



**REPORT ON
FREEDOM
TO PUBLISH**

December 2020 -
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TÜRKİYE YAYINCILAR VE YAYIN DAĞITIMCILARI BİRLİĞİ DERNEĞİ

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INTRODUCTION

Turkish Publishers Association has been sharing the Report on Freedom to Publish every year since 1995 with the publishing world.

In our reports we include investigations and lawsuits initiated against publishing houses, writers, translators and printing presses for the contents of their books, court decisions banning and recalling books, de facto censorship implemented on publications, obstructions during the

stages of publication, distribution and publicity, prevention of access to publications in prisons, schools and universities as well as complete ban on reading and writing activities, pressures on the press and the Internet, changes in related legislation, international reports and ECHR (European Court of Human Rights) rulings.

In addition to book recalls and bans on distribution of books, lawsuits initiated against writers and publishing houses are found in this year's report too.

A new development that has been observed this year is the increase in the number of lawsuits initiated with the accusation of insult through published books.

The violation of rights due to the practice of not giving official notification of the court decisions to ban the distribution and sale of books to the copyright owning publishers and writers has continued during the period covered in this report.

This year's report also covers the continuing violation of rights in the access to periodical publications and books in prisons.

Increasing violations of rights in the area of the freedom of the press and the Internet have been observed in the period covered in this report. Recent changes in laws have brought new regulations to Internet publishing.

Another issue that has continued to be on the agenda of the publishing industry in Turkey this year has been the "obscene publication" decisions of the Board for the Protection of Minors from Obscene Publications. During this period, the Board has declared 6 publications as "obscene publications" – 4 of these are for adults and 2 of them are children's books. In all, since it was reinstated under the Ministry of Work, Social Policies, and Family based on the Statutory Decree no. 703, article 38, published on July 2, 2018, the Board has declared 24 publications are "obscene".

COURT DECISIONS BANNING BOOKS AND LAWSUITS

CHP's Booklets Recalled and Confiscated Last Year Have Not Been Returned

Based on a criminal investigation initiated by the Nevşehir Chief Public Prosecutor's Office, two booklets, *Kıdem Tazminatında Fon Aldatmacası* (Deceptiveness of the Severance Pay Fund) and *Arpalık Aile Şirketi* (The Sinecure of Family Company) published by CHP (Republican People's Party) were banned on November 6, 2020 by the Nevşehir Criminal Court of Peace which had decided to "ban the printing, distribution, and sale of the books as well as confiscating the already seized books and recalling all their printed copies." Upon the appeal of CHP Nevşehir Provincial Directorate, Kırşehir Criminal Court of Peace issued a stay of execution. The stay of execution judged that "the contents of the books do not present provocation of the public to hatred and enmity towards a group and they do not pose a threat to public security". The court's decision that the confiscated booklets be returned to CHP has not been implemented yet.

Lawsuit Against CHP's Booklet *21 Soruda FETÖ'nün Siyasi Ayağı*

A criminal complaint has been filed against all the members of CHP's Central Executive Board on the basis of the booklet *21 Soruda FETÖ'nün Siyasi Ayağı* (The Political Branch of FETÖ in 21 Questions). Because most members of the Central Executive Board are also members of the parliament, no judicial proceedings have been initiated against them, but the only member, Gökçe Gökçen, who is not a member of the parliament, has been the target of three different lawsuits with the six different accusations. The accusations attributed to the booklet include "libel" and "assault and assassination [plan] against the president" and the trials still continue with the reasoning that the contents exceed the crime of "insulting the president" and reach that of "assault against the president." Ankara Chief Public Prosecutor's Office had initiated the investigation about the book with the accusation of "provocation of the public to hatred and enmity." On September 23, 2020, Ankara 5th Criminal Court of Peace had decided to ban the "printing, distribution, and sale" of the book and "to recall and confiscate" all copies in print. CHP's application to the Constitutional Court (AYM) for the reversal of the decision has not been concluded yet.

"Sale and Distribution Ban" on Avesta Publishing's Book

Avesta Publishing was finally given official notice on the phone on March 2, 2021 of the "sale and distribution ban" (based on the decision of Mersin 3rd Civil Court of Peace on November 29, 2017) on the book *Şehitler Hainler ve Yurtseverler: Körfez Savaşından Günümüze Kürdistan* (Martyrs, Traitors, and Patriots: Kurdistan After the Gulf War) written by Sheri Laizer and published in Turkish by Avesta Publishing in 2007. According to the press statement on Avesta Publishing's social media account, a criminal investigation initiated against the book at the time of its publication had concluded with the decision

of non-prosecution. More than 90 of Avesta Publishing's books have been banned and recalled based on various court decisions up to now.

“Sale and Distribution Ban” on the Book *Dr. Said: Dağların Kilidini Kaybettik*

Upon the decision of Istanbul 2nd Criminal Court of First Instance, the novel *Dr. Said: Dağlar Kilidini Kaybettik* (Dr. Said: We Have Lost the Key to the Mountains) written by Selim Çürükkaya and published by Doz Publishing was recalled. It has been written in the media that Doz Publishing Executive Editor Köroğlu Karaarslan was fined 40,000 TL in total for the Kurdish and Turkish editions of the book.

Suspension of Avesta Publishing's Public Talk with the Writer

The public talk with the writer Mîrza Metîn organized by Avesta Publishing in Mardin was suspended while in session on the basis of measures against the pandemic. In the press statement published on its social media account, the publishing house stated the following: *A part of our literary talks series organized in İstanbul, Diyarbakır and Mardin that we started at the beginning of October and that has proceeded without any problems until now, our Mardin talk with the writer Mîrza Metîn was interrupted by the police on the basis of measures against the pandemic. In order not to create problems for the people that we work with, we have decided to suspend our events in Mardin. We hope to meet again soon.*

Court Decision to Recall Book by Belge Publishing

Based on the decision of Istanbul 8th Criminal Court of Piece (numbered 2021/1289) that banned the “sale and distribution” of Nurettin Demirtaş's book *Onur Borcu* (Debt of Honor) published by Belge Publishing in 2015, the book was recalled. A short time before the court decision banning the sale and distribution of the book, the book had become the target of social media campaigns as well as some newspapers on the ground that the book's writer Nurettin Demirtaş was on the red category of the Wanted List (for terrorism) by the Ministry of Interior and that the book was on sale in İstanbul Bookstore owned by İstanbul Metropolitan Municipality. Moreover, AK Party representative Ahmet Rasim Yücel who is a member of the Metropolitan Municipal Council had presented a written question to the Council regarding the sale of the book in İstanbul Bookstore.

