

DECLARATION OF
JOURNALISTS'
RIGHTS AND FREEDOMS
2024

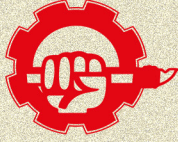


Media Solidarity Group

The Press Council, The Contemporary Journalists Association, The Press Labourers Branch of DİSK (Confederation of Progressive Trade Unions), The Association of Journalists, Haber-Sen (The Press, Publication, Communication and Postal Workers' Union), The Izmir Association of Journalist, The Parliamentary Correspondents Association, The Turkish Journalists Union, The Photojournalists Association, The Turkish News Cameramen Association, The Diplomatic Correspondents Association and The Economy Correspondents Association.

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January 10, 1961 is a date we, journalists, cherish with respect, pride and gratitude. On this day, journalists in our country rose against the “nine newspaper bosses” who sought to block a law that guaranteed new rights for the media workers.

With the slogan “The press is a public service,” the journalists revolted against the Bab-ı Ali, or the Sublime Porte, the traditional seat of big newspapers. Their struggle lasted for days, but they ultimately triumphed, obtaining a legal framework that considerably improved their working conditions.

63 years have passed and we, the journalists in Türkiye, find ourselves in a much worse position. We are scattered among a plethora of organisations, with most of us lacking unions and collective agreements. Many personal rights gained through that struggle have been stripped away, aided by employers, judiciary and political power. Attempts are underway to dismantle our remaining rights by abolishing the Press Labour Law. We are now members of a profession that is precarious, defenceless and vulnerable to immediate dismissal.

On the one hand, the political powers have seized control of much of the media through various tactics, restricting the space of independent and objective journalism. Attacks on journalists, detentions, imprisonments and blocks of access to news outlets have become routine. Laws that criminalise journalism have created a new media order. Sadly, this new media order created by the authoritarian regime has been adopted and internalised by journalists.

It is precisely against such a backdrop that we confront the rapid technological changes of the digital age. This transformation is altering journalism and news production processes. The social meaning and importance of our profession is shifting and we are becoming de-professionalised. While the print newspaper circulation is declining, digital and social media are giving rise to new forms of journalism, bringing fresh ethical challenges.

We cannot remain silent or passive in those conditions. As professional journalism organisations, we must act together.

As a first step, we examined our conditions, identified the problems, created a roadmap to advocate for our rights and initiated a change process. On April 26-27, we organised a workshop and conference titled “The Transformation of Journalism and Quests.” The opinions gathered during the event culminated the “Declaration of Journalism Rights and Freedoms.” We further developed and refined the draft during a second workshop and conference held on September 19-20. Subsequently, we opened the text for final evaluation by journalism organisations and our colleagues, shaping the text to its final form.

We now possess a road map that will help us maintain our direction in the struggle for rights and freedoms, while clarifying our demands. This is especially crucial as we enter a challenging period with the government preparing new legal regulations that will further restrict journalism. Critical and independent journalism is essential for modern democracies and the rights and freedoms we seek are fundamental to fulfilling our responsibilities towards society. Our freedom is a prerequisite for citizens to exercise their right to accurate information.

The “Declaration of Rights and Freedoms” serves as a call to all our colleagues to engage in an organized effort to reclaim our labour rights and media freedom.

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(2024)

FREEDOM OF EXPRESSION AND MEDIA

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Press Law

- The Press Law should be updated to encompass digital journalism and freelance journalism in cooperation with professional journalism organisations.
- Legislation must be introduced to ensure media freedom and the safety of journalists, aligning with the European Media Freedom Act. Journalists' editorial independence should be guaranteed and they should be protected by the state against attacks by "pirates" of digital media.
- Threats and violence against journalists obstruct their public duty and the public's right to information. Journalists should be protected from all forms of violence in both physical

and digital environments. Sanctions should be imposed on security forces that obstruct journalists, restrict their freedom to work and use violence.

- The provision in the Press Law on the journalist's right not to disclose the source of news should be expanded and updated to include the phrase "even if its subject constitutes a criminal offence."
- The misuse of the "right to correction and reply" should be curtailed. Criteria governing the 'right of correction and reply' should be revised; courts should be empowered to accept the corrected texts and the corrections should be limited to the issues in the news item or article.

Transparency of media organisations

- All financial relations of media organisations, including ownership structures, public subsidies and advertising revenues, must be transparent. Legal criteria governing the ownership of media organisations should be clearly defined and articulated.
- The ownership structure of media organisations should be clearly disclosed in their mastheads, and the accessibility and accuracy of this information should be publicly audited. Regulatory bodies should develop databases on media ownership.

