



**SCREENING CHAPTER 10
INFORMATION SOCIETY AND MEDIA**

**AGENDA ITEM 12 : TELEVISION WITHOUT
FRONTIERS DIRECTIVE**

GENERAL PROVISIONS

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Legal Broadcasting Framework

- **Law No.3984 on the Establishment of Radio and Television Enterprises and their Broadcasts, 1994**
- **By-law on the Rules and Principles for the Radio and Television Broadcasts, 2003**
- **By-law on Radio and Television Broadcasts in Different Languages and Dialects which are Traditionally Used by the Turkish Citizens in Their Daily Lives, 2004**
- **European Convention on Transfrontier Television Strasbourg, 1989**

Goal and Scope of the Law

Law No.3984, Art.1-2

- **Goal:** to regulate audiovisual media and provide general principles and guidelines for radio and TV broadcasts
- **Scope:** to cover private radio and television broadcasts transmitted by any and all techniques for reception domestically or abroad



Broadcasting Standards (I)

Law No.3984

Art. 4

Provides general principles and guidelines appeal to:

- fundamental rights and freedoms,
- public order,
- protection of minors and human dignity
- consumer protection
- right to privacy
- copyrights

Broadcasting Standards (II)

Law No.3984

Art.4

Sets the rules for compliance with:

- **Supremacy of law**
- **General principles of the Constitution**
- **Fundamental rights and freedoms**
- **National security**
- **Moral values**



Language

Law No 3984

Art. 4/First para.,h

- **Broadcasting language is Turkish**
- **Broadcasts in traditionally used languages and dialects are allowed**
- **Broadcasts shall use the Turkish language in its spoken form without destroying its characteristics and rules; shall ensure its development in the form of a modern cultural, educational and scientific language as a basic element of national unity and integrity**



Language (II)

By-Law, 25 January 2004

- **Broadcasts in languages other than Turkish started by the public service broadcaster (TRT) on 7 June 2004, in Caucasian, Arabic, Bosniac, Kirmanci and Zaza**
- **In addition to TRT, 3 local and regional radio and TV channels has been broadcasting in Kirmanci and Zaza dialects since 7 March 2006**
- **By the RTUK decision dated 30 May 2006, duration of broadcast of music and cinematographic works shall not be included into the time limits defined in the by-law which will bring flexibility for the broadcasters in terms of time limits**



Public Order

Law No 3984

Art.4/a, b, c

Provisions against the violation of:

- **Constitutional provisions of Turkish Republic, territorial integrity, reforms and principles of Atatürk**
- **Public order (*violence, terror, ethnical discrimination, incitement to hatred and hostility on the grounds of social class, race, language, religion, sect and region*)**
- **Fairplay**



Individual Rights And Human Dignity (I)

Law No. 3984

Art.4/e, f, i, s

Guidelines for individual rights and human dignity:

- **Respect to social and moral values**
- **Respect to privacy**
- **Respect to the right of reply**
- **Respect to fundamental human rights and human dignity**



Individual Rights And Human Dignity (II)

Law No. 3984

Art.4/d, ı, k

Guidelines for individual rights and human dignity:

- **Not to humiliate or insult people for their language, race, colour, sex, political opinion, philosophical belief, religion, sect, and any such considerations**
- **Not to offend the personality of individuals beyond the limits of criticism**
- **Not to present or declare no one as guilty unless there is a court decision**



News and Information

Law No. 3984

Art.4/ı, j, l, n

Provides the rules for news and information:

- **Impartiality and accuracy**
- **Reliability and truthfulness**
- **Respect to the secrecy of the source of information**
- **Respect to the free formation of opinions**
- **Impartiality between the political parties and democratic groups**

Violence and Obscenity

Law No. 3984

Art.4/t, u, v, y, z

Special focus on violence, obscenity and protection of minors:

“... programmes shall not...”

- **Be obscene,**
- **Encourage the use of violence and discrimination against women and minors,**
- **Encourage the use of violence or incite feelings of racial hatred,**
- **Have a content that could impair the well being of minors during the watershed hours**



Copyright

Law No.3984
Art.4/o and Art.37

Protection of the rights of right holders:

- **Broadcasts shall not violate the rights of the right holders stipulated by the Law No. 5846 on Intellectual and Artistic Works**

Freedom of Transmission and Retransmission (I)

Law No.3984

Art.26

- **Ensures freedom of transmission and retransmission**
- **By-law on the Rules and Principles for the Radio and Television Broadcasts, 17 April 2003, Art. 23, 24, 25, provides principles and procedures for retransmission**

Freedom of Transmission and Retransmission (II)

By- Law, 2003
Art.23, 24, 25

Provides qualitative and quantitative rules for retransmission and focuses on;

- **Protection of rights of rights holder**
- **Licence requirements of the retransmitting broadcaster**
- **Determining the country of origin of initial transmission**

Content Related Quotas

Law No.3984

Art.31

Guidelines on content related quotas:

By-law on the Rules and Principles for the Radio and Television Broadcasts 17 April 2003, Art. 26, 27, 28, 29

Weekly 15 per cent quota for:

- **Educational,**
- **Cultural,**
- **Turkish folk music,**
- **Turkish art music programmes**

Enforcement of the Broadcasting Standards

For the provisions of broadcasting standards, RTUK monitors and evaluates;

- Private national and cable radio and TV channels on 24 hour basis**
- Satellite radio and TV channels, on randomly selection basis**
- Local and regional radio and TV channels on complaint basis**

Additionally, ALO RTUK 178 direct line records which collects public complaints is taken into consideration during the evaluation phase



Sanctions (I)

Law No.3984

Art.33

RTUK shall issue sanctions to those private radio and television enterprises which

- **Fail to fulfil their obligations,**
- **Violate the conditions of the broadcasting permit, or**
- **Transmit programmes that violate the broadcasting rules and other standards except the paragraphs a, b,c stipulated in this Law**

Sanctions (II)

Law No. 3984

Art.33

Sanctions are applied gradually in the following order;

- **Warning or apology**
- **Programme suspension**
- **Administrative Fines**
- **%50 increase in the fines**
- **Suspension of the broadcasting permit up to 1 year**

Sanctions (III)

Law No.3984

Art.33

In case of violation of the broadcastings standards defined in the items (a), (b) and (c) of the second paragraph of Art. 4;

- **The broadcasting enterprise shall not be warned and its broadcasts shall be suspended for one month**
- **In case of the repetition of the violation, the broadcast shall be suspended for an indefinite time period and the broadcasting license permit shall be revoked**

Major Events

**By-law
Art.42**

Access of the public to major events:

- **Ensures public rights for accessing the major events that are important for Turkish society**
- **Sets rules and obligations for RTUK and broadcasters considering the list of designated events**



THANK YOU FOR YOUR ATTENTION