Prevention of Distribution of Atatürk's *Nutuk* in Schools in Mersin

The simplified version of Mustafa Kemal Atatürk's *Nutuk* which was published as *Mustafa Kemal Atatürk - Gençler İçin Nutuk* (Mustafa Kemal Atatürk – Discourse for the Youth) by Mavi Çatı Publishing, was going to be distributed in schools in Mersin. Mersin Çamlıyayla National Education Provincial Directorate issued a written statement saying that they found the distribution of the book in schools objectionable. In the written statement, the National Education Provincial Directorate claimed that the reasons for this are that

in the Nutuk, Atatürk uses the words “degenerate, base” for the last Ottoman sultan Vahdettin, that the book contains language of violence that could negatively affect students such as the sentence “the teacher hit the students with a stick,” and that in one of the photographs, Atatürk is pictured with a cigarette in his hand. The Ministry of National Education stated that an investigation has been initiated regarding the matter.

Lawsuit Against Writer Gülsen İşeri for Her Books on Urban Transformation Dismissed

Ankara 2nd High Criminal Court had prepared a bill of indictment against journalist and writer Gülsen İşeri, accusing her of “doing propaganda of terrorist organization” in her books *Ateşin ve Sürgünün Gölgesinde Kentsel Dönüşüm* (Urban Transformation in the Shadow of Fire and Exile) and *Metropol Sürgünleri* (Metropolitan Exiles) based on a complaint from an undisclosed informant submitted to the Prime Ministry’s Information Center. However, because the publishing house is in Istanbul, the bill of indictment was forwarded to the authorized court in Istanbul. In the last hearing of the trial on November 11, 2021, the court declared that “according to Article 26 of the Press Law (no. 5187), a lawsuit can only be initiated against a periodical publication within 4 months and against an otherwise published work within 6 months of its publication” and therefore dismissed the lawsuit by reaching the decision of non-prosecution.

New Lawsuit Against Nurullah Ankut for Insulting the President in His Defense

Nurullah Ankut, the president of the People’s Liberation Party, was tried in a lawsuit for “insulting the President” in his books *Kanunsuzlar 2* (The Unlawfuls 2) and *Kanunsuzlar 3* (The Unlawfuls 3), and in 2017 he was given 4 years and 8 months of prison sentence. A second lawsuit was initiated against Nurullah Ankut in 2021 with the allegation that he insulted the president in his defense during the former trial.

Continuing Lawsuits Against Ahmet Sever for Insult in His Book

Ahmet Sever, writer for the T24 internet newspaper and the Principal Consultant for Media, Communication and Public Relations to former President Abdullah Gül, is being tried in separate lawsuits for insult in his book *İçimde Kalmazın/Tanıklığımdır* (Off My Chest/My Testimony) published in 2018 by Destek Publishing. The three lawsuits against Sever are: for “insulting the President” based on the complaint by President Tayyip Erdoğan carrying a possible prison sentence of 1 year and 2 months to 4 years and 8 months; for “insulting a public official” based on the complaint by AK Party Member of the Parliament representing Tekirdağ and the Chairperson of Turkish Grand National Assembly Mustafa Şentop carrying a possible prison sentence of 1 year, 5 months and 15 days to 4 years and 1 month; for “insulting a public official” based on the complaint by Minister of Industry and Technology Mustafa Varank carrying a possible prison sentence of 1 year and 2 months to 2 years and 4 months. In total, Sever is being tried with a possible prison sentence of 3 years, 9 months and 15 days to 11 years and 1 month.

Lawsuit Against Journalist Caner Taşpınar for Insult in His Book

A lawsuit has been initiated against journalist Caner Taşpınar for his book *Damat: Fethullahçılığın AKP'li Kayınpederleri* (The Son-in-law: The AK Party Member Fathers-in-law of Fethullahists) published in 2020 by Kırmızı Kedi Publishing with the accusation of insulting the former Chairperson of Turkish Grand National Assembly İsmail Kahraman and Ali İhsan Arslan, AK Party Member of Parliament representing Ankara. The complaint also demanded the recall of the book. The lawsuit pursues a possible prison sentence of 3 months to 2 years for insult and a possible prison sentence of 10 months and 15 days to 6 years and 9 months in total for committing the crime of insult publicly.

The Book *Ömrümce Ağladım* Has Been Recalled

Journalist Barış Pehlivan wrote in his column in *Cumhuriyet* on April 27, 2021 that Sedat Peker felt uncomfortable with the content of journalist and writer Gülşen İşeri's book *Ömrümce Ağladım* (I Have Cried All My Life) published in 2017 by Doğan Books, and he had the publishing house raided. Barış Pehlivan also wrote that the raiders threatened the publishing house employees that if "necessary action is not taken," they know the address of the author. It was revealed that the Publishing house had recalled the book in 2017. The Executive Editor of Doğan Books stated that the book was recalled upon Muhterem Nur's demand.

CENSORSHIP AND SELF-CENSORSHIP

Admission of Self-Censorship in the Book *Ermeni Hayaleti*

The fact that the Armenian and Turkish translations of the book *Ermeni Hayaleti* (Armenian Ghost) originally written in French by Laurent Marchand, Guillaume Perrier, and Thomas Azuelos, and translated by Hande Topaloğlu Hartmann, first published in 2021 by Aras Publishing, did not include some of the pages of the original French version, was declared in an admission of self-censorship in the preface to the book as follows: *As a publishing house that works in Turkey and that aims to function as a bridge between Turks, Kurds, other peoples and Armenians through our books, we did not have the courage to publish three pages of the original French version of the book due to the expected pressures and threats we would receive under the present political conditions in Turkey. Unfortunately, we felt forced to exercise self-censorship and remove those pages from the Turkish and Armenian editions of the book. We hope for times when books can be published freely without censorship and self-censorship in our country and in the world.*

Censorship by Trendyol on the Sale of Political Books

When the sale representative of Yordam Books in Izmir contacted Digital Marketing Company Trendyol, they were told by Trendyol that the writer Fatih Yaşlı's books *Antikomünizm* (Anticommunism), *Ülkücü Hareket* (The Ülkücü Movement), *Türkeş-Türkiye ve Soğuk Savaş* (Türkeş-Turkey and Cold War), *Türkçü Faşizmden Türk-Islam Ülküsü'ne* (From

Turkist Fascism to 'Turkish-Islam Ideal'), *Cemaat, Sünni-Ulus- Yeni Türkiye Üzerine Tezler* (The Cemaat, Sunni-Nation-Theses on New Turkey), all published by Yordam Books would not be listed for sale because they were "political." Once the news of this was covered in the media, Trendyol issued the following statement: "This was an action that exceeded our intentions. We have corrected our error and the books are now on sale. We apologize to Mr. Faith Yaşlı and the public."

