

Internet Law in Turkey

Protection of privacy versus freedom of expression and freedom to access knowledge, conflict of two basic human rights. Some people think that new internet law in Turkey bring excessive restriction to the internet, on the other hand the others think that these regulations are necessary for privacy and authority.

According to Internet Society's Global Internet User Survey¹ majority of the people agree that access to the internet should be considered as a basic human right and freedom of expression should be guaranteed on the internet. Still it is ok for most of the people that censorship should exist in some form on the internet and each country has right to govern the internet the way see fit. But more people think that the internet does more to help society than it does to hurt it. It is very important that people mostly see the bright side of the internet. The court banned YouTube in 2007 for videos insulting Mustafa Kemal Atatürk according to law of offenses committed against Atatürk.² But it must have been so strict? One inconvenient video is enough for shutting down millions of videos. It is like one inconvenient book is enough for closing whole library. One unfavorable video caused to ignore thousands of useful videos. If we write “Atatürk” on search bar on YouTube, thousands of videos comes in Atatürk’s favor. Most of them quite educational about him. And then one undesired video blocks all of them. There is an irrationality in this example. YouTube obviously serve public interest and people can see this. After the YouTube ban prime minister said “I can access YouTube, you can access it too”.³ So even prime minister know that the YouTube access is almost daily life routine. Even worse thing is that, new internet law gives too much authority to TIB and TIB does not hesitate to use this power. At least in YouTube example there is a law and there is a court which applied the law. After the approval of the new internet law TIB can block websites access without court order. This can leads to unlawful execution by TIB. Even if it is proved that TIB is wrong in the court, in the intervening period of time users will be deprived of their expression and access freedom. Turkish justice known as their slowness. Mostly access restriction period was very long time like several months or even years. This mechanisms should be changed or accelerated otherwise millions of people effected this access restriction for a long time.

Government choose facilitate the website ban rather than obstruct the website ban. Government’s biggest argument always be privacy. Like last Twitter and YouTube ban. They says to opponents of new law that put yourself in someone's shoes. And opponents accused government of being political about bans. They think the actual reason of ban is political rather than ethical. Shut down of Twitter on the day of prime minister threaten it for ban in political party election meeting is shows that opponents’ thought is not an irrelevant concern.⁴ Opponents accused to government that government resort ban because some shares on YouTube and Twitter politically bothered them. Schedule of enacting new internet law closely intersected rising opposition against government on social media. Hence government could not truly persuade the public opinion about new internet ban methods.

Government's decisions enforces the national telecommunications regulator (TIB) to take steps for blocking access to banned web sites and TIB pushes the service providers for blocking access. Intimidated service providers like Turk Telekom can use crazy methods like DNS spoofing for access restriction. After the Twitter and YouTube close down some people continue to access this websites via changing their ISP's default DNS servers to Google DNS servers. Turk Telekom realized this situation and their response was DNS spoofing. Google confirmed that Turk Telekom did DNS spoofing.⁵ It is illegal to imitate someone else's service in most countries and this methods generally known as outlaw's hack method.⁶ It is not a virtue to be expected from government agency besides it is not an ethically correct response.

References

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