

FACILITATION OF ACCESSING TO INFRASTRUCTURE AND SERVICES

Code on Universal Service was entered into force on 16.06.2005. One aim of this Code is to provide and maintain universal service which has a public service character but unable for the service providers to compensate due to financial reasons. Another aim is to decide the obligations and regulations for carrying out the universal service obligation in the electronic communication sector. With the mentioned Code, definition and scope of the universal service was determined. For collection of the revenue and making the expenses of the universal service, a by-Law was entered into force on 29.06.2006. By this by-Law, internet service was legally included in universal service; the Ministry of Transport was assigned for making the necessary studies to generalize internet; a department was established under the General Directorate of Communications to perform the businesses relating to universal service.

In order to providing the generalization and easy access to the information and communication technologies and increasing the proportion of computer literacy, several studies were done to establish Public Internet Access Center (Kamu İnternet Erişim Merkezi-KIEM) at places that have easy access for citizens.

The studies aiming of establishment of KIEM in 1332 centers of all the provinces of the country have come to a final stage. It will be put out to tender in the near future. With the completion of the work, KIEM will be established in 1332 centers. The citizens will be trained on basic information-communication and how to be benefited from internet on definite time of date. In KIEM also, the citizens will transact the services which will be performed through e-government portal.

Required studies have been fulfilled for enabling of the establishment of Information Technology (Bilgi Teknolojileri - BT) classes in 1500 schools which are affiliated to Ministry of National Education (MNE). These classes will be designed in the near future.

Studies have been made for enabling internet access to all schools that are affiliated to MNE. First of all, the internet access of schools' which are ready to operate have been provided.

For the schools in regions where there is no internet infrastructure, a solution for enabling internet access has been put forward by the operators of telecommunication infrastructure.

A tender will be opened in the near future for the internet subscriptions of about 28000 schools. Thereby, the subscription fees will be provided by universal service incomes.

Moreover, in order to accelerate the liberalization in telecommunication sector and realize arrangements of license, interconnection, international service and numeration compatible with EU acquis, the studies of enacting a single law for regulating the whole sector has come to its last stage. In essence, the Draft Electronic Communication Law covers the functions and powers of the authorities in the electronic communication sector; authorization; tariffs; access; passage right; numbering and internet domain names; universal service; spectrum; rights of users and consumers; monitoring and inspection of the market; administrative and penal provisions.

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PUBLIC DOMAIN CONTENT DEVELOPEMENTS

Aiming at introducing public services at a common platform and from a single portal and providing the citizens for the safe and efficient electronic accession to governmental services, e-State Portal Project has been developed. The objective of the Project is to shift its citizen-oriented actions (applications, tax payments monitoring of health situations, participation in tenders, etc.) into electronic area. Thanks to adoption of electronic signature law, public institutions would also find the opportunity to communicate among themselves. Thereby, the bureaucracy between institutions would decrease. The integration of public institutions responsible for carrying out public services into e-State Portal Project is also included in the Project.

ALTYAPI VE HİZMETLERE ERİŞİMİN KOLAYLAŞTIRILMASI

16.6.2005 tarihinde evrensel hizmetleri ile ilgili kanun çıkarıldı. Bu Kanunun amacı, kamu hizmeti niteliğine haiz, ancak işletmeciler tarafından karşılanmasında mali güçlük bulunan evrensel hizmetin sağlanması, yürütülmesi ve elektronik haberleşme sektöründe evrensel hizmet yükümlülüğünün yerine getirilmesine ilişkin usul ve esasları belirlemektir. Çıkarılan kanun ile evrensel hizmetin tanımı ve kapsamı belirlenmiştir. Evrensel hizmetin sağlanmasına ilişkin gelirlerin tahsili ve giderlerin yapılması ile ilgili usul ve esasları belirlemek için 29.06.2006 tarihinde yönetmelik çıkarıldı. Kanun ile internet hizmeti, evrensel hizmet kapsamına alındı. İnternetin yaygınlaştırılması için gerekli çalışmalar kanun kapsamında Ulaştırma Bakanlığına verildi. Evrensel hizmetler ile ilgili işlerin yürütülmesi için Haberleşme Genel Müdürlüğü bünyesinde daire başkanlığı kuruldu.