Censorship in Honoré de Balzac's Book *İki Gelinin Hatıraları*

A social media user pointed out that Honoré de Balzac's book *İki Gelinin Hatıraları* (The Memoirs of Two Brides) published by Can Publishing did not contain the word 'Muhammed' that existed in the older National Education Publishing edition. It was revealed that both editions were based on the same Nurullah Ataç translation. The Chairperson of Can Publishing's Board of Directors Can Öz stated in a social media post that the original translation contains the word 'Muhammed' as the social media user pointed out and that the Can Publishing edition would be corrected.

Censorship of the Word "Kürdistan" in Salman Rushdie's Novel

An article published in the Internet news portal Rûdaw claimed that the word "Kürdistan" was censored in the Turkish translation of Salman Rushdie's novel *Floransa Büyücüsü* (*The Enchantress of Florence*) published by Can Publishing. The Chairperson of Can Publishing's Board of Directors Can Öz stated in a social media post that the book would be recalled right away in order to be corrected. The book's translator Begüm Kovulmaz stated on her own social media account that she had not censored the word "Kürdistan" in her translation and that the word existed in the document that she had submitted to the publishing house.

LAWSUITS FOR ATTACKS ON BOOKSTORES

Prison Sentence of 3 Months for Buring the Gül Bookstore in Kırşehir

In the protests following the "curse on terrorism march" on September 8, 2015, the Gül Bookstore in Kırşehir was raided and set on fire. The lawsuit at Kırşehir High Criminal Court was joined with other lawsuits for destroying the HDP Provincial Directorate office and some other shops. 86 defendants were on trial in the joined lawsuit and while they were acquitted of the crimes of "organizing illegal meetings and protest marches" and "provocation of the public to hatred and enmity," some of the defendants were found guilty for "damaging private property" and "intentional injury" and given sentences of either 2 thousand liras of penalty fines or 3 months and 10 days of imprisonment.

Motion for Acquittal for the Bombers of Umut Bookstore

The 14th hearing of the lawsuit for the bombing of Umut Bookstore on November 9,

2005 at Van 1st High Criminal Court took place on October 21, 2021. The opinion of the prosecutor on the accusations against the 3 defendants included a motion for judgement of acquittal based on "lack of evidence." The court deferred judgement to the next hearing on December 20, 2021.

PREVENTION OF PARTICIPATION IN FAIRS AND FOUNDING OF A LIBRARY

Prevention of Avesta Publishing's Participation in Fairs

In a press statement in Avesta Publishing's social media account, it is stated that their participation in some book fairs is prevented because they do not get any responses to their application to municipalities and other relevant departments: *Book fairs are now permitted to take place. Our readers are asking but unfortunately, we will not (be able to) participate in any. We submitted a written application for Kartal Book Fair but we did not even get any response to our application. Our participation in Batman, Van and Ankara book fairs was prevented before, so we did not apply again. We will try other alternatives. Kartal Book Fair is over and Ankara Book Fair is in progress. Book fairs in Batman and Van will happen soon, and we want to participate in them. In many of them, bookstores participate instead of publishing houses.*

Even though we want to participate as a publishing house and there is a lot of demand for our books in those places, why is our participation prevented?

Prevention of the Founding of a Library in Iğdır

It has been reported in the media that a civil initiative to found a library in the village of Hasanhan in Iğdır was prevented by the District Governorate. Iğdır Provincial Governorate in a press statement explained that there was no official application submitted to either the Provincial Governorate or the District Governorate for the founding of the library, and the principles and requirements for the founding of a private library are expressly stated in the Culture and Tourism Ministry's Regulations for Public Libraries, and once an application is submitted to the Ministry, the application would be processed accordingly.

THE BAN AND PREVENTION OF ACCESS TO BOOKS IN PRISONS

As the number of people detained in prisons as well as the number of prisons increase on a daily basis in Turkey, violations of the rights of incarcerated individuals in the form of banning and preventing access to books and periodicals have also been on the rise.

Human Rights Association (İHD) has published its 2020 *Report for the Monitoring of Rights in Prisons in Turkey*. According to this *Report*¹, the new "Law on the Execution of Sentences and Security Measures and Law for Making Changes in Some Laws" which became effective when it was published in the official gazette on April 15, 2020, brings

1 <https://www.ihd.org.tr/wp-content/uploads/2021/04/2020-Y%C4%B1%C4%B1-Hapishaneler-Raporu.pdf>

some restrictions to the publications that would be allowed into prisons. According to the new law, those newspapers that the Press Advertisement Authority does not publish statements or advertisements in will not be allowed into prisons.

Moreover, access of incarcerated individuals to some books has also been arbitrarily prevented. Prison administrations sometimes prevent access to books that they find "objectionable" or illegal. Their responses to the questions for their reasoning include "banned publication," "illegal content," "disruptive to the institution's security." Also, access to publications that are not in Turkish, especially those in Kurdish, are prevented with the claim that the prison administration does not employ anyone who understands Kurdish and they would only be allowed "if the incarcerated individuals pay for translation fees."

The number of books that can be kept in dormitories or prison cells changes from institution to institution. While some prisons allow up to 8 books at the time, others limit this number to 3 books. Moreover, these books are not replaced for long periods of time and the requested books delivered with long delays with the excuse of inspection.

The Report also states that there has not been any decrease in the violation of rights in prisons which had become more frequent during the state of emergency. These violations include systematic restriction of incarcerated individuals' communication and correspondence with

their loved ones, the rights to read and write books as well as the rights to access information. It was also reported that the books arrested individuals read in prison are used as criteria in the evaluation for time off for good conduct, and negative opinion reports based on these prevent the release of arrested individuals.

