RESPONSES OF THE REPUBLIC OF TURKEY TO THE LETTER BY DAVID KAYE, SPECIAL RAPPORTEUR ON THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

1. a) In Turkey, with the Law numbered 5651 and dated 04.05.2007 on “Regulating Broadcasting in the Internet and Fighting Against Crimes Committed through Internet Broadcasting”, it is aimed to take necessary preventive measures for the protection of children and the adolescents from the abuse of electronic communication devices, through the Internet and the broadcasts that include:

-sexual exploitation of children,

-promoting on the facilitation of the use of drugs and stimulants,

-encouragement of and incitement to suicide,

-gambling and similar bad habits.

b) Information and Communication Technologies Authority doesn’t collect consumer data in this scope.

1. a) The proportional statistics about Internet content regulation are published periodically on [www.guvenliweb.org.tr](http://www.guvenliweb.org.tr) for social and academic purposes. Most countries just use “404 Error” for blocking a website without any notification about the regulation. Contrary to this, in Turkey for each measure taken, detailed judicial and administrative information is shown on the website. In addition, internet.btk.gov.tr portal can be used for querying whether there is a measure taken against a website.

b) Regarding the responsibilities of Information and Communication Technologies Authority, there is no regulation that facilitate access to customer data. .

1. Internet exchange points are subject to “Infrastructure Operating Service” authorization, a service defined under “Services Under The Scope of Notification not Requiring Resource Allocation” part of “*Definition, Scope and Periods of Electronic Communication Service, Network and Infrastructure*” regulation that was published pursuant to “By-Law on Authorization for Electronic Communications Sector” dated 28/5/2009.
2. Administrative measures implemented after the technical and legal assessment are open to judicial review. Moreover, appeal against the judicial measures are also defined in the relevant legislation.
3. There are many policy documents and laws or regulations that promote or enhance accessibility and connectivity. The 2015-2018 Information Society Strategy and Action Plan issued on 06.03.2015 determines the political framework to promote the information society and in this scope the measures are introduced in order to increase connectivity. The Strategy document requires the relevant institutions among others; to prepare a program that promotes access to fiber, to prepare national broadband strategy, to authorize 4G mobile network operators (*according to the authorizations in this scope the operators are required to use 4.5G Technologies in their mobile networks*) etc. The strategy document also sets a number of targets to be achieved by 2018. For instance, it is aimed that the internet users should be 75% of the population by 2018 and that the proportion of households which have broadband access should also be 75%. On the other hand, to increase connectivity in rural areas the “Universal Service Fund” is used within the scope of the “Universal Service Law” No.5369. The 65th Government Program also have targets to increase internet access. For example, the program aims to support lower income families for the purpose of increasing internet usage among this segment of the society. The regulatory authority also promotes the connectivity by regulating wholesale tariffs, forcing operators by coverage obligations etc.

Regarding the net neutrality issue, there is no regulation as of yet.