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Artificial intelligence:
Human rights, social justice and development

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TURKEY

AI AND TAKEDOWNS: A CHALLENGE TO MEDIA FREEDOMS IN TURKEY
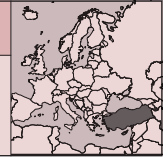
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Introduction

In an atmosphere where 200 media organisations have been shut down, 170 journalists imprisoned, and where no nationally operating news agency is left with 96% of mass media under direct or indirect government control, Turkey continues its downward spiral on press freedom indexes.[1] With restrictions targeting freedom of expression and the right to access accurate, reliable and verified information, many have turned to the internet as a way to circumvent censorship. However, the increasing use of artificial intelligence (AI) for the purposes of detecting copyright infringement has had a negative impact on the right to access information. This report explores this issue in a country that, alongside Russia, has one of the highest number of internet content takedown requests in the world.

Background

While journalism in Turkey has a controversial history and independent media has always been targeted by the authorities, in the last three decades, through the introduction of the internet, a multitude of new ways to overcome restrictive measures have emerged. In 1995, when the pro-left *Evrensel Daily* started publishing its news on a website, the full potential of a critical media in Turkey had never been tested; it had always relied on distribution channels approved by the government.

Similarly, in the early 2000s when alternative media and progressive journalists in Turkey started opening accounts on social media platforms, they had discovered a new medium of reaching far more people than they previously could through print or even through the web versions of newspapers. A few years later, when these platforms were still only starting to attract internet users in the country, the Turkish government had already passed Law No. 5651, the Internet Regulations Act (2007),[2] which was

updated in 2017.[3] While there is no specific clause on copyright infringement in this law, the claim of copyright infringement has recently become a way to put pressure on newly emerging critical media organisations publishing online in Turkey.

This new method of censorship applies the United States (US) standard on copyright protection, the Digital Millennium Copyright Act (DMCA).[4] The DMCA has been in effect since 1998 and is divided into five chapters, including the Online Copyright Infringement Liability Limitation Act, which creates limitations on the liability of online service providers for copyright infringement. Despite it being the legislation that is used in the US, a news organisation operating outside of the US, while using social media services that originated in the US, can be subjected to the legal responsibilities outlined in this act.

Encyclopaedia Britannica states that modern copyright was not issued in order to protect the authors' and publishers' rights, but to allow government oversight on the content published within their dominion.[5] While it is claimed that contemporary legislation on copyright is aimed at protecting the intellectual property and usage rights of legal rights-holders, it is still possible to make use of copyright infringement claims to prevent publications from circulating content critical of authorities. In an offline world (until about the 1990s, although as recently as 2015 in Turkey), if a pro-government publisher was instructed not to allow a certain article to be published, they would buy the extensive copyright of this material but never publish it, thus preventing it from reaching larger audiences. The legislation that allowed this was first contested in Sweden on 2 December 1766 with the world's first Freedom of the Press Act that allowed the publication and circulation of public documents, free from copyright restriction, for news purposes.[6]

Today in the digital age, the practice of restricting the circulation of content that is in the public interest using copyright law takes a new

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1   https://rsf.org/en/turkey

2   Law Number 5651: Internet Regulations Bill (2007). www.resmigazete.gov.tr/eskiler/2007/05/20070523-1.htm

3   Law Number 5651: Internet Regulations Bill (2017). www.resmigazete.gov.tr/eskiler/2017/04/20170411-3.htm

4   https://www.copyright.gov/legislation/dmca.pdf

5   https://www.britannica.com/topic/copyright

6   https://sweden.se/society/20-milestones-of-swedish-press-freedom

form resembling the older methods of censorship. As costs for conventional media platforms (paper, radio, television) continuously increase and news organisations either sell their businesses to pro-government investors or close down and lay off journalists, digital media gains even more significance for independent media organisations and journalists. In this context, modern copyright laws are being instrumentalised to allow a new level of censorship to prevent independent media from operating online in Turkey.

Independent media targeted through copyright violation complaints

In October 2013, activists from the video collective "Seyr-i Sokak", working in the Turkish capital Ankara, filmed multiple far-right groups assaulting university students at Hacettepe University and published the footage on their YouTube channel as a news piece, sharing it with news networks using the title "Fascist assault on Hacettepe University's Beytepe Campus".[7] Although the video was aimed to inform society of a violent assault against students, it was taken down due to copyright infringement. As one of the activists of the collective explained, YouTube had received multiple complaints from the people featured in the video who stated that they had been filmed without their consent, and would like the video to be taken down; as a result, it was taken down, with Seyr-i Sokak being given a warning against unauthorised use of video content on the social media platform. (Later, in 2015, the same video was uploaded to another social media content platform, Vimeo.)[8]

The period when the assault featured in Seyr-i Sokak's video took place was only months after Turkey's greatest social protest in its history, the popular Occupy Gezi protests, which were suppressed violently as the governing Justice and Development Party, AKP, wanted to hold its parliamentary majority intact ahead of the March 2014 municipal elections and August 2014 presidential elections. Simultaneously, waning public support for the AKP had resulted in increased pressure targeting democratic civil society organisations and independent media.

Four years and five elections later, Turkey was to hold yet another election, this time for the biggest city in Europe, Istanbul. On 31 March 2019, Turkey held municipal elections across the country which resulted in the governing AKP losing the biggest metropolises in Turkey, including cities with the highest average

young population, higher average income, and higher industrial production. In Istanbul, the governing AKP declared the opposition won through election fraud, contesting the results for the top seat of the city and as a result, on 6 May the Supreme Election Council cancelled the opposition's victory, declaring that a repeat of the elections in Istanbul would be set for 23 June 2019. This instantly ignited mass protests across the country's largest city.[9] Independent media covered the protests that continued for days after the cancellation of the election results in Istanbul, and "election safety networks" were created through the mobilisation of over 100,000 people, with the aim of ensuring that the elections were conducted safely and that news coverage of the elections continued, so that claims of election fraud could not be made again.[10] The media focus of this network was taken up by citizen journalism-focused news agency dokuz8NEWS, which also ran Regional Media Coordination (the entity working with journalists from the different regions in Turkey) and brought in dozens of local journalists to cover the new round of Istanbul elections.[11]

While dozens of local journalists from across Turkey arrived in Istanbul, several warnings arrived in dokuz8NEWS' inbox with a takedown notice from the DMCA, accusing dokuz8NEWS of unauthorised use of content. The content in question was a video of two Turkish spectators during the Madrid Open tennis tournament, shooting a video of themselves shouting the slogan of the opposition candidate.[12] While the original account that shared the video still contained the content – even at the time of writing of this report – dokuz8NEWS' publication of it as a news piece with a reference to the original publication got caught up in the algorithm detecting copyright infringement and notified ATP Media, which holds exclusive rights to broadcast tennis games.[13] Despite this information being

7 https://vimeo.com/123256268
8 Ibid.

9 dokuz8NEWS. (2019, 6 May). Thousands of people are marching on Istanbul's Kadıköy at Bahariye Avenue protesting Supreme Election Council's decision to repeat municipal elections in Istanbul. https://twitter.com/dokuz8_EN/status/1125493963069317120

10 T24. (2019, 8 May). Istanbul Volunteers: Around 100,000 people want to assume responsibility for Istanbul elections. https://t24.com.tr/haber/istanbul-gonulleri-yaklasik-100-bin-kisi-istanbul-seciminde-sandiklarda-gorev-almak-istedi,820181

11 dokuz8NEWS. (2019, 2 January). Regional media organizations declared united front ahead of municipal elections. https://dokuz8haber.net/gundem/yerel-medya-kuruluslarindan-secimlere-yonelik-guc-birligi-secim2019-yerel-medya-koordinasyonu-kuruldu

12 Oymak, A. (2019, 7 May). Son nefesimize kadar... Madrid'den selamlar#her eyçokgüzelolacak #MMOpen @ekrem_imamoglu. https://twitter.com/alperoymak/status/1125842537124696070

13 dokuz8NEWS. (2019, 21 June). Dokuz8NEWS' Flagship Twitter Account @dokuz8haber Suspended & Later Reinstated. https://dokuz8haber.net/english/dokuz8news-flagship-twitter-account-dokuz8haber-suspended

newsworthy and being shared by thousands of Twitter users in Turkey, dokuz8NEWS received a takedown notice, which led to a suspension of its Twitter account – which it uses to reach most of its audience – only three days before the elections, on 20 June. Even though the account was later reinstated in less than 15 hours by Twitter, after widespread calls for restoring the account by the International Press Institute (IPI),[14] the European Centre for Press and Media Freedom (ECPMF),[15] ARTICLE 19,[16] Reporters Without Borders (RSF) Turkey,[17] PEN Norway[18] and OSCE Representative of Freedom of the Media Harlem Desir,[19] as well as many of their readers, the network nonetheless lost a whole day of preparations ahead of the critical elections for Istanbul's top position.

Apart from political content, which may receive complaints from government-linked troll accounts, another dokuz8NEWS publication triggered DMCA takedown notices. The publication in question was a news piece promoting the teaser for the internet series "The Society", distributed by the publisher Netflix. The series features the song "Bury A Friend" by Billie Eilish in its soundtrack. Universal Music Publishing Group (UMPG), which holds the rights to the song, must have signed an agreement with Netflix allowing them to use the song for the promotion of the series, including for media promotion ahead of the release of the series. As a result of the DMCA takedown notice, this content has been removed from dokuz8NEWS following a complaint from Universal.[20]

At the same time, another independent news network, Ileri News, was also notified of copyright infringement. On 13 June, Ileri News' Twitter account was suspended for publishing a news story with video content showing an excerpt from Islamist theologian Nurettin Yıldız's talk in 2013, which is published on the Social Fabric Foundation's YouTube channel.[21] In the video, Yıldız promotes marriage with little children, suggesting "there should be no problem in marrying a six-year-old girl." Yıldız filed complaints against the media organisation, stating that this was unauthorised use of his copyrighted material and should not be allowed, even though he has lost multiple court cases in Turkey against the same news organisation in his attempt to punish journalists for covering his talks.

Yıldız's complaints resulted in the removal of the videos from Ileri News' Twitter account, and its account being suspended.[22] While the account was reinstated on the same day as dokuz8NEWS' account following the outcry by international media freedom organisations, it had stayed closed for a week, causing the news organisation to also lose time, resources and audiences prior to the Istanbul elections. Today, if one is to search Ileri News' Twitter account with an intention to access the independent media outlet's archive of videos on the popular social media platform, multiple videos and content cannot be accessed as a result of complaints and content being removed.

Conclusion

Even though AI can be used in many creative and productive ways, the use of AI for copyright protection limits people's right to information, freedom of the media, and the circulation of content online. In all three examples cited earlier, independent news organisations have received complaints and requests for removal of content, and as a result they lost access to their audiences at a time when

14 IPI. (2019, 20 June). Shocked to see @dokuz8HABER Twitter account suspended. Essential for voters to have access to independent news ahead of #Istanbul revote in #Turkey. We urge @Twitter to reinstate without delay. @dokuz8_EN @obefintlig pic. twitter.com/lE6FSRA5xj. https://twitter.com/globalfreemedia/status/1141698959469096960

15 ECPMF. (2019, 20 June). @dokuz8HABER's @Twitter account was suspended based on copyright violation complaints. #Socialmedia remains a major channel for dissemination in #Turkey. Just three days before the renewed election in #Istanbul this is a restriction of internet freedom! https://twitter.com/ECPMF/status/1141658266965086208

16 ARTICLE 19 ECA. (2019, 20 June). The main @twitter account of #Turkey's news agency @dokuz8_EN has been suspended today, just 3 days ahead of the re-run of the Istanbul mayor elections. #MissingVoices. https://twitter.com/article19europe/status/1141663511078232066

17 RSF Turkey. (2019, 20 June). RSF temsilcisi Erol Öndero lu: @Twitter bir içerikten tüm bir medya hesabına engel getirmek gibi yıllardır ele tirdi imiz prati e ortak olmamalıdır. Türkiye'de bunca idari & yargı sansürü varken böylesi bir müdahaleye ihtiyaç yoktu. Yeniden @dokuz8haber 'e eri im istiyoruz! pic.twitter.com/LCFynnZOlW. https://twitter.com/RSF_tr/status/1141803260044632066

18 PEN Norway. (2019, 20 June). The Turkish news organization @dokuz8HABER's account has just been suspended by @Twitter based on coyright violations complaints. This happens 3 days before #IstanbulElections. Coincidence? Hardly, this is a restriction of internet freedom. https://twitter.com/norsk_pen/status/1141684118402605056

19 Desir, H. (2019, 20 June). Terrible decision to suspend news outlet @dokuz8HABER Twitter account. Population of #Turkey needs access to pluralistic news. @Twitter needs to urgently reinstate access. @dokuz8_EN @obefintlig. https://twitter.com/OSCE_RFoM/status/1141772087411040257

20 The producers use an algorithm to track the spread of their content online, and if the list of where it is published does not match the list of publishers authorised to use the content, they receive an alert. However, when the re-use of content is news-related, this should not be a problem.

21 https://www.youtube.com/watch?v=J3wBppWjMHo

22 Ileri News. (2019, 14 June). Nurettin Yıldız who promotes child marriage filed copyright complaint, Ileri News suspended. https://ilerihaber.org/icerik/cocuklar-evlendirilsin-diyen-nurettin-yildiz-telif-sikayetinde-bulundu-ileri-haberin-twitter-hesabi-askiya-alindi-99231.html

citizens' rights to access accurate, reliable and verified information were violated as well. Two of these complaints were the result of the use of AI.[23] In a country where government or pro-government businesses control 96% of the media landscape, leaving a very limited space for independent media to operate, the copyright legislation may serve as a restrictive measure on media freedoms, directly opposing the foundational Press Freedom Act as adopted in Sweden in 1766.

Over the last five years, Turkey has been the top country when it comes to filing content removal requests with social media platforms. According to Twitter's transparency report on country-specific content removal requests filed in the second half of 2018, Turkey and Russia combined had filed 74% of the total global volume of all requests, despite a 44% decrease in Turkey's content removal requests on Twitter.[24] It was also announced in the report that Twitter had filed objections to multiple court orders in Turkey given that the decisions might violate media freedoms. Furthermore, the report suggests that requests from countries other than Turkey increased by approximately 90% since the first half of 2018, showing how global the problem is becoming.

The other side of the coin is that while registered news organisations are striving to produce quality journalism that offers accurate, reliable and verified information, content that is based on manipulative and false information can circulate freely on social media platforms through distribution channels using trolls; and this opens up room for echo-chambers that grow along with social polarisation.

Action steps

The following steps are suggested for Turkey:

- Social media platforms which target billions of internet users, and have become some of the most popular platforms for media and news distribution, should develop their relationships with global media freedom and journalism associations such as the Committee to Protect Journalists, the International Federation of Journalists, IPI, ECPMF and RSF. This could help to verify independent news organisations that are operating digitally.

- International media freedom organisations should form legal support teams for small independent news organisations so that they have legal representation and support in case of takedown notices being issued for newsworthy material or accounts being closed.

- Transnational news networks among independent news organisations should be established in order to bypass the information asymmetry caused by authoritarian governments' control over mainstream media. This would allow voices to be heard globally that deal with emerging problems through discussion.

- Independent news organisations that are critical of the governments of countries where they are based should adopt a more neutral publication policy and avoid an accusatory tone in their articles when referring to government officials, pro-government people and voters.[25]

- An academic and philosophical debate on the value of intellectual property, its significance to human civilisation, and the impact of copyright in modern culture should be initiated.

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23 The examples of dokuz8NEWS and Ileri News. In the latter case, AI was used by Yıldız's team.

24 https://transparency.twitter.com/en/removal-requests.html

25 For Turkish media organisations – and more recently many in the United States – this is a growing problem. More and more journalists seem to be losing their temper in their writing, and some do not even claim to be "independent" or "unbiased" anymore, further isolating the people of "the other side".

Artificial intelligence:
Human rights, social justice and development

Artificial intelligence (AI) is now receiving unprecedented global attention as it finds widespread practical application in multiple spheres of activity. But what are the human rights, social justice and development implications of AI when used in areas such as health, education and social services, or in building "smart cities"? How does algorithmic decision making impact on marginalised people and the poor?

This edition of Global Information Society Watch (GISWatch) provides a perspective from the global South on the application of AI to our everyday lives. It includes 40 country reports from countries as diverse as Benin, Argentina, India, Russia and Ukraine, as well as three regional reports. These are framed by eight thematic reports dealing with topics such as data governance, food sovereignty, AI in the workplace, and so-called "killer robots".

While pointing to the positive use of AI to enable rights in ways that were not easily possible before, this edition of GISWatch highlights the real threats that we need to pay attention to if we are going to build an AI-embedded future that enables human dignity.

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