



An attempt to understand what the proposed internet filtering system means

Erkan Saka

*Assistant Professor, Istanbul Bilgi University, School of Communication
Blogger at <http://erkansaka.net>*

As of March 2011, Reporters Without Borders would include Turkey on its 2011 list of 16 countries "under surveillance" (the less serious of two Internet censorship lists that it maintains). At the moment, nearly all Internet traffic passes through Turk Telecom's infrastructure. With the filter proposal (to be implemented by August 22) of [BTK](#) (Information and Communication Technologies Authority), which is the central regulatory body over internet in Turkey, not only the infrastructure but also the web content could centrally be controlled.

BTK decision on filters, entitled as "**Rules and Procedures of the Safety of Internet Use**", took place last February (2011) and has one clear information: Internet users in Turkey are supposed to choose one of four Internet packages: family, children, domestic or standard. The list of websites filtered by each package will be decided by the BTK but will not be made public. "Internet Council", a body under the Ministry of Transportation, does not oppose to filters but recently acknowledged troublesome language of the decision: There is no need to have a "standard profile". For those who desire to have filter, there will be three options. Otherwise, users will continue be connected with no changes. There will be no registration or extra passwords to be used in order to connect. But this is already stated by BTK and looks disarming. However, it should be noted that the existing web connections are already heavily regulated through the article 5651. Any talk of filtering in Turkey is not complete without discussing this article that is in charge of internet regulation. Law No. 5651 structured and has been structuring the Internet regulation issues in general since its promulgation in 2007. The law was made together by three major parties in the parliament and it was initially devised to protect children from harmful content and to prevent the encouragement of suicide, prostitution and drug use but it later paved the way for the rising internet restrictions. This law was better than previous attempts in which the state authorities attempted to simply apply mainstream media laws to internet usage. However, from the outset, the law assigned too much power to a single institution, BTK and had a wide and sometimes arbitrary range of crimes to ban websites that sometimes were in conflict with international laws. Obscenity (Article 226), and Crimes under

Law No. 5816 that include crimes against Atatürk are particularly notorious in this context. Some of the categorical crimes have universal validity but “illegal content” and “harmful content are particularly subject to different interpretations and thus not favored by The Council of Europe's Convention on Cybercrime. These already arbitrary articles are then interpreted by a single authority and thus seals the fate of Turkey's internet freedom.

Turkish authorities from the president Abdullah Gül to BTK officials gave their support to the filtering system in recent months. Primary justification in their support is to protect family values and children. Although there have to be something done to protect children, filter supporting discourses carry in themselves a high dose of moral panic. Thus rendering country's image beyond what actually exists. The same level of moral panic was applied a few years ago when there was a crackdown on child pornographers in Turkey. There were only a few arrested in the end although Turkey looked like the safe haven for child porn as a result of moral panic discourses. Despite alarming discourses now, we do not actually know if family and children are so under risk because of internet. There is more than adequate data that children abuses in offline settings are more dramatic. Therefore, internet regulation policies should not be determined by unfounded moral panics. Furthermore, it is very difficult to understand why filtering is proposed by the central authority- the State. Apart from France, no European country comes close to such a state-centric regulation. ISPs already provide filters for families for a cheap price or free and thus netizens become more wary of the political authority.

Speaking of state authority, a centralized regulation also means extended control over the media. In terms of number of imprisoned journalists and PM Erdoğan's personal clash with particular media people point out a strained and troublesome relationship between government and traditional media. This seems to be extending to internet as anonymous and collective criticism as well as various kinds of leaks find place in the Turkish cybersphere. Most of the website bans are not banned due to explicitly political reasons but indirect reasons (such as insulting religious values in Ekşi Sözlük case) and a central command system can easily shut down a website.

Speaking of state authority again, as the State itself commands the filtering system, large sectors of netizens are criminalized. BTK's latest move implies that attempts to subvert the filtering system will be deemed illegal. (A lawyer friend of mine told me that it is practically impossible to take all cases to court with the existing legal system but this opens the road to selective executions that may be politically motivated).

Overall, I would classify major problems related to internet regulation in Turkey in four categories: a) despite good intentions, a centralized State commanded internet regulation may lead to politicised and arbitrary regulative patterns; b) existing laws include wide and sometimes arbitrary range of crimes to ban websites; c) arbitrariness at implementation of the law¹ and d)

¹ For sometimes Kafkaesque cases:

<http://www.indexoncensorship.org/2011/03/fighting-political-internet-censorship-in-turkey-one-site-won-back-10000-to-go/>

authorities' lack of understanding the nature of web 2.0 sites. For the latter, sometimes, because of a rightfully sentenced site, all platform is banned, such as Wordpress, Youtube or Blogger. In addition to considering these three aspects, a higher level of transparency in regulative decisions and more cooperation with web user circles would yield a more free spirited internet environment and would save country's image...

Notable cases of blocking*

- March 2007, Youtube banned due to videos that insult Atatürk. Apart from brief periods, the ban was finally uplifted in October 2010.
In September 2008, [Richard Dawkins'](#) site, *richarddawkins.net*, was banned in Turkey based on "defamation" accusation.
- In October 2008, the [Blogger](#) domain was banned due to of [copyright](#) violation complaints in several blogspot based blogs.
- As of June 2010, Youporn, [The Pirate Bay](#), Megaupload, Deezer, Tagged, Slide and ShoutCast were banned due to pornographic and mp3 sharing content.
- In 2010, Metacafe was banned due to a posted video related to sex scandal of the former CHP leader [Deniz Baykal](#).
- Between July 2010 and October 2010, Turkey's ban of YouTube was expanded to a range of [IP addresses](#) offering services by YouTube's parent [Google](#), including those of [Google Docs](#), [Google Translate](#), [Google Books](#), [Google Analytics](#), and [Google Tools](#).
- In September 2010, the online music search engine [Grooveshark](#) was banned by Turkish courts due to copyright violations.
- In May 2011, popular file sharing services [Rapidshare.com](#) and [Fileserve.com](#) were blocked.
- Last but not least, in the last few years these Turkey based and global sites were also banned: [playboy.com](#), [vimeo.com](#), [ffffound.com](#), [Sanalika.com](#), a Turkish virtual world and playground; [Azadiyawelat.com](#), the website of a Kurdish newspaper; [Fizy.com](#), a popular music and video sharing Turkish website which won an award for best music search engine at the 2010 Mashable Awards; and [5Posta.org](#), a popular blog which contains articles about sexuality, sexual politics, and internet censorship.

*An extended list of blocked sites can be found here:

http://en.wikipedia.org/wiki/Censorship_in_Turkey