Bilgi ve iletişim teknolojilerinin yaygınlaşmasını sağlamak, bu teknolojilere erişimi kolaylaştırmak ve toplumda bilgisayar okur-yazarlığı oranını artırmak amacıyla vatandaşların kolay bir şekilde ulaşabildiği merkezlere Kamu İnternet Erişim Merkezi (KIEM) kurulması amacıyla çalışmalar yapıldı. Ülkenin tüm illerinde toplam 1332 merkeze KIEM kurulması için başlatılan çalışmalarda son aşamaya gelinmiş olup yakın zamanda ihaleye çıkılacaktır. İhalenin tamamlanması ile toplam 1332 merkeze KIEM kurulacaktır. KIEM'lerde günün belli saatlerinde vatandaşlara temel bilgi-iletişim teknolojileri ve internetten nasıl faydalanılacağı konusunda eğitim verilecektir. KIEM'lerde ayrıca vatandaşlar e-devlet kapısı üzerinden verilen hizmetlere ait işlemleri yapabilecektir.

Bilgi teknolojilerinin öğrenciler tarafından yaygın bir şekilde kullanılmasını sağlamak için MEB'e bağlı 1500 adet okula BT (Bilgi Teknolojileri) sınıfı kurulması için gerekli çalışmalar yapıldı ve yakın bir tarihte bu sınıflar kurulacaktır.

MEB'e bağlı tüm okullara internet erişiminin sağlanması için çalışmalar yapıldı. Öncelikle altyapısı hazır olan okulların internet erişimi sağlandı. İnternet altyapısı olmayan bölgelerdeki okullara internet erişimi sağlanması için evrensel hizmet kapsamında telekom altyapı işletmecileri ile çözüm sağlandı.

Yaklaşık 28000 okulun internet abonelikleri için yakın bir tarihte ihaleye çıkılacak ve abonelik ücretleri evrensel hizmet gelirlerinden sağlanacaktır.

Ayrıca telekomünikasyon sektöründe liberalleşmenin hızlandırılması ve AB müktesebatına uyumlu lisans, arabağlantı, evrensel hizmet ve numaralandırma düzenlemelerini gerçekleştirmek amacıyla, sektörü bütünüyle düzenleyen tek bir kanun çıkarılması bakanlığınızca yapılan çalışmalarda son aşamaya gelinmiştir. Elektronik Haberleşme kanun taslağında esas itibarıyla; Elektronik Haberleşme Sektöründeki Mercilerin Görev ve Yetkileri, Yetkilendirme, Tarifeler, Erişim, Geçiş Hakkı, Numaralandırma ve İnternet Alan Adları, Evrensel Hizmet, Spektrum, Kullanıcı ve Tüketici Hakları, Piyasa Gözetimi ve Denetimi, Denetim, İdari ve Cezai Hükümler konuları yer almaktadır.

KAMU ALANI İÇERİĞİ GELİŞMELERİ

Kamu hizmetlerinin ortak bir platformda, tek kapıdan (portal) sunumu ve vatandaşın devlet hizmetlerine elektronik ortamdan güvenli ve etkin bir şekilde erişiminin sağlanması amacıyla e-Devlet kapısı projesi geliştirildi. e-Devlet Kapısı Projesinin amacı kamu kurumlarının vatandaşlara yönelik işlerinin elektronik ortama taşınmasıdır. Bunlar müracaat, vergi yatırma, sağlık durumunun takibi, ihaleye katılma vb işlemlerdir. Elektronik imza yasasının kabulü sayesinde bu proje ile aynı zamanda devlet kurumları da kendi aralarında haberleşecek. Böylece kurumlar arası bürokrasi azalmış olacak. Kamu hizmetlerini yerine getirmekle yükümlü olan kamu kurum ve kuruluşlarının e-Devlet kapsına entegre edilmesi proje kapsamındadır.

