

Informatics Ethics and Law

Prof. Dr. Eşref ADALI

Freedom of Expression

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Freedom of Expression

Article 19 of the UN Declaration of Human Rights

Everyone has the **right** to freedom of opinion and expression; this **right** includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

It was adopted by the Republic of Turkey. Freedom of expression is included in the 26th article of Turkish Constitution.

Freedom of Expression and Problems in Internet

Obscene Expressions and pictures

Insult and False Expressions

Defamation and Vilification

Disclosure Person's Private

Provocative Publications

Obscene Phrases and Images

The publication of obscene phrases and images was also contrary to public moral values before Internet. In this context, the moral values of a society are always discussed and still being discussed. In printed and visual media, it is tried to be legally opposed to those who are in publications contrary to the moral values of the society. It is not easy to prevent publications made over Internet by legal means applied to prevent printed and visual publications. This is because:

- Broadcasting is made all over the world. The moral values of each society are different. Therefore, a visual or verbal expression that is normally accepted in one society can be considered immoral in another society. Therefore, the blocking and prohibition efforts can only be done within the country.
- Obscene expression and visual concept vary depending on the age of people. An ordinary image or speech for an adult can be considered objectionable for a child. Those who produce racy publications try to get rid of the penalties by saying that they have prepared them for adults and put a warning on their website. Since the identity and age control is not performed while accessing a page published in Internet, children can also access these pages.
- Those who broadcast over Internet are not individuals or organizations whose identity and address are clearly defined, just like traditional media organs. Those who publish such broadcasts are often deployed in third world countries, many of which are not even known

International consensus has only been reached on child pornography internationally. However, it was not understood about who would be considered as a child in this regard.

Insult and False Expressions

The chat (forums) rooms created for the purpose of sharing the information of the people, people insult and make false statements by hiding their real identity. Those who conduct such environments say that the statements in question will be removed when complained. This type of practice is wrong in terms of law and ethics because:

Freedom of expression does not allow to insult someone else. Internet's lack of control gives an opportunity to insult some people.

- The insulted person does not have to constantly watch the page in question and investigate whether there is a false and defamatory statement about him.
- It is against the basic rules of law that the administrators of the page decide what is said about the right or wrong and put themselves in the place of judge.
- It is also not enough to remove a defamatory statement from the page. In the period from its publication to its removal, many people will have read these statements containing lies or insults, and the insulted person will suffer material and moral damage.

It is clear that such businesses aiming to make profit from the advertisements given to the chat environment they offer to the service will have to deal with legal problems in time.

Insults to individuals and organizations are also carried out on social networks that are widespread worldwide. As will be remembered, Turkish enemies have published visual and written insults to Atatürk, which the Turkish people considered as the great leader.

The definition of defamation cannot be made in an international context either. A discourse that is considered an insult by someone or a nation can be considered an assessment or criticism for another person or nation.

Defamation and Vilification

The actions of defamation and vilification use are carried out against individuals, products, services or organizations. It is clear that these actions are malicious. However, those who carry out such actions hide their identity. Although there are those who consider such statements that are considered anonymous or anonymous behavior as the liberty provided by Internet, there are also those who think the opposite. It is witnessed that defamation and vilification cause great harm.

One of the environments that can be used to defame and denigrate people is chat rooms, in other words, gossip rooms. Since the correctness of the words written in these rooms is not controlled, they provide a very easy environment to blacken a person.

Another method for defamation and vilification actions is to edit a fake web page.

Defamation and vilification actions are also carried out against organizations. The spread of a disparaging publication about a product or service produced by an organization in the environment of Internet causes great damage on behalf of the manufacturer.

The actions of defamation and vilification of organizations are carried out by individuals as well as by rival companies. Especially organizations that market products in the international market are faced with such unfair defamation.

Disclosure Person's Private

To disclosure the information that we consider private and which should be kept confidential in the context of freedom of expression is contrary to ethical and legal rules. However, such actions are witnessed today

In printed and visual media, very confidential information is published about people such as politicians and artists that the society knows and closely monitors. Such publications are said to have been made to ensure the freedom of news of people, and that is how legal rules accept it.

Information that should be confidential about people who are not familiar with the society in recent times are also distributed in Internet. Photographs, recorded conversations or correspondences taken during periods of good relations are distributed to unrelated people over Internet and the person's feature is explained. Knowing someone's private information that should be confidential by others may humiliate that person in the community. Such publications cannot be regarded as freedom of expression.

Provocative Publications

The Universal Declaration of Human Rights and Article 26 of our 1982 Constitution allow individuals to freely express their thoughts. Naturally, a person living in a free country is expected to express his thoughts freely. However, turning these thoughts into action or targeting people to take action by provoking them is not considered as freedom of expression. The events that take place over time necessitate the restriction of expressions that would damage national security, public order and public security. This situation occurs in our country as well as in the world. The following amendment was made in the 26th article of Turkish Constitution for these reasons:

Amendment: 3.10.2001-4709 / 9 art.) The use of these liberties, national security, public order, public security, the basic characteristics of the republic and the indivisible integrity of the state with its country and nation, the prevention of crimes, punishment of criminals, the state secret information not disclosure may be limited to the purpose of protecting the reputation or rights of others, their private and family lives, or the professional secrets stipulated by the Law, or to fulfill their duty in accordance with the requirement of the trial.

As a result, it is intended for a person to express and spread his thoughts freely, but when it comes to the order, security and future of society, it is inevitable to restrict freedoms.

Neutral Limits of Freedoms

In liberal democracies, the fundamental rights and freedoms are aimed to be limitless and the principle of determining the limit by itself is adopted. The rationale for this view is explained as follows:

- There were people before the states were established and they were free.
- People have established states with their own wishes and decisions. Therefore, the state is obliged to ensure the freedom of the individual and is legal as long as it provides. According to this view, it can be concluded that the individual has unlimited freedom against the state.

We witness that the concept of freedom is restricted today. The reason for this is explained as follows:

- Today, individuals do not live alone, but in a society. Therefore, there must be a limit to individual freedoms in order for the society to survive in a healthy way.

Those who are making law and ethics accept that every freedom has some limits arising from its nature, and they call it neutral (objective) boundaries of freedoms.

Controlling Internet Access

- We cannot say that those who laid the foundations of Internet thought that this environment could have harm as much as its benefits.
- Recent research shows that 12% of the web pages on Internet are pornography sites. An important part of these sites publish child pornography. It is given in the same sources that pornography sites are accessed approximately 68 million times a day and this number is 25% of Internet daily access. It is stated that these numbers are increasing gradually.

Censor

Countries governed by democracy argue that it is necessary to apply censorship on the issues listed below.

- National security
- Harmful publications for children
- Hate and discrimination
- Fraud
- Private
- Insults, defamation
- Intellectual property rights

Preventing Access

- When it is desired to prevent the publishing of a site, it is sufficient to filter Internet Service Providers.
- In countries where filtering methods are used to prevent publications that are considered harmful to the society, white and black lists are created for Internet publications. Internet service providers and collective service providers are expected to filter by looking at the domains in this list