR. The Turkish Government should take immediate steps to align its laws and practices with international standards by ensuring that any restrictions on Internet content and access are precise, proportionate, and serve a proper legitimate aim, rather than suppressing dissenting voices.

VIII. İFÖD’s Recommendations to the Committee

1. **Call for Compliance with Article 19 of the ICCPR:** The Committee should urge Türkiye to immediately review and amend Law No. 5651 and other related laws to ensure full compliance with Article 19 of the ICCPR, particularly by limiting access blocking and content removal to narrowly defined, content-specific cases.
2. **Establish Transparent Oversight Mechanisms:** The Committee should recommend the establishment of transparent and independent oversight mechanisms to review access blocking decisions made under Law No. 5651, ensuring that such measures are subject to judicial scrutiny and periodic review.
3. **End Generic and Overbroad Bans:** The Committee should recommend that Türkiye cease the use of broad, generic bans on entire platforms, websites, or services and ensure that any restrictions on content are based on clearly defined legal grounds and do not disproportionately affect freedom of expression.
4. **Ensure Implementation of Constitutional Court Decisions:** The Committee should emphasize the need for Türkiye to enforce Constitutional Court rulings on violations related to access blocking and content removal. Public authorities and judges should be held accountable for ignoring or failing to implement these decisions.
5. **Promote Access to International News and Information Platforms:** The Committee should urge Türkiye to lift the current restrictions on international news websites, such as Voice of America and Deutsche Welle, and ensure that access to independent journalism is not restricted on political grounds. Access to independent journalism is vital for a democratic society, and the blanket blocking of international news sources violates both domestic constitutional protections and Türkiye’s obligations under the ICCPR. The Committee should emphasize that no news or information platform should be blocked solely due to content that may criticize the government or its policies. The Turkish government must ensure that all platforms providing news and information, including non-Turkish sources, are accessible to the public.
6. **Restore Access to Social Media and Information-Sharing Platforms:** In addition to international news sites, the Committee should recommend that Türkiye restore access to

⁵² See General comment No. 34: Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, 12.09.2011, § 43.

⁵³ *Ibid.*

social media and information-sharing platforms, such as **Roblox**, **Wattpad**, and **iheart.com**, which have been blocked without a clear and proportionate legal basis. These platforms are widely used by individuals for social interaction, creative expression, and education. Blocking these services not only restricts freedom of expression but also limits access to platforms that facilitate innovation, creativity, and cultural exchange. The Turkish government should be urged to refrain from using broad and unjustified access restrictions on social media platforms and ensure that any future restrictions comply with the principles of legality, necessity, and proportionality as outlined in Article 19(3) of the ICCPR.

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İfade Özgürlüğü Derneği (İFÖD) has been set up formally in August 2017 protect and foster the right to freedom of opinion and expression. The Association envisions a society in which everyone enjoys freedom of opinion and expression and the right to access and disseminate information and knowledge.