REPORT ON REAFFIRMING THE EQUITABLE BALANCE BETWEEN THE INTERESTS OF RIGHT HOLDERS AND PUBLIC INTEREST

The increasing importance of intellectual property rights in the international arena is the result of the fact that information and information based production have become important. Information access is facilitated as technology develops; therefore copyright infringements occur in cyberspace. In this context, besides preventing the said right violations, ensuring the fair balance between authors, related right holders and users are the sphere of responsibility of the Ministry of Culture and Tourism, which is the legal regulator.

In the Intellectual and Artistic Works Law no. 5846, right administration information was defined in accordance with WCT and WPPT, and unauthorized amendment of the information, or numbers and codes representing the said information was banned. Furthermore distributing, importing (for distribution purposes), publishing the original works or their copies, which amend or remove the said number and codes without authority, or transmitting them to public were banned, and sanctions were arranged in respect of all of the said activities.

Furthermore punitive sanctions were foreseen for those holding or distributing any technical device, which is used for invalidating a technical device applied for protecting computer programmes for commercial purposes.

In our Law, limitations and exceptions were foreseen concerning copyrights and the related rights.

On the way to the European Union, Turkey carries on with legislation harmonization activities. Within this context, the legislation concerning copyrights is reviewed taking into account the EU Directives.

Our legislation is reviewed in the legislation committee activities, which are organized within the context of our Project titled "Support To Turkey's Efforts In The Full Alignment And Enforcement In The Field Of Intellectual Property Rights With A Focus On Fight Against Piracy", which was launched on May 2006 between the Ministry of Culture and Tourism and European Public Law Center (Greece) within the framework of EU-Turkey Preaccession Financial Cooperation. In the scope of the realized performances; legislation update, adaptation of it to cyberspace, revision of the limitations and exceptions take place. As a result of the said performances, which will be concluded by November 2007, the draft law comprising the amendments harmonious with the EU Directives will be prepared and submitted to the related authorities.

MEASURES IN TURKEY IMPLEMENTING THE RECOMMENDATION CONCERNING THE PROMOTION AND USE OF MULTILINGUALISM AND UNIVERSAL ACCESS TO CYBERSPACE

General Framework for Information Society Activities in Turkey

Information and communication technologies (ICT) have become a critical success factor for individuals, companies, states and nations in all aspects of economic and social life throughout last decades. Being aware of the overall impacts of ICT, Turkey initiated different programs referring to the diffusion and usage of ICT especially in the public institutions by late 90's and early 2000's although these efforts were not all-embracing and comprehensive. By late 2002, a new government took place and declared a reform agenda, called *Urgent Action Plan*, in the areas of public administration, economy, social policies and democratization. As part of this Urgent Action Plan's Public Management Reform Section, transformation into an information society under the name of e-Transformation Turkey Project was declared as one of the most priority projects. e-Transformation Turkey Project aims at fostering the evolution and coordination of information society activities, which were previously carried out in a decentralized and uncoordinated manner.

The objectives of e-Transformation Turkey Project are specified by Prime Minister's Circular in February 2003 as; the adaptation of the regulatory framework in ICT with respect to EU acqie, development of mechanisms ensuring participation of citizens to decision making process via usage of ICT, enhancement of transparency and accountability for public administration, establishment of good governance, making widespread usage of ICT and coordination of and avoiding overlaps in public IT investments.

In order to realize these objectives and to ensure the success of the project, a new coordination unit, Information Society Department¹, within State Planning Organization (SPO) was established. This department is responsible for the overall coordination of the project.

To increase the participation and the level of success, an Advisory Committee with 41 members has been established. This consulting body consists of the representatives of public institutions, NGOs and universities.

e-Transformation Turkey Executive Board has also been established and given the responsibility of supervision of e-Transformation Turkey Project. The Board is composed of the Minister of State and Deputy Prime Minister (e-minister), Minister of Industry and Trade, Minister of Transport, Undersecretary of SPO and Chief Advisor to the Prime Minister. Eight representatives from a number of government agencies and NGOs also participate in the meetings of the Board, which are held regularly once a month. SPO is in charge of providing secretarial support to the Board.