- Media owners should be prohibited from participating in public tenders.
- Readership and audience measurements of media organisations should be transparent and open to audit. The market shares of these organisations should be monitored and audited by independent institutions to prevent monopolisation and ensure diversity, with data regularly made available to the public.
- Global platforms that have become actors in the national media sector should be required to disclose how they collect, process and use reader and viewer data, as well as to provide information on their revenue models and political advertising during election periods. Regular and comprehensive publication of transparency reports should be ensured.
- Resources allocated by the state to public service broadcasting and their utilization must be transparent, with audit results and activity reports regularly made available to the public.

Transparency of the state vis-à-vis the media

- The most efficient way to combat disinformation is through the transparency of the state vis-à-vis the media. To prevent misinformation and protect the public’s right to in-

formation, public institutions should respond promptly to journalists’ questions, providing accurate data.

- Accreditation practices should be abolished in all public institutions’ information meetings, especially those of the Presidency, ensuring that journalists can freely ask questions on behalf of the public.
- Under the Law on Access to Information, journalists’ access to information should be guaranteed. Any ambiguities in the law should be clarified and public institutions failing to provide urgent and detailed information should face audits and sanctions.
- “Media Literacy” training should be widely carried out to help all citizens navigate the infodemic of digitalisation, enabling them to distinguish between disinformation and accurate information, and to make informed choices.

Blocking access and banning content

- The imposition of bans on almost any social event, the blocking of access to news and articles that challenge the interests of the powerful, and the blocking and removal of content from publication are contrary to media freedom and the public’s right to information; these practices are unacceptable.



- Any limited broadcasting bans should only be imposed in exceptional cases and in accordance with pre-announced criteria based on concrete grounds, and the scope and duration of the ban must be clearly explained.

- All laws, particularly the Law on the Regulation of Broadcasting on the Internet, which prevent and restrict free broadcasting in digital media, must be reviewed. The decisions of the Constitutional Court should not be disregarded in formulation and implementation of new legislation.

- The blocking of access and the removal of content should not be decided solely by a single judge in a criminal court (The Criminal Judgeships of Peace). The judicial process must be transparent and collective blocking decisions should be prohibited.

- Courts should allow at least 24 hours for defence and rebuttal by the targeted journalist or media institution before issuing a decision to block access and remove content.

- It should be a condition that the request for blocking access and removal of content be made in the centre of the city where the media organisation or journalist is located. Additionally, applicants should be prevented from seeking decisions on blocking access and removal of content from multiple courts.

- The Supreme Council of Radio and Television (RTÜK) should be required to notify radio and television stations of broadcasting ban decisions, which should only be issued in exceptional circumstances, along with the text of the court decision.

- The “power to block access ex officio in case of catalogue crimes”, which assigns a judicial duty to the President of the Information and Communication Technologies Authority, should be removed from the law.

Self-regulation of the media

- Article 217/A titled “publicly disseminating misleading information,” which contains ambiguities and criminalises journalism, should be removed from the Turkish Penal Code.

- Instead of regulations that create political pressure on journalism and the threat of imprisonment, the media’s self-regulation mechanisms should be strengthened and professional ethical principles and rules should be determined and internalised by journalists.

- Journalism professional organisations should also strive for the rigorous implementation of professional ethical principles and practices.

- Efforts should be made to ensure that journalists publishing in free and digital media also become members of trade unions and professional

organisations and exchange views on the implementation of basic journalistic principles in new media.

Combating terrorism and journalism

- Journalism stands against war, all forms of violence and terrorism. Journalistic activity should not be interpreted as support for terrorist organisations and terrorism, either knowingly or unknowingly; and journalism must not be subjected to punishment.

- Journalists and journalistic activities cannot be prosecuted by accepting news products as evidence of crime in anti-terrorism cases.

- Articles 6 and 7 of the Anti-Terror Law, which consider journalism as an extension of terrorist activities, should be revised. The phrase ‘those who disclose or publish the identity of public officials who have taken part in the fight against terrorism’ in these articles should be clarified. “The potential for published identity information to “create a security risk or danger” and its consequences must also be evaluated.”

The Supreme Council of Radio and Television (RTÜK)

- RTÜK should no longer function as a political board made up of individuals chosen by political par-

ties. Digital broadcasting on Internet should not fall under the jurisdiction of RTÜK. Instead, RTÜK should be transformed into an expert body focused on coordination rather than being a judicial and punitive body.

The Press Advertisement Agency (BİK)

- The Press Code of Ethics should be abolished and the Press Advertisement Agency (BİK) should be prevented from conducting ethical audits. BİK should only be able to issue sanction decisions only for technical reasons and for a limited period of time; it should also ensure transparency when issuing official announcements and advertisements to print and digital media.