Human Rights Association (İHD) received 1182 applications in 2020 from incarcerated individuals for the violation of their rights in prisons. The Report points out that the number of incarcerated individuals in Turkish prisons is at a historical high and this high number itself brings with it intense violation of rights in prisons.

LAWSUITS AGAINST WRITERS FOR THEIR BOOKS

Potential Prison Sentence of 158 Years for Writers Barış Pehlivan and Barış Terkoğlu

The book *Metastaz 2: Cendere* (Metastasis 2: The Mangle) written by journalist and writer Barış Pehlivan and Barış Terkoğlu and published by Kırmızı Kedi Publishing has been the target of 14 different criminal investigations based on complaints about the book itself, news coverage and reviews of the book, and TV programs about the book. As a result of these investigations, lawsuits have been initiated against Barış Terkoğlu carrying a potential prison sentence of 95 years and against Barış Pehlivan carrying a potential prison sentence of 63 years. There are also 8 different ongoing lawsuits initiated for damages for mental anguish against the two writers who are the 2019 recipients of Turkish Publishers Association prize for Freedom of Thought and Expression.

Ahmet Altan Was Released

Writer and journalist Ahmet Altan who had been in prison since September 2016 for his writings and political commentary. Penal Department no. 16 of the Supreme Court of Appeal reversed the imprisonment judgement on April 14, 2021. European Court of Human Rights had already ordered the release of Ahmet Altan a day earlier on April 13, 2021 and Turkey was ordered to pay him 16 thousand euros for compensation.

Prison Sentence to Mahmut Alınak for His Book

On December 5, 2019, Istanbul 2nd Criminal Court of Peace had banned the “distribution and sale” of writer, lawyer and politician Mahmut Alınak’s book *Mehmet Tunç ve Bêkes* (Mehmet Tunç and Bekes) which had been published by CHA Publishing in 2017. Upon the court’s ban on his book, three separate bills of indictment had been prepared against Mahmut Alınak, accusing him of “doing illegal propaganda” and “openly insulting the Republic of Turkey” and lawsuits have been initiated. The lawsuit for “doing illegal propaganda” that was conducted by Istanbul 22nd High Criminal Court was concluded with a prison sentence of 1 year and 6 months for Alınak. Additionally, Mahmut Alınak was tried for “insulting the President” by Kars 1st Criminal Court of First Instance and that lawsuit was concluded on March 18, 2021 with a final verdict of acquittal.

Penalty Fine to Hamide Yiğit and Tekin Publishing

Multiple investigations and lawsuits had been initiated against Hamide Yiğit’s book *Tekmili Birden İŞİD: El Kaide’den İŞİD’e Amerika İçin Cihat* (All of ISIS: Jihad for the USA from Al Qaeda to ISIS) since it was published in 2016 by Tekin Publishing and the writer was given a compensation penalty. Both Hamide Yiğit and Tekin Publishing were sentenced to 10 thousand liras for non-pecuniary damages in the final hearing of the lawsuit at Istanbul 20th Penal Court of First for “insult” and “insulting public officials due to their positions.” The plaintiffs of this lawsuit were Humanitarian Relief Foundation (IHH), Bilal Erdoğan and Berat Albayrak while Mustafa Erdoğan and Ziya Ülgen also attended as intervenors.

Investigation About Orhan Pamuk’s Book *Veba Geceleri*

Another criminal investigation was initiated about Orhan Pamuk with the allegation that his book *Veba Geceleri* (*Nights of Plague*) contained “insult.” Upon complaint about Orhan Pamuk’s book which was published in March 2021, a criminal investigation was initiated by Izmir Chief Public Prosecutor’s Office, and the investigation was concluded by Istanbul Chief Public Prosecutor’s Office with the decision of non-prosecution. However, because the decision of non-prosecution was contested, the Prosecutor’s Office re-initiated the investigation on the book with the same allegations.

The investigation against Orhan Pamuk should be ended!

November 11, 2021

We have learned that another investigation has been initiated about Orhan Pamuk with the allegation that his book 'Veba Geceleri' contains "insult". Upon complaint about Pamuk's book which was published in March 2021, a criminal investigation had been initiated by Izmir Chief Public Prosecutor's Office, and the investigation had been concluded by Istanbul Chief Public Prosecutor's Office with the decision of "non-prosecution." However, because the decision of non-prosecution was contested, the Prosecutor's Office re-initiated the investigation with the same allegations.

We would like to emphasize that such legal proceedings take a heavy toll on the time and resources of publishers and writers as well as creating a threatening and tense atmosphere. This issue leads writers and publishers to self-censorship and makes the publication of even "legitimate" works more difficult.

Protection of freedom of expression and publishing, and freedom from interference in the exercise of these rights is a constitutional right. Protection of these freedoms is one of the constituting factors of being a democratic society. We need more scrupulous attitudes from our courts for the protection and elevation of our freedoms which are our most important achievements.

As Turkish Publishers Association, we stand against any attempt to restrict the freedom of expression and publishing. We would like to remind that such forms of interference harm the principle of democratic society and function as de facto banning of books, and we invite the officials to take concrete steps to urgently end the investigation about Orhan Pamuk about his book.

Respectfully,

Turkish Publishers Association

Systematic Threats and Assault Against Poet Batuhan Dedde

Poet and writer Batuhan Dedde has announced that he has been systematically stalked, threatened, and assaulted since 2017. Dedde stated that the people who call him to threaten said things like, "We are members of Osmanlı Ocakları (Ottoman Hearths). You will not write any more of those books. Have those tattoos erased; otherwise, we will cut your arm and throat." The torture that Dedde has been subjected to was taken to the floor of the Grand National Assembly by Ömer Faruk Gergerlioğlu, HDP Member of the Parliament representing Kocaeli, who directed a question to the Minister of Interior Süleyman Soylu as to whether any measures have been taken to ensure the poet's safety of life.

BOOKS CATEGORIZED AS “OBSCENE”

In Two and a Half Years, 24 Books Have Been Declared “Obscene”

The Board for the Protection of Minors from Obscene Publications, originally instituted in accordance with the law no. 1117 in 1927, was reinstated based on the Statutory Decree no. 703, article 38, published on July 2, 2018, under the Ministry of Work, Social Policies and Family.

Between July 2019 and November 2021, the recently reinstated Board for the Protection of Minors from Obscene Publications has declared 24 books as “obscene publications”, 15 of which are children’s books. The number of books declared as “obscene publications” by the

Board during the period covered in this report is 6: 4 of these are for adults and 2 of them are children’s books.

The Board’s decision, which was published in the Official Gazette on January 3, 2021, declared the children’s book *Ben De Okuyorum Öykü Dizisi 3 – Büyümlü Gökkuşığı* (I am Reading Too Story Series 3 – Magical Rainbow) published by Türev Publishing. Before the Board’s decision, the publisher of the book had made the following statement about the book which had become the target of campaigns on social media and the news for “objectionable content”: *We declare that our publishing principles are respectful to national and moral values and we take current sensibilities into consideration, we do not think that such expressions should be published in any book, and necessary changes will be made in upcoming editions.*

Two more decisions of the Board published in the Official Gazette on February 26, 2021 and September 8, 2021 declared Whitney G.’s book for adults *Makul Şüph*e (Reasonable Doubt) published by Yabancı Publishing, and volumes 1 and 2 of Alice Oseman’s comic book *Kalp Çarpıntısı* (Heartstopper) as “obscene” with the reason that they “have detrimental influence on the morals of minors.” Even before the publication of the Board’s decision, Istanbul Anatolian Chief Prosecutor’s Office had started an ex officio investigation about the book *Kalp Çarpıntısı* and digital marketing platforms such as D&R, Idefix, Kitapyurdu, and BKM Kitap had stopped online sales of the book. The investigation about the book has not been concluded as of the writing of this report.

On November 19, 2021, new decisions of the Board were published in the Official Gazette that declared Jul Maroh’s comic book *Mavi En Sıcak Renktir* (Blue is the Warmest Color) published by Ithaki Publishing, and Berkant Kiray’s book *Kafasında Sonsuzluğu Taşıyan Çocuk* (The Child Who Carries Infinity in His Head) as “obscene” publications and therefore they should be restricted according to the Law for the Protection of Minors from Obscene Publications. According to the decision of the Board published in the Official Gazette, the book *Kafasında Sonsuzluğu Taşıyan Çocuk* was inspected following a decision by Gaziosmanpaşa 12th Criminal Court of First Instance while the book *Mavi En Sıcak Renktir* was inspected following an application by Istanbul Anatolian Chief Public Prosecutor’s Office’s Bureau of Investigation for Press Offences.

Another Board decision published on June 24, 2021 in the Official Gazette declared the children's book *Onlar Ermiş Muradına-En Güzel Türk Masalları* (They Have Got Their Heart's Desire – Most Beautiful Turkish Tales) published by Karatay Akademi Publishing as "obscene" publication. An association named HEMPA Children had started a social media campaign claiming that the book contained "incest and obscenity" and demanded that the book should be banned, and its sale should be stopped. In their social media posts, they tagged digital marketing platforms and called them to end the sale of the book. The association also filed a criminal complaint at Ankara Chief Public Prosecutor's Office about the writer, editor and publishing coordinator of the book.

Court Reversed the "Obscene Publication" Decision About Two Books

The decisions of the board that declared the books *Kız Çocuk Hakları Bildirgesi* (Declaration of the Rights of Girls) and *Erkek Çocuk Hakları Bildirgesi* (Declaration of the Rights of Boys) as obscene publications, published in the Official Gazette in September 2019, were reversed by Ankara 12th Administrative Court. Lawyer Mehmet Ümit Erdem, who read the books with his daughter, took the decisions to court "as a father of a girl, in his daughter's name." As a result of the lawsuit initiated by Erdem, the books *Kız Çocuk Hakları Bildirgesi* and *Erkek Çocuk Hakları Bildirgesi* were taken off the list of "obscene publications" when the court reversed the Board's decision on October 11, 2021 which is also the International Day of the Girl Child.

Ministry of Family's Program "Fighting Against Obscene Content" is in Action

Former Minister of Family, Labor and Social Services Zehra Zümrüt Selçuk had made an announcement on October 15, 2020 that stated that the work of the Board for the Protection of Minors from Obscene Publications would be expanded and a new mechanism would be established that would allow for individual applications to the Board. On December 28, 2020 within the Program for "Fighting Against Obscene Content," the Ministry launched individual report lines through WhatsApp and BIP by completing a form and emailing. The Ministry stated on its official website on March 1, 2021 that most individual applications concern contents of books.

**Books That Were Declared as “Obscene Publications”
by the Board for the Protection of Minors from Obscene Publications²
Between July 2019 and November 2021**

	Category	Book Title	Writer	Publisher	Date of Decision
1	Adult Fiction	<i>Kafasında Sonsuzluğu Taşıyan Çocuk</i>	Berkant Kiray	Perseus Publishing	November 19, 2021 / Official Gazette – obscene publication
2	Adult Fiction	<i>Mavi En Sıcak Renktir</i>	Jul Maroh	İthaki Publishing	November 19, 2021 / Official Gazette – obscene publication
3	Adult Fiction	<i>Kalp Çarpıntısı 1-2</i>	Alice Oseman	Yabancı	September 8, 2021 / Official Gazette – obscene publication
4	Children and Young Adult	<i>Onlar Ermiş Muradına- En Güzel Türk Masalları</i>	Erol Yıldız	Karatay Çocuk Publishing	June 24, 2021/ Official Gazette – obscene publication
5	Adult Fiction	<i>Makul Şüphe</i>	Whitney G.	Yabancı	February 26, 2021 / Official Gazette – obscene publication
6	Children and Young Adult	<i>Ben De Okuyorum Öykü Dizisi 3 – Büyülü Gökkuşağı</i>	Aziz Sivasloğlu	Türev Publishing	January 3, 2021 / Official Gazette – obscene publication
7	Children and Young Adult	<i>Asi Kızlara Uykudan Önce Hikâyeler 2</i>	Francesca Cavallo Elena Favilli	Hep Books	November 22, 2020 / Official Gazette – obscene publication
8	Children and Young Adult	<i>Bazı Günler</i>	Heinz Janisch	Yapı Kredi Publishing	November 22, 2020 / Official Gazette – obscene publication
9	Children and Young Adult	<i>Evde ve Uzakta</i>	Christine Nöstlinger	Güneşiği Library	November 22, 2020 / Official Gazette – obscene publication
10	Children and Young Adult	<i>Ben Bir Sihirbazım</i>	Tedvan Lieshout	Büyülü Fener Publishing	September 9, 2020 / Official Gazette – obscene publication
11	Children and Young Adult	<i>Keloğlan Ak Ülkede</i>	Duran Yılmaz	Yuva Publishing	September 3, 2020 / Official Gazette – obscene publication

2 According to the law, books that have been declared as “obscene” “...can only be sold to those 18 or above packaged in a non-transparent bag or envelop. On these bags or envelopes, nothing can be seen other than the title of the book and the statement ‘detrimental to children.’”

12	Children and Young Adult	<i>Gül ve Düşün</i>	Musa Dinç	Arı Sanat Publishing	August 29, 2020 / Official Gazette – obscene publication
13	Adult Fiction	<i>Yolsuz Dere</i>	Selma Aydın	İkinci Adam Publishing	August 29, 2020 / Official Gazette – obscene publication
14	Children and Young Adult	<i>Bebekler Nereden Gelir</i>	Doris Rübél	Mikado Publishing	July 11, 2020 / Official Gazette – obscene publication
15	Adult Fiction	<i>Ayın En Çıplak Günü</i>	Buket Uzuner	Everest Publishing	March 20, 2020 / Official Gazette – obscene publication
16	Adult Fiction	<i>Bu Kadınlar Yedi Bitirdi</i>	Ersan Pekin	İkinci Adam Publishing	February 3, 2020 / Official Gazette – obscene publication
17	Children and Young Adult	<i>Burcu ve Berk / Cinsellik -Cinselliği Keşfediyoruz</i>	Defne Ongun Müminoğlu	Artemis Publishing	December 26, 2019 / Official Gazette – obscene publication
18	Children and Young Adult	<i>İçim Dışım Gökkuşaağı</i>	Mehmet Güler	Özyürek Publishing	December 26, 2019 / Official Gazette – obscene publication
19	Adult Fiction	<i>Kin Kanatlılar</i>	Adem Özbay	Az Books	December 26, 2019 / Official Gazette – obscene publication
20	Children and Young Adult	<i>Asi Kızlara Uykudan Önce Hikâyeler 1</i>	Francesca Cavallo Elena Favilli	Hep Books	September 27, 2019 / Official Gazette – obscene publication
21	Children and Young Adult	<i>Erkek Çocuk Hakları Bildirgesi</i>	Elisabeth Brami	Yapı Kredi Publishing	September 27, 2019 / Official Gazette – obscene publication
22	Children and Young Adult	<i>Kız Çocuk Hakları Bildirgesi</i>	Elisabeth Brami	Yapı Kredi Publishing	September 27, 2019 / Official Gazette – obscene publication
23	Adult Fiction	<i>Sünnetçi Kız</i>	Collective	Cinius Publishing	September 27, 2019 / Official Gazette – obscene publication
24	Children and Young Adult	<i>Hayalci Çocuk</i>	Halime Erdoğan	Puslu Publishing	July 10, 2019 / Official Gazette – obscene publication

Social Media Lynching Campaigns Targeting Publishers Continue to Harm the Publishing Industry!

September 16, 2021

We have learned to our disappointment that Mikado Publishing which was given Turkish Publishers Association 2020 Award for the Expression of Opinion, in order to draw attention to the negative impact of the obscene publication decisions, has recently filed for bankruptcy protection. In our communication with the publishing house representatives, we were told that the biggest reason for their decision to file for bankruptcy protection was the drop in sales that they have experienced following the lynching campaigns that targeted their book *Bebekler Nereden Gelir* in 2018.

The book *Bebekler Nereden Gelir* (Where Do Babies Come From), the copyrights of which is owned by the German publishing group Ravensburger and whose translation rights have been sold for publication in 10 different languages, was published in Turkish in 2016 by Mikado Publishing. Upon two different complaints submitted to the Presidential Communication Center (CIMER) about the book, a bill of indictment was drawn up by the prosecutor on November 5, 2018 and a lawsuit was initiated against Mikado Publishing's owner and the translator of the book with the accusation of "obscenity." The lawsuit carries 6 to 12 years of prison sentence for the publisher and 2 to 5 years of prison sentence for the translator. While the lawsuit continued, the Board for the Protection of Minors from Obscene Publications had declared the book as "obscene publication" on July 11, 2020.

Upon pressures and criticism on social media and the news in 2018, the publishing house had recalled the book and was forced to shut down its social media accounts which is an important platform for advertisements for publishers.

Once again, we would like to draw attention to the fact that the lynching campaigns against writers and publishers on social media, and the obscene publication decisions of the Board for the Protection of Minors from Obscene Publications create an extremely negative atmosphere for our country and for our cultural diversity. While on the one hand self-censorship becomes more widespread, such unfair attacks on publishers also cause commercial losses, and small-scale publishers have difficulty maintaining their operations against these attacks.

It should be noted that publishers and writers who make significant contributions to the cultural richness of our country should be encouraged. Instead of encouraging them, the lynching campaigns started on social media and the obscene publication decisions of the Board for the Protection of Minors from Obscene Publications cause our publishers to shut down their operations. We invite the public and the officials to act more prudently so that such unjust treatment of publishers ends promptly.

Respectfully,

Turkish Publishers Association

We Follow Obscene Publication Decisions with Concern!

September 17, 2021

The Board for the Protection of Minors from Obscene Publications in the Ministry of Family and Social Services continues to issue obscene publication decisions. The two volumes of the book Kalp Çarpıntısı published by Yabancı Publishing was recently inspected ex officio by the Board and it was declared as “obscene publication” based on the reason that “some of the text in the book could have detrimental influence on the morals of those under 18.”

Since it was moved under the Ministry of Work, Social Services and Family with the Statutory Decree of July 9, 2018, the Board for the Protection of Minors from Obscene Publications has declared a total of 21 books as obscene publications, including 7 books intended for adults and 14 books for children.

These “obscene publication” decisions take a heavy toll on the freedom to publish, which has vital significance for our publishing industry. These kinds of practices not only legitimize censorship but also lead to the spread of self-censorship among publishers. Self-censorship, in turn, causes uniformity and mediocrity to replace diversity and originality in publishing.

The decisions of the Board for the Protection of Minors from Obscene Publications, taken “ex officio” without any official submission of complaints is a form of censorship and it creates an extremely negative atmosphere for our country and for our cultural diversity. We would like to draw public attention to the fact that we follow with concern this and other similar violations of rights in our country, which contradicts with the principle of the freedom to publish.

Respectfully,

Turkish Publishers Association

“Obscene Publication” Decisions about *Kız Çocuk Hakları Bildirgesi* and *Erkek Çocuk Hakları Bildirgesi* Reversed!

October 18, 2021

With its decision published in the Official Gazette on September 27, 2019, the Board for the Protection of Minors from Obscene Publications had declared Elisabeth Brami’s books “*Erkek Çocuk Hakları Bildirgesi*” and “*Kız Çocuk Hakları Bildirgesi*” (Yapı Kredi Kültür Publishing), and the book “*Asi Kızlara Uykudan Önce Hikâyeler Olağanüstü 100 Hikâye*” (Hep Books) as “obscene publications” based on the reason that “some of the text in the book could have detrimental influence on the morals of those under 18.” Following this, we, as Turkish Publishers Association had issued a press statement on October 1, 2019, condemning this decision.

Upon the declaration of obscenity for these books, lawyer Mehmet Ümit Erdem, who read these books with his 7-year-old daughter, took the decisions to court “as a father of a girl, in his daughter’s name.” The lawsuit initiated by Erdem was concluded recently and the “obscene publication” decisions for the books “*Kız Çocuk Hakları Bildirgesi*” and “*Erkek Çocuk Hakları Bildirgesi*” were reversed on October 11, incidentally on the International Day of the Girl Child!

Moreover, soon after the declaration of the book “*Kız Çocuk Hakları Bildirgesi*” as “obscene publication,” a lawsuit was initiated against the translator of the book for “mediating for the publication of obscene language.” The lawsuit was concluded with the acquittal of the translator based on the reason that the “attributed act is not defined as a crime in law.”

In all our press statements, we have been drawing attention to the fact that “obscene publication” decisions are harming the freedom to publish in our country, and emphasizing that these decision lead to self-censorship. The fact that the conclusion of the lawsuit initiated by Erdem resulted in the lifting of the censorship on the books is a major win in favor of the freedom to publish in our country. We congratulate Mehmet Ümit Erdem for undertaking this burdensome struggle against the Board’s decisions and hope that his determination will give courage to our publishers.

Respectfully,

Turkish Publishers Association

FREEDOM OF THE PRESS

One of the hardest hit areas of the repression on the freedom of thought and expression in Turkey has been the freedom of the press. Violation of rights against journalists, prevention of news coverage, and the pressures on the media have continued in 2021. According to Turkish Journalists Union (TGS)'s *Freedom of the Press Report 2020-2021*³ we cannot talk about any improvement in the freedom of the press in Turkey. At the time of the publication of the Report, 43 journalists were in prison for journalism activities. 57 journalists were in detention for 144 days. 6 journalists were battered while in detention. Criminal investigations were initiated about 101 journalists. 274 journalists were tried in 128 different lawsuits. Press Advertisement Authority (BİK) issued the penalty of a total of 212 days of not publishing advertisements to different newspapers: 90 days for Cumhuriyet, 63 days for Evrensel, 39 days for BirGün, and 20 days in total to Sözcü and Korkusuz.

Names of Opposition Writers and Journalists Found in “Assassination Lists”

As part of the investigation following the attack against BirGün journalist Erk Acarer in front of his home in Berlin on July 7, 2021, the investigators in Germany discovered “assassination lists.” The German Police and German Government also confirmed the discovery of these “assassination lists” that include the names of opposition writers and journalists. The German Police has stated that the safety of life of those whose names are in the list is in danger, and German authorities started investigating the issue. The “assassination list” includes 55 people’s names such as Can Dündar, Fehim Işık, Ferhat Tunç, Ahmet Nesin, Arzu Yıldız, and Erk Acarer. PEN International member writer Gökhan Yavuzel, whose name was also found in the list, was attacked in Wales on July 27, 2021.

Ruling in the Lawsuit Against *Özgür Gündem* Newspaper

The final hearing of the main lawsuit against 22 journalists who were arrested in August 2016 during the raid on the office of *Özgür Gündem* newspaper which was shut down with a Statutory Decree, took place on February 15, 2021 at Istanbul 23rd High. According to the final ruling of the court, The Executive Editor of the newspaper Eren Keskin, The Managing editor İnan Kızılkaya, and the owner of the newspaper Kemal Sancılı were sentenced to 6 years and 3 months in prison for “membership to illegal organization,” and Kaya was sentenced to 2 years and 1 month in prison for “illegal propaganda.” On the other hand, the Constitutional Court assessed 32 different individual applications regarding the closing of *Özgür Gündem*, and ruled on June 30, 2021 that 24 of the applicants had experienced violation of their freedom of thought and freedom of the press.

Moreover, the previous decision of non-prosecution due to the lapse of time in the lawsuit against writer Aslı Erdoğan who was a member of the advisory committee of publishing for *Özgür Gündem* newspaper, was reversed. The appeal court which reversed the decision sent the file back to the court of first instance for reconsideration.

3 <https://tgs.org.tr/wp-content/uploads/2021/05/2020-2021-BASIN-%C3%96ZG%C3%9CRL%C3%9C%C4%9E%C3%9C-RAPORU.pdf>

REPORTS OF INTERNATIONAL RIGHTS ORGANIZATIONS

Human Rights Watch-HWR *2021 World Report*⁴ points out that the Covid-19 pandemic has facilitated the silencing of critical voices in Turkey, the hasty passing of new laws restricting the opposition, and therefore deepening the authoritarian regime in Turkey. The Report reviews human rights related issues in over 100 countries. The Report also states that the continued imprisonment of human rights defender Osman Kavala, the writer Ahmet Altan and the politicians from the opposition is an indication of the absence of judicial independence in Turkey and the dependence of the decisions of prosecutors and courts on political opinions.

Journalists Without Borders (RSF) has been publishing *World Press Freedom Index* since 2013 and Turkey has been consistently among the bottom 30 countries. This year was no different and the *2021 Index*⁵ ranked Turkey 153rd among 180 countries. The report states that the small improvement in Turkey's ranking in the last two years is due to the worsening of the conditions in other countries as well as the recent legislative regulations in Turkey which led to the release of some of the journalists from prisons and the recent preference for judicial control mechanism over detention.