In line with the government's schedule, the initial focal point in this project had been the Short Term Action Plan (STAP), which covered 2003-2004, for implementing specific tasks. The STAP was approved by the government and published with a Prime Minister's Circular, dated December 4, 2003. There were 73 action items under 8 sections below.

¹ You can visit SPO-Information Society Department at www.bilgigoculu.mu.gov.tr

- Information Society Strategy,
- Regulatory and legal framework,
- Technical infrastructure and information security,
- Education and human resources for planning of required human capital,
- e-Government for introducing electronic services to citizens,
- Standards for integrated and interoperable services,
- e-Health, which is one of the important thematic issues in eEurope,
- e-Commerce for the development of e-Business environment, especially for SMEs

As the preparation of the Information Society Strategy had not been finished by the end of STAP, Turkey issued 2005 Action Plan with 50 action items having the same lines with the STAP by March 2005 in order that she could make effective use of time in which Information Society Strategy (ISS) preparation process had been ongoing.

Information Society Strategy of Turkey, which has been prepared through a participatory manner with the involvement of public agencies, businesses and NGOs in the whole process, was declared to the public in July 2006. The strategy has put forward strategic priorities on a broad range of topics in seven areas including public sector modernization via ICT, citizen-focused public services provision, and ICT adoption by citizens and businesses. An action plan is also formulated with 110 actions covering 2006-2010 period.

Given the general framework that Turkey has been undergoing in terms of information society activities, the details of the actions in Turkey with regard to the implementation of the Recommendation are listed below.

Development of Multilingual Content and Systems

Culture Portal

A Culture Portal of Turkey allowing interaction with users and providing information on culture, history, art, tourism, etc. will be set up through compiling the Turkish content available on the web sites of public institutions as well as utilizing the Turkish Radio and Television Corporation (TRT) database. Visual materials will also support the portal. The content offered in this portal will be promoted via TRT broadcastings.

Turkish Translation Interface

In order to take advantage of the prevalent English content on the Internet, an internet-based translation interface in conformity with Turkish grammar, spelling and punctuation rules will be launched.

Integrated e-Library System

Online access to selected library materials (books, theses, slides etc.) and to frequently used documents from the government archives will be made available on line.

Facilitating Access to Networks and Services

Information Technologies (IT) Infrastructure in Schools

In the scope of training the human resources required for information society, more than 28.000 information technology classes have been established in the schools in order to enhance access of teachers and students to the Internet and multi-channel resources. The very first Action of ISS aims at that installation of IT labs with multimedia libraries on all

designated schools will be completed, and they will be kept updated. IT labs will be opened to public use at specific hours when they are redundant from students' use.

Under a protocol between the Ministry of National Education and incumbent telecom operator for providing all elementary and secondary level schools with Asymmetric Digital Subscriber Line (ADSL) Internet connection. As November 2006, access to ADSL Internet connection has been provided to almost 24.600 schools. With this activity, in total 11 million students, which accounts almost 85% of the primary students and 98% of the secondary students, have been provided access to Internet. By providing Internet connection to additional 3.500 schools, totally 28.100 schools will have access to Internet at the end of December 2006. Internet connection to the rest of the schools, which have geographical difficulties for ADSL connection, will be provided access over satellite system after the implementation of a pilot project at selected schools.

In addition to government's various projects aimed at increasing the usage of ICTs in education, a new campaign has been initiated officially in June 2005. With this campaign, community and civil society support is encouraged to add 1 million computer in the long term, with a 300,000 short term target. To promote the campaign, a new regulation that provided exemptions for VAT and corporate tax until the end of 2010 was introduced. The campaign is taking up rapidly since the official launch. Around 70,000 computers and 3.200 IT classrooms have been donated by business community that is actively participating the campaign. The total commitment of the community is expected to reach € 400 million at the end of the campaign.

Public Internet Access Points (PIAP)

Centres that will provide access opportunities to those without access at home will be established and ICT courses will be given. It is targeted to establish 4,500 full-time Public Internet Access Points (PIAP). In addition, IT labs that are opened to public access at schools will also be utilized as part-time PIAPs.

Computer and Internet Campaigns

In order to ensure all citizens benefit from the opportunities ICT offers, individuals will be provided with computer and broadband Internet connection packages at affordable payment and instalment conditions.

Public Internet Sites Standardization

Turkey has documented standards for public agencies by 2006 in line with the actions in STAP and 2005 Action Plan. In accordance with the document, visual service quality, content, security, authentication and usability standardization will be assured for public agency web sites in 2007. Standards include ensuring the access and usage of public web sites by disabled people.

Development of Public Domain Content

Web Sites of the Public Agencies

By July 2006, Turkey's public sector had 10.667 web sites, including those, which owned by central government units, local governments and educational institutions. These sites give information about the organization itself, the regulatory framework it deals with, the services provided, publications and communication details as well as providing interactive and transactional services. On the other hand, an e-Government Gateway, through which

integrated services for citizens and businesses will be provided in one portal, will be available by the first quarter of 2007. Turkey has a number of important transactional e-services as tax payment, social security premiums, customs declaration, passport application etc. that it constitutes a driving force for diffusion of ICT throughout the society and businesses.

Access to Information

The Law for the Right to Access Information, which was envisaged in the STAP, was enacted in 2003 and put into force by April of 2004. Secondary legislation regarding the Law was prepared by April of 2004. In accordance with the regulatory framework regarding access to information, all public agencies set up Information Access Units in their organization and established web pages peculiar to information access to inform the citizens about their rights and to receive and reply their information requests in the electronic environment.

Moreover, Turkey will determine policies and make regulations on reuse of the information generated by public resources for value creating purposes, either commercial or not, by the government, enterprises and individuals in accordance with an action defined in the Information Society Strategy Action Plan in 2007.

ICT Literacy

"Education for Future Project" has been launched in order to raise the quality level of education, to assist the teachers for the integration of ICT to their classes and to make use of these technologies as a tool by students. More than 30.000 teachers have been trained in the "Teacher Program" section of this project. The project will be expanded for the schools, which will have information technology classes. Totally 50.000 teachers will have been trained until the end of 2006. Additionally, in the "Student Program" section, ICT literacy level of students and the number of students having ability to use ICT are aimed to be increased by using internationally accepted methods. So far, 1800 students have been attended to these training programs.

The scope of ICT courses in the secondary education curriculum will be improved and rolled out. Computer literacy, word processor, datasheet and presentation software will be taught within dedicated certificate programs. Students will be informed on benefits of using ICT in daily life, and will be guided for the effective usage of ICT.

Secondary education ICT curriculum will be updated to sustain and complement the ICT education provided to students in primary education. It will be ensured that basic and auxiliary courses in the education system are supported with ICT at the highest level possible, and that the classes are transformed to enable this system. Secondary education curriculum will be available on the Internet and will be enriched. Education level will be improved to the same standards nationwide.

ICT training programs will be organized for adults at PIAPs. Individuals will be trained on computer literacy, word processor, datasheet and presentation software, and e-government services will be introduced. Individuals will be informed on benefits of using ICT in daily life. The unemployed and employed individuals will be prioritized.

Trainers and operational staff who will be employed at PIAPS (contract-based and part-time) will be trained. Through joint efforts with Non-Governmental Organizations, voluntary individuals will be utilized at these centres to help other individuals with low ICT competency.

e-Learning courses will be designed to contribute to the personal and vocational development of the citizens. A special focus will be attached on training programs for the employed and the unemployed individuals to help them adapt to the changing labour market conditions.

Reaffirming the Equitable Balance Between the Interests of Rights-Holders and the Public Interest

As envisaged in the STAP, Turkey has changed the respective legal regulations to adapt the regulatory framework for the protection of Intellectual Property Rights in electronic media with the Laws No 5101 and 5194 by 2004.

On the other hand, a report to determine the needs and requirements for Digital Rights Management was prepared within 2005 Action Plan. Taking the outputs of this report into account, legal regulations will be made with regard to the protection, supervision or restriction of intellectual property rights on products offered on digital media or on the Internet by 2007 in accordance with an action defined in the Information Society Action Plan.