- BİK should cease to be a ‘political’ entity, like all other media-related organisations. The number of journalist members in BİK’s management should be increased above the decision quorum.

- The primary function of BİK should be to guide, encourage development and support the media, instead of supervising.

- BİK should abandon its pressure toward local newspapers and news websites to merge; new methods based on objective criteria should be developed to support local media.



- It should be compulsory to distribute the advertisements of public institutions and affiliated organisations through the Press Advertisement Agency.

Limitation of photographs and images

- The Presidency, public organisations, political parties and companies should not present photographs and images taken by their employees as journalistic products. Media organisations that use these images must clearly state the source.
- The work of photojournalists and cameramen should not be restricted. They should be allowed to freely take images at all events and meetings.

DIGITALISATION AND INTELLECTUAL PROPERTY RIGHTS

Copyright

- The Law on Intellectual and Artistic Works should be amended to include special journalistic content produced by journalists. This encompasses columns, articles, essays, interviews, series of articles,

research, analyses, special news, cartoons, illustrations, photographs, animations, podcasts, documentaries, videos, images, etc. within the scope of “intellectual and artistic works.”

- Once made public, journalistic products should not be quoted in their entirety by simply citing the source. This measure will prevent the widespread theft of content in the digital environment.
- All journalistic products such as news, photographs and images quoted in digital media must include the name of the journalist / photojournalist or cameraman who produced them, not just the source. The copyright process must be organised accordingly.

Digital copyright law

- Digital royalties should be demanded from major technology companies such as Alphabet (Google), Amazon, Meta (Facebook), Apple and Microsoft. These companies make huge profits from the digital advertising market by using news, articles and photo content produced by journalists. Journalism organisations should participate in the state’s negotiations with these companies and the process should be shaped in the public interest.
- A system for the distribution of digital royalties should be tailored to Türkiye’s unique conditions and

the media sector's daily needs, while taking into account the examples of other countries. Ratings, clicks and the number of employees with press cards should not be the only criteria for distribution.

- The Digital Copyright Law must be designed to address the resource issues of news centres that produce on different scales. The law should adhere to universal ethical principles focused on the public interest, without exacerbating the existing inequalities in the sector.

- All journalists, including those in free and digital media, as well as employers, companies and institutions, should benefit from digital royalties. The law should regulate the proportion and distribution of revenues to journalists.

Free digital environment

- To ensure that journalism effectively harnesses the opportunities presented by digitalisation and strengthens the media focus on public interest, it is imperative to create a fair digital environment. Journalists should be protected against algorithmic regulations of supranational platforms that hide economic and professional limitations and criteria.

- The regulations established by the Council of Europe and the European Parliament's on digital rights, data protection and artificial intel-

ligence should serve as a model. Legal frameworks should be implemented that include measures to counteract “algorithmic totalitarianism.”

- Digital and social media platforms should be required to disclose the principles and sanction methods they apply to identify offences and attacks on personal rights, and ensure that the appeal process operates efficiently and quickly.

Artificial intelligence (AI) content

- The rise in the content generated by AI introduces new ethical dilemmas. When updating the ethical principles related to AI applications, freedom of expression and the right of readers and viewers to access accurate information should be taken into consideration in order not to damage the credibility of the journalism profession.

- Translations, news, photographs, images, videos and all kinds of content created by AI in the process of journalism should undergo editorial oversight by a human editor. Additionally, a disclaimer stating “Produced by AI” should be included upon publication.

- Journalists and media organisations should establish editorial principles on the use of AI technologies and communicate those principles to their audiences.



- Initiatives should be undertaken to agreements for the payment of royalties to news organisations in exchange for journalistic content used in AI applications to prevent journalists' loss of rights.

National Digital Memory Centre

- Just as the National Library maintains copies of intellectual and artistic works, newspapers and magazines, the “National Digital Memory Centre” should preserve all journalistic products in digital media for future generations.

- Media organisations must be required to retain their digital archives for a minimum of 10 years and to transfer all published links to this centre. Closed newspapers and news websites must also be required to transfer their broadcast archives to this centre.

- Journalistic products that have been banned, removed or to which access has been blocked, provided that they do not violate the right to be forgotten or ethical standards, should be stored in a ‘black box’ system accessible only to researchers, lawyers and journalists.

Individual rights and the right to be forgotten

- The ‘right to be forgotten’ needs a clear definition to prevent confusion with ‘invasion of privacy’ and to

ensure that media freedom and freedom of expression are not comprised.

- The criteria for exercising the ‘right to be forgotten’ should be legally established, taking into account the decisions of the Constitutional Court (2016/29811) and the General Assembly of the Court of Cassation (2015/1679), along with the General Data Protection Regulation of the European Parliament (2016/679).

WORKING LIFE

The Press Labour Law

- The rights established in the Press Labour Law, won by journalists through great struggles, have been eroded by judicial decisions over time. Journalists and media organizations should continue to combat the usurpation of their legal rights.

- Journalists’ working conditions must be secured, with an extension and redefinition of their right to depreciation. Justified dismissal for professional reasons must be applied and severance pay must be provided upon resignation.

- The press labour law should remain distinct from the general labour law to preserve the special character of journalism. It should be updated too.

- Definitions of occupational health, safety and diseases specific to the press sector should be regulated under the Press Labour Law.
- Payment of monthly wages in advance, as well as daily/monthly interest on unpaid wages, should be reinstated. Overtime and holiday work wages, and payment of half of the wage during the military service, should also be applicable again.
- When an employment contract terminates, journalists should receive twice their last wage for any unused annual leave, in a manner that does not allow interference.
- Working hours should be capped at 40 hours per week, with a guarantee of two days off each week.

Working conditions

- Judicial institutions should assess the implementation of articles of law on the journalists' professional rights through the lens of 'ensuring and strengthening freedom of the press'. They must avoid devaluing journalism by developing an adverse stance against journalists in lawsuits filed by journalists.
- In individual contracting processes, the provision stipulating those contracts labelled as 'Framework Contract' cannot contain statements and regulations contrary to the law should be effectively enforced.

- The employment of women journalists should be actively encouraged. Female journalists must be protected from dismissal due to pregnancy and childbirth. This process should be enshrined in law, including the right to two months of half-paid leave after childbirth, with SSI premiums funded by the public during the two-year breastfeeding period.
- Specialised journalism should be strengthened and institutions should be encouraged to employ specialised journalists.
- The purchase of equipment for photojournalists should be tax-exempted for three years, with a legal provision supporting this initiative.
- Socio-psychological pressure on journalists (especially young and trainee journalists) in media institutions should be addressed. Mobbing through humiliating verbal and/or physical behaviour that goes beyond the editor-reporter-manager relationship, and the creation of career barriers based on gender must be prevented.
- Employment and working conditions at public-broadcaster Turkish Radio and Television Corporation (TRT) and semi-official Anadolu Agency (AA) should be based on merit, to ensure the editorial independence of journalists. Journalists who are employed by the TRT and AA but working for the Presidency of the Re-



public and public institutions should be transferred to the staff of these institutions.

Freelance and digital journalism

- New journalistic practices emerging from digitalisation and social media environments should be broadly defined. In accordance with this definition, those who practise journalism should be included in the scope of the Press Labour Law and the Press Law. Their access to press cards must be enabled.

- Economic and professional regulations must be established for freelancers and journalists working in digital media, with journalistic income exempted from taxation.

- Journalists' unions, in consultation with media organisations, should set a minimum tariff for freelance journalists' work, renewing his tariff annually.

- The public sector should monitor the implementation of the aforementioned fee schedule.

Encouraging union membership

- Arrangements should be made to encourage union membership in the media sector. Unions should have clear membership criteria

and their practices should be open to public scrutiny. Employers should be incentivized to hire unionised journalists.

- Journalism should be distinct from the 'Press-Publishing and Journalism Labour Branch' numbered 08 and recognised as a branch of labour in its own right.

- Trade unions representing journalists and other professional organisations should have the authority to file lawsuits on journalists' personal rights and professional issues.

- Legal provisions must be established to allow freelance and/or digital media journalists to join unions.

- To eliminate the workplace/enterprise debate that hinders union organisation, companies with more than one workplace should be considered as a single enterprise, with the organisation threshold set at 40%.

Press cards

- The issuance of press cards by the board of the Directorate of Communications creates dependence of journalists on the state, and therefore on the initiative of the political powers. In the media landscape, the principle of "more law and less state" should prevail.

- To safeguard the independence of the journalism profession, legal provisions should be established to al-

low journalism professional organisations to issue press cards.

- The distribution of press cards to civil servants working at the Presidency of Communications and RTÜK should be halted. Additionally, press cards at TRT and AA should be restricted to press employees providing ‘news services.
- The press card rights of individuals who transitioned from journalism to non-press roles in the public sector should be suspended for that period. The Directorate of Communications should return the press cards it cancelled without justification to their rightful owners, and renew the ‘expired’ press cards before the end of the specified period, without requiring a new application.
- A valid press card should grant access to all public institutions’ events, especially the Presidency, eliminating special accreditation practices and bans.
- Journalists covering the Presidency and the Turkish Grand National Assembly should be required to have held a press card for five years.



Medya Dayanışma Grubu