In Freedom House's 2020 Report⁶ which evaluates basic rights and freedoms in 195 countries around the world, Turkey preserved its place in the "not free" category, ranking 146th among 195 countries. According to the Report, Turkey has suffered the second worst deterioration of freedoms in the last 10 years in the world after Mali.

INTERNET FREEDOM

Court decisions censoring content and blocking access on the Internet have been on the increase in 2021 in Turkey. In the period covered in this Report, social media posts continue to be taken as justification for criminal investigation and arrests.

The government continued working on a new law proposal, commonly known as the 'social media law' which would cover the Internet and social media. While no information about the content of the proposed law has been shared with the public, Turkish Publishers Association, Turkish Journalists Association, Turkish Writers Syndicate, PEN Turkey Writers Association, and Contemporary Journalists Association Istanbul Office organized a meeting titled *Problems That Can Be Created by New Regulations That Prevent Free Circulation of News* to draw attention to the possibility that the proposed law can turn into a censorship law. Co-signed by the above five professional associations, the press statement⁷ called for solidarity against the proposed law which would constitute an attack on the freedom of expression.

In accordance with the new "social media law" that came into effect on October 1, 2020, which was enacted "to overcome the problem of answerability in cases of online

4 https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf

5 <https://rsf.org/en/taxonomy/term/145>

6 https://freedomhouse.org/sites/default/files/2020-02/FIW_2020_REPORT_BOOKLET_Final.pdf

7 <http://tgc.org.tr/18-slider/3044>

content that includes criminal elements, insult, violation of the right to privacy, and strong language,” and which requires social networking platforms to open representative offices in Turkey, VK, YouTube, TikTok, LinkedIn, Facebook, Twitter and Dailymotion have agreed to open offices in Turkey. The last remaining social media platform Pinterest appointed a representative to Turkey on April 6, 2021. Social media platforms that did not have representative offices in Turkey were fined 40 million liras in total – 10 million liras first and 30 million liras later. Following these two steps, Twitter and Pinterest were banned from advertising in Turkey.

Annually prepared by the Freedom of Expression Association, the 2021 EngelliWeb report *Fahrenheit 5651: The Destructive Impact of Censorship* was published on August 17, 2021. According to the report, during 2020, Turkey blocked access to 58,809 domain names.

According to the report compiled by Yaman Akdeniz and Ozan Güven, as of the end of 2020, 150,000 URL addresses, 7,500 Twitter accounts, 50,000 tweets, 12,000 YouTube videos, 8000 Facebook contents, and 6,800 Instagram contents have been blocked to access in Turkey in accordance with the stipulations of law number 5651 and other regulations.

Hürriyet topped the list of newspapers whose news articles were blocked in 2020 with 384 different online articles. *Hürriyet* was followed by *Haberler.com* with 267 articles, *Sabah* with 248 articles, *Milliyet* with 220 articles, and *Sondakika.com* with 163 articles.

EngelliWeb 2020 report also analyzes the transparency reports of social media platforms and makes the following comments: Between the beginning of 2012 and the end of 2020, Turkey sent Twitter 7,070 court decisions for content removal (out of the global total of 12,499). Turkey is by far the leading country in the world with 57% of all court decisions sent to Twitter coming from Turkey. Facebook on the other hand, had removed a total of 24,137 contents between the second half of 2013 and the end of 2019, and they removed 2,452 additional contents in 2020. Thus in total, Facebook has removed 26,589 contents based on official requests from Turkey. According to Google transparency report, as of the end of 2020, Turkey has submitted a total of 14,568 content removal requests since 2009.

IPA PRIX VOLTAIRE 2021

International Publishers Association (IPA) that Turkish Publishers Association is a member of, has been awarding the annual IPA Prix Voltaire since 2005 in honor of the freedom to publish which is an indispensable part of freedom of expression, to individuals, institutions or groups who do not stop disseminating controversial and sensitive ideas despite threats and repression.

IPA Freedom to Publish Committee, in which Turkish Publishers Association is represented as well, chose the following finalists for the IPA Prix Voltaire 2021: Mikado Publishing (Turkey), Dar Al Jadeed Publishing / Lokman Slim (Lebanon), Independent Publishers of Belarus (Belarus), Samir Mansour Publishing Bookstore (Palestine), Raul Figueroa Sarti (Guatemala).

Dar Al Jadeed Publishing (Lebanon) was announced as the winner of the IPA Prix Voltaire 2021.

Among the previous years' winners of Prix Voltaire are Liberal Publishing from Vietnam (2020), Egyptian publisher Khaled Lotfy (2019), Swedish publisher Gui Minhai who publishes in Hong Kong (2018), Turkish publisher Turhan Günay and Evrensel Publishing (2017), Saudi Arabian blog writer Raif Badawi (2016), and Belarussian publisher Ihar Lohvinau (2014). The Prix Voltaire Special Award was given in previous years to publisher Faisal Arefin Dipan from Bangladesh (2018), journalist Hrant Dink from Turkey (2007) and publisher İrfan Sancı from Turkey (2010).

CONCLUSION

During the period covered in this year's report, which still suffers from the Covid-19 pandemic and its impacts, the restrictions to human rights and the freedom of expression have increased in Turkey.

The "obscene publication" decisions of the Board for the Protection of Minors from Obscene Publications continue to target not only literary works intended for adults, but also children's books that deal with gender equality. The outcome of these "obscene publication" decisions is that censorship and self-censorship are becoming increasingly more common among publishers and writers.

The Ministry of Family, Labor and Social Services has launched its Program "Fighting Against Obscene Content." Since the launch of the program, the individual applications for complaint to the ministry from citizens mostly target book contents.

Work on legal regulations for stricter monitoring of the Internet and social media platforms has been continuing without interruption. New law proposals the contents of which are kept from the public continue to cause concern for civil society organizations.

There has been an observable increase in the number of lawsuits initiated against writers for "insult" and the penal outcomes of these lawsuits.

This year's Report covering the period from December 2020 to November 2021 shows that, despite some positive developments in favor of the freedom to publish, the problems included in previous years' reports persist, and what is more, new problems have been added to the existing ones.



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TURKISH PUBLISHERS ASSOCIATION