



THE
FUTURE
OF
FREE
SPEECH

THAT VIOLATES MY POLICIES 2026

AI LAWS, CHATBOTS, AND
THE FUTURE OF EXPRESSION

DIRECTED BY:

Jordi Calvet-Bademunt,
Jacob Mchangama,
and Isabelle Anzabi

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The Future of Free Speech is an independent, nonpartisan think tank based at Vanderbilt University. Our mission is to reaffirm freedom of expression as the foundation of free and thriving societies through actionable research, practical tools, and principled advocacy. We envision a world in which the right to freedom of expression is safeguarded by law and strengthened by a culture that embraces diverse viewpoints.

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PREFACE

In the 2026 edition of our report *“That Violates My Policies”: AI Laws, Chatbots, and the Future of Expression*, we explore the ways in which public and private governance of generative artificial intelligence (AI) shapes the space for free expression and access to information.

Since the launch of ChatGPT by OpenAI in November 2022, generative AI has moved from a novelty to a tool embedded in everyday communication and information access.¹ As its reach has grown, so has the urgency for legislators around the world to determine how it should be governed, and what that governance means for freedom of expression and access to information.

Recognizing generative AI’s growing impact on freedom of expression and access to information, The Future of Free Speech undertook a first-of-its-kind analysis of how national legislation and corporate practices shape expression in the era of generative AI. The 2025 report analyzed AI legislation in Brazil, China, the European Union, India, the Republic of Korea, and the United States. It focused on laws and public policies addressing AI-generated content, particularly around elections and political speech, hate speech, defamation, explicit content, copyright, and measures that actively promote freedom of expression.²

This year, we built on those findings and expanded them considerably. This report, the first of two publications The Future of Free Speech will release this year, examines AI legislation, bills, policies, and case law in the European Union, Nigeria, Peru, Sweden, Türkiye, the United Kingdom, the United States, and Vietnam. It considers how these frameworks shape

¹ Generative AI refers to systems that create content — including text, images, video, audio, and software code — in response to user prompts. Cole Stryker and Mark Scapicchio, “What Is Generative AI?,” IBM Think, March 22, 2024, <https://www.ibm.com/think/topics/generative-ai>.

² Jordi Calvet-Bademunt, Jacob Mchangama, and Isabelle Anzabi, *“That Violates My Policies”: AI Laws, Chatbots, and The Future of Expression* (Nashville: The Future of Free Speech, October 2025), <https://futurefreespeech.org/wp-content/uploads/2025/10/AI-Report-2025-Full-Report.pdf>.

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freedom of expression and access to information across election and political content, hate speech, defamation, explicit content, copyright, and measures that empower freedom of expression, such as policies supporting linguistic diversity, media literacy, and open-source development. We have added dedicated sections on protection of minors and AI-powered surveillance to reflect these increasingly salient issues.

This report seeks to provide a rigorous and timely analysis of how generative AI is reshaping the space for free expression in both the public and private spheres. Building on these insights, The Future of Free Speech is developing guidelines to help policymakers ensure that generative AI protects and enhances freedom of expression and access to information, two cornerstones of democratic societies. A second report, focused on model analysis and related good practices for companies, will follow later this year.

In an era of rapid technological change, safeguarding free expression protects both individual rights and the conditions for open, informed, and thriving democracies.



ARTIFICIAL INTELLIGENCE & FREEDOM OF EXPRESSION IN TÜRKİYE

By

Yaman Akdeniz



YAMAN AKDENİZ

Yaman Akdeniz is Professor of Law at the Faculty of Law, Istanbul Bilgi University, and a co-founder of the Freedom of Expression Association (İFÖD). He has worked on freedom of expression, access to information and internet regulation since the mid-1990s, and his research addresses the intersection of platform governance, constitutional law, and international human rights standards. Akdeniz has litigated extensively against Türkiye's internet censorship regime. He brought three individual applications to the Constitutional Court as an affected user, which lifted access blocking decisions involving Twitter, YouTube and Wikipedia. He has also succeeded against the government before the European Court of Human Rights over the YouTube ban. He is the co-author, with Ozan Güven, of the annual EngelliWeb reports and *Digital Obedience Regime: Social Media Platforms and the Illusion of Transparency in Türkiye* (2025). He is the author of *Racism on the Internet* (Council of Europe Publishing, 2010) and of *Internet Child Pornography and the Law: National and International Responses* (Ashgate, 2008). His work has received the Columbia Global Freedom of Expression Award (2016) and the Embassy of Canada Human Rights Award (2022).

ABSTRACT

Türkiye is preparing for the age of artificial intelligence while dismantling the digital rights infrastructure that would protect freedom of expression. As of mid-2026 Türkiye has no AI-specific legislation, and although a parliamentary investigation commission recommended a framework AI Act in February 2026, Türkiye has still not signed the Council of Europe Framework Convention on AI.

The decisive constraint on expression is an existing censorship apparatus that Turkish authorities are now extending to AI-generated content. By early 2026 authorities had blocked roughly 1.59 million websites and domains under Law No. 5651. Roblox, Wattpad, and Discord have been inaccessible since mid-2024. Social media companies comply with most removal demands under threat of throttling and revenue-based fines. Criminal judgeships of peace, single-judge courts that rule on arrests, searches, and access blocking, began invoking the same blocking powers against xAI's Grok and Ask Perplexity in July 2025. The decisions are among the earliest documented instances globally of state censorship directed at generative AI outputs.

The chapter also examines defamation, hate speech, protection of minors, non-consensual synthetic imagery, LGBTQ+ censorship, copyright, and AI-assisted surveillance. Law No. 7578, which comes into force in November 2026, will require compliance with removal orders within one hour and mandate automated filtering of previously blocked content, extending an architecture built before generative AI into the environment it now governs, without AI-specific safeguards.

Türkiye's difficulty lies in the nature of the regulatory environment AI is entering. A state that blocks more than 300,000 websites a year and compels platforms to remove content within hours has no need for AI-specific censorship tools, since the existing apparatus already serves the purpose. Türkiye's eventual AI legislation will either embed enforceable human rights safeguards or extend the logic of its current digital governance, and the evidence assembled in this chapter points firmly toward the second.

1. INTRODUCTION

Türkiye presents a paradox in the global landscape of AI governance and freedom of expression. The Constitution guarantees freedom of expression and press freedom,¹ and Türkiye is bound by the European Convention on Human Rights (ECHR). The European Court of Human Rights (ECtHR) has interpreted Article 10 of the Convention, which protects freedom of expression, expansively.² The Court has repeatedly found Türkiye in violation of Article 10, including in cases involving Internet censorship and online expression.³ In practice, Türkiye has become one of the most restrictive environments for free expression in Europe, consistently scoring among the lowest on international indices measuring press and Internet freedom.⁴

This gap between constitutional promise and operational reality shapes the environment in which Türkiye now develops its AI policy. As of mid-2026, Türkiye has no AI-specific legislation. Four AI-related bills sit at committee stage,⁵ and the Grand National Assembly's AI Investigation Commission completed a comprehensive report in February 2026 recommending a framework AI Act.⁶ However, Türkiye has not signed the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the

1 Constitution of the Republic of Türkiye, Article 26 (Freedom of Expression) and Article 28 (Freedom of the Press). For an English translation, see https://www.constituteproject.org/constitution/Turkey_2017.

2 European Convention on Human Rights, Article 10. Türkiye ratified the Convention on May 18, 1954.

3 See, e.g., Ahmet Yıldırım v. Turkey, App. No. 3111/10, (December 18, 2012); Cengiz and Others v. Turkey, App. Nos. 48226/10 and 14027/11, (December 1, 2015).

4 Freedom House, Freedom on the Net 2025: Turkey, November 2025, <https://freedomhouse.org/country/turkey/freedom-net/2025>. Türkiye scored 31 out of 100, the lowest in Europe.

5 AI Act Bill (June 24, 2024), <https://www.tbmm.gov.tr/Yasama/KanunTeklifi/e21539a0-888a-4500-81be-01904a918c53>; Bill Amending Certain Laws (November 7, 2025), <https://www.tbmm.gov.tr/Yasama/KanunTeklifi/12d348f9-77ee-4f09-8b78-019a5e27521f>; Bill amending Law No. 5651 (November 24, 2025), <https://cdn.tbmm.gov.tr/KKBSPublicFile/D28/Y4/T2/WebOnergeMetni/a6cf57b6-85be-4fbb-a01a-41316f52d855.pdf>; Bill amending Law No. 5846 (April 08, 2026), <https://cdn.tbmm.gov.tr/KKBSPublicFile/D28/Y4/T2/WebOnergeMetni/a04b8b2f-5095-41c2-9fa4-60a2c7a7f2df.pdf>. All remain at the committee stage.

6 Report of the Parliamentary Inquiry Commission Established by the Turkish Grand National Assembly to Determine the Steps to Be Taken Regarding the Achievements of Artificial Intelligence, to Create the Legal Infrastructure in This Field, and to Prevent the Risks Involved in the Use of Artificial Intelligence (published in March 2026, <https://cdn.tbmm.gov.tr/KKBSPublicFile/D28/Y1/T10/DosyaKomisyonRaporunuVerdi/9f0e7abf-41f6-4133-ab3d-4879113f7f9f.pdf>), (hereinafter TBMM AI Investigation Commission Report).

Rule of Law, the first binding international AI treaty, despite having actively negotiated it.⁷ The expired National AI Strategy (2021–2025) did not address freedom of expression,⁸ and the dissolution of the Digital Transformation Office in March 2025 left an institutional gap in AI governance that was only formally addressed by the December 2025 reorganization.⁹

Türkiye’s case is consequential because authorities already extend an expansive digital control apparatus to AI-generated content. Law No. 5651, enacted in 2007 to regulate online content, has been transformed through successive amendments (2014–15 and 2020–22 most significantly) into a comprehensive platform control regime,¹⁰ imposing mandatory local representation, data localization, expedited content-removal obligations, and sanctions escalating from advertising bans to near-total bandwidth throttling. Authorities blocked more than 1.5 million websites and domain names by the end of 2025,¹¹ and platforms routinely complied with most government removal requests.¹² A 2022 amendment added an offense of “publicly disseminating misleading information”.¹³ The Journalists’ Union of Türkiye has documented at least 113 investigations against 88 journalists under the provision since October 2022, with no final conviction to date.¹⁴

This infrastructure has already been deployed against generative AI. In 2025 and 2026,

7 Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law, CETS No. 225, opened for signature September 5, 2024. See section 3.4 of this chapter.

8 Republic of Türkiye Presidency, National Artificial Intelligence Strategy 2021–2025 (Ulusal Yapay Zekâ Stratejisi 2021–2025) (August 2021), <https://bilgem.tubitak.gov.tr/wp-content/uploads/sites/8/TR-UlusalYZStratejisi2021-2025-1.pdf>. The Strategy focused on economic competitiveness, human capital, and data infrastructure but did not address freedom of expression even though there was reference to respect for human rights.

9 The Presidency Digital Transformation Office (CBDDO) was dissolved by Presidential Decree No. 183, published in the Official Gazette of March 28, 2025, with its duties relating to public-sector digital transformation and AI applications transferred to the newly established Cyber Security Presidency (CSP) under Presidential Decree No. 177. Presidential Decrees No. 191 and 192, published in the Official Gazette of December 25, 2025, subsequently renamed the Ministry of Industry and Technology’s General Directorate of National Technology as the General Directorate of National Technology and Artificial Intelligence (MTYZGM) and authorized the CSP and the MTYZGM to act jointly in national AI governance. See TBMM AI Investigation Commission Report (2026), <https://www.sanayi.gov.tr/merkez-birimi/c03f1f3bae27/yonetici>.

10 Law No. 5651 on the Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publications, enacted May 4, 2007.

11 Freedom of Expression Association, EngelliWeb 2025: *Digital Lockdown: Silencing the Public in the Name of Public Order*, July 2026, https://ifade.org.tr/reports/EngelliWeb_2025_Eng.pdf.

12 Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime: Social Media Platforms and the Illusion of Transparency in Türkiye* (Istanbul: Freedom of Expression Association, February 2026), https://ifade.org.tr/reports/SosyalMedyaRaporu_Eng.pdf.

13 Article 217/A of the Turkish Criminal Code was added by Law No. 7418 (October 13, 2022). The provision criminalizes the public dissemination of “false or misleading information” with the intent to “create anxiety, fear, or panic among the public” and carries a prison sentence of up to three years.

14 Türkiye Gazeteciler Sendikası (Journalists’ Union of Türkiye), 2025–2026 Basın Özgürlüğü Raporu [2025–2026 Press Freedom Report], May 3, 2026, <https://tgs.org.tr/wp-content/uploads/2026/05/2025-2026-Basin-Ozgurlugu-Raporu.pdf>. Of the 113 investigations, 49 ended in decisions not to prosecute and 29 produced indictments; first-instance courts acquitted in 15 cases. The first conviction under the provision, of the journalist Sinan Aygül by the Tatvan 1st Criminal Court of First Instance in February 2023, was quashed by the 8th Criminal Chamber of the Court of Cassation in May 2024.

criminal judgements of peace¹⁵ issued access blocking orders targeting Grok and Perplexity AI accounts on X, blocked individual AI-generated posts, and censored an AI assistant's responses to public-interest questions.¹⁶ The Freedom of Expression Association (İfade Özgürlüğü Derneği, İFÖD) EngelliWeb project, which has monitored and catalogued access-blocking decisions in Türkiye since 2018, documented these restrictions as among the earliest instances globally of state censorship targeting generative AI content. This chapter examines how existing legislation, pending bills, and institutional practices in Türkiye shape the landscape for AI and freedom of expression, and assesses whether the regulatory approach will carry forward the repressive patterns of its existing digital governance or chart a new course.

15 Criminal judgements of peace (sulh ceza hâkimlikleri) were established by Law No. 6545 of June 18, 2014, replacing the former criminal courts of peace. They are single-judge offices competent to order protective and investigative measures during the investigation phase, including pre-trial detention, search, and seizure, as well as access blocking under Law No. 5651. Appeals lie only to another criminal judgement of peace, and the Venice Commission has criticized this closed horizontal appeal system together with the breadth of the judgements' powers. Venice Commission, Opinion on the Duties, Competences and Functioning of the Criminal Peace Judgements, Opinion No. 852/2016, CDL-AD(2017)004, adopted at the 110th Plenary Session, March 10-11, 2017.

16 Freedom of Expression Association (İFÖD), EngelliWeb announcements, 2025-2026. Access to Grok's (xAI) X account was blocked under Article 8/A of Law No. 5651 on September 11, 2025; access to Ask Perplexity's X account was blocked on the same date under the same provision. Fifty posts by Grok were blocked by the Ankara 7th Criminal Judgement of Peace on July 9, 2025 (Decision No. 2025/8170). On March 23, 2026, the Rize Criminal Judgement of Peace (Decision No. 2026/1398) blocked Grok's AI-generated responses to user questions about a public interest news story. On September 8, 2025, the Van 8th Civil Court of First Instance (Decision No. 2025/33) blocked five Grok posts and one Ask Perplexity post by civil-court preliminary injunction, the first such use of the civil-court route against AI-platform content. See section 2.6 of this chapter for a detailed analysis. The administrative blocking power under Article 8/A has been exercised by the President of the Cyber Security Presidency since July 2026. See section 10.6.

2. GENERAL STANDARDS OF FREEDOM OF EXPRESSION

2.1 Constitutional Framework

Freedom of expression in Türkiye is guaranteed under Article 26 of the Constitution, which provides that “everyone has the right to express and disseminate his/her thoughts and opinions by speech, in writing, in pictures or through other media, individually or collectively.”¹⁷ Article 26 also protects the freedom to receive and impart information and ideas. The phrase “other media” has been interpreted to encompass all means of communication, including digital platforms and Internet-based expression. However, Article 26(2) qualifies this right with a broad list of restrictions, including national security, public order, public safety, the protection of the basic characteristics of the Republic, the indivisible integrity of the state, the prevention of crime, the protection of public morals, and the protection of health. These restrictions must comply with Article 13 of the Constitution, which requires that any limitation on fundamental rights be prescribed by law, proportionate, and consistent with the requirements of a democratic social order.¹⁸

Article 28 of the Constitution provides additional, specialized protection for press freedom. It establishes that the press is free and shall not be censored, and it imposes positive obligations on the state to ensure press freedom.¹⁹ Article 27 protects scientific and artistic expression, guaranteeing the freedom to study, teach, express, disseminate, and carry out research in the fields of science and the arts. Unlike Article 26, Article 27 does not enumerate specific restrictions, reflecting the heightened constitutional status afforded to academic and artistic expression.²⁰

¹⁷ Constitution of the Republic of Türkiye, Article 26.

¹⁸ Constitution of the Republic of Türkiye, Article 26(2). See also Article 13, which provides that fundamental rights and freedoms may be restricted only by law, only on the grounds specified in the relevant articles, and only in conformity with the letter and spirit of the Constitution, subject to the requirements of a democratic social order, the secular Republic, and the principle of proportionality.

¹⁹ Constitution of the Republic of Türkiye, Article 28(1) and (3).

²⁰ Constitution of the Republic of Türkiye, Article 27. The provision establishes that “everyone has the right to study and teach, express, and disseminate science and the arts, and to carry out research in these fields freely.” Unlike Article 26, Article 27 does not enumerate specific restriction grounds, affording broader protection to scientific and artistic expression.

Article 90(5) of the Constitution, as amended in 2004, gives international agreements on fundamental rights and freedoms priority over domestic laws where the two conflict.²¹ This provision is of direct relevance to freedom of expression, as it establishes the supremacy of the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR) over conflicting domestic legislation.

2.2 International Obligations

Türkiye is bound by Article 10 of the ECHR (ratified 1954; right of individual petition accepted 1987) and by Article 19 of the ICCPR (ratified 2003). Article 10 permits restrictions only where they are prescribed by law, pursue a legitimate aim, and are necessary in a democratic society.²² Article 19(3) sets a comparable but distinct test, permitting restrictions only where they are provided by law and necessary to respect the rights or reputations of others, or to protect national security, public order, public health, or morals.²³ The European Court of Human Rights (ECtHR) has long held that Article 10 protects information and ideas that “offend, shock or disturb,”²⁴ and Türkiye’s Constitutional Court has formally adopted these standards, recognizing a “very narrow margin of appreciation” for restrictions on political speech.²⁵

The gap between doctrine and practice, however, is profound. Türkiye accounts for more Article 10 violations than any other Council of Europe member state, more than 460 of the roughly 1,500 violations found by the ECtHR.²⁶ Two judgments are central in the digital context: *Ahmet Yıldırım v. Turkey* (2012) held that blocking an entire platform (Google Sites) to reach one URL violated Article 10,²⁷ and *Cengiz and Others v. Turkey* (2015) reached the same conclusion on the blanket blocking of YouTube.²⁸

21 Constitution of the Republic of Türkiye, Article 90(5), as amended in 2004: “In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.”

22 European Convention on Human Rights, Article 10. Türkiye ratified the Convention on May 18, 1954, and accepted the right of individual petition in 1987.

23 International Covenant on Civil and Political Rights, Article 19. Türkiye ratified the ICCPR on September 23, 2003.

24 *Handyside v. the United Kingdom*, App. No. 5493/72, (December 7, 1976), para. 49.

25 Constitutional Court of Türkiye, Abdullah Öcalan individual application, where the Court adopted the ECtHR standard that “those exercising public authority have a very narrow margin of appreciation in cases of interference in political speech relevant to public interest or debates on matters of public concern.”

26 Based on official ECtHR statistics. See further Yaman Akdeniz and Kerem Altıparmak, *Turkey: Freedom of Expression in Jeopardy* (PEN International, 2018), https://ifade.org.tr/reports/IFOD_Turkey_Freedom_of_Expression_in_Jeopardy_ENG.pdf.

27 *Ahmet Yıