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Intergovernmental Organizations

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Turkey's attempt to ban social media platforms threatens freedom of expression

The United Nations Office of the High Commissioner for Human Rights (OHCHR) expressed concern over Turkey's recent attempt to ban social media platforms Twitter and YouTube, calling these actions a threat to freedom of expression conflicting with the country's international human rights obligations. While Turkey is not the only country attempting to block forms of social media, human rights advocates have pressed for changes on multiple other occasions. Not only has Turkey been labeled the world's "top press jailer," but in May 2013 Turkey adopted Law 5651, allowing the government to block Internet sites deemed to have "insulting" content without a court order. Although an Ankara court eventually overturned the Twitter and YouTube bans, given the integral role of social media in "leaderless" revolutions, the UN continues to express the belief that restricting Internet freedom also restricts fundamental human rights.

Since Turkey is a State Party to both the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), the country is obligated to afford citizens the freedom of expression in the media. Further, Article 26 of Turkey's Constitution also guarantees free speech. Despite the Turkish government's domestic and international commitments to free speech, Prime Minister Tayyip Erdogan endorsed the ban, accusing Twitter and other social networks of transmitting purported tapped phone conversations, which, in turn, appear to corroborate allegations of corruption within the government. Erdogan further justifies the law as establishing "precautions against material that might hurt children, youth and families." However, Amnesty International labels the social media attacks as part of "a broader policy to silence and smear people" that speak out against the government.

Since the passage of Law 5651, Turkish activists and social media users have been fighting to protect their right to freedom of speech. According to Twitturk, which compiles statistics on Turkey's twitter users, merely ten hours after the government enacted the ban, Turkish citizens posted more than 500,000 tweets. After Erdogan announced the ban, many Turkish news websites circulated instructions on how to change the domain name settings (DNS) on computers and mobile devices, which works by hiding the geographic whereabouts of the device and thus allows access to the banned sites. Circumvention technologies, such as DNS, are uncomplicated and easily accessed by Internet users living in countries that filter access to certain websites.

Human rights groups have recognized the importance of social media platforms such as Twitter, Facebook, and YouTube, noting that each platform allows users to stand up against human rights violations without risking violent retaliation, and further helps activists avoid government efforts to cover up repression. While some governments attempt to order social media companies to disclose identities of anonymous users or block discussion of certain topics, organizations such as Google, Yahoo, and Microsoft have developed the Global Network Initiative designed to encourage companies to combat these demands and protect users' privacy. Additionally, even where governments limit access to the Internet, social media followers can multiply quicker than any monitoring police ever could, thus allowing activists to remain online, even in limited circumstances.

Furthermore, social media has played an imperative role in the organization of revolutions around the world, such as the Arab Spring. As such, the United Nations expressed concern that Law 5651 would thwart activist efforts to hold the Turkish government accountable since the law also requires Internet providers to track and store web users' activities for two years and to make it available to authorities without a judicial order. During the Arab Spring, activists from Egypt used "Facebook to schedule the protests . . . Twitter to coordinate, and YouTube to tell the world." However, since Law 5651 was passed, almost 37,000 websites have been blocked by court orders.

While Turkey's own President Abudullah Gul was among those condemning the order, which he challenged through a series of his own tweets, it is unknown what the future holds for Internet users in the country. Rupert Colville, spokesperson for the UN High Commissioner for Human Rights, stressed that "the same rights that people have offline must also be protected online." For now, the United Nations welcomed the lifting of the restrictions on Twitter and YouTube, and reinforced its position that access to these sites is essential to fundamental human rights.

United Nations Claims Anti-homosexuality Legislation Violates Human Rights: The Cases of Uganda and India

Every country is required to prohibit discrimination based on sexual orientation and gender identity under international human rights standards. Since 2011, the United Nations (UN) has publicly endorsed the rights of lesbian, gay, bisexual, transgendered, intersex, and questioning (LGBTIQ) people and has expressed concern regarding acts of discrimination and violence against such individuals. Even more recently, with the launch of the Free and Equal Initiative, an initiative of the United Nations Office of the High Commissioner for Human Rights Office (OHCHR) that emphasizes the promotion of LGBTIQ rights around the world, the UN condemns anti-homosexuality legislation as a violation against human rights. Through these new efforts, the UN hopes that the more than eighty countries that supported the 2011 UNHCR resolution, endorsing gay rights, will signal the universal recognition as human rights.

Nonetheless, on February 23, 2013, President Yoweri Musevini of Uganda signed into law a bill that imposes life

sentences for those who engage in same-sex relationships, as well as those who simply "promote" homosexuality. Similarly, India has re-criminalized same-sex relationships despite a long-standing history of promoting the expansion of human rights. In response, UN Human Rights High Commissioner Navi Pillay has emphasized that any country that criminalizes homosexuality creates a serious threat to human rights.

According to the UN, Uganda's bill violates the rights to privacy, freedom of expression, liberty, and association since it allows open discrimination against LGBTIQ members and those supporting them. Notably, these rights are specifically protected under the Ugandan Constitution, the International Covenant on Civil and Political Rights (ICCPR), and the Universal Declaration of Human Rights, all of which Uganda is a State Party. However, Museveni openly believes that gays and lesbians are "sick people that need help." Not only would the bill impose life sentences on members of the LGBTIQ community, but it would also impose sentences on any person who supports them and does not report offenses under the act. Accordingly, the UN recognizes that this law will have devastating effects on HIV/AIDS work within the country because it will compromise doctor-patient confidentiality. Finally, the UN maintains that Uganda has a legal duty to protect the rights of individuals regardless of whether the majority population approves of them.

In the case of India, the UN asserts that the country took a "significant step backwards" when the Indian Supreme Court overturned a 2009 ruling that had decriminalized same-sex conduct, opting instead to uphold Section 377 of the Indian Penal Code, which criminalizes consensual gay sex. The 2009 ruling was secured on the basis that criminalizing consensual sexual conduct between adults in private would violate principles of equality set forth in the Indian Constitution, and, until recently, India was seen as a model for reforming colonial anti-homosexuality law. However, on appeal, India's Supreme Court ruled Section 377 to be "constitutionally valid" because, according to Indian officials, Section 377 only seeks to define an offense and prescribe a punishment for acts that are "against the order of nature." As with the proposed legislation in Uganda, the UN claims that the Indian legislation violates the right to privacy and non-discrimination protected under the ICCPR, which India has also ratified. Although there are hopes that the Court may rehear the case before a larger panel of judges, for now it is a huge setback for the LGBTIQ community and India's aggressive fight against HIV. According to Human Rights Watch, the law will further impact the already vulnerable HIV community that now will be deterred from seeking health services out of fear of police action.

Although more than eighty countries supported the 2011 UNHRC resolution endorsing gay rights, the UN faces fierce opposition. "Legalized homophobia" has a history of prevalence worldwide, while many countries continue to promote anti-homosexuality legislation. Other African countries, such as Nigeria, have stated that gay rights are "unnatural," and that the resolution goes against most African beliefs. Similarly, leaders in the Islamic world have expressed concern toward the United Nations introducing notions that they claim "have no legal foundation."

Most countries with anti-gay laws today stem from colonizing nations, such as Great Britain. Ironically, the nations upholding anti-gay laws are continuing the legislative legacy of nations that, today, are the fiercest supporters of gay rights. While the UN recognizes that Uganda and India will not support LGBTIQ rights overnight, the UN is calling on the governments to at least protect LGBTIQ community members and ensure their security. The UN affirms that it will continue to document human rights abuses against the LGBTIQ community, including any discriminatory laws. For now, the UN will need the help of civil society to stand in the defense of human rights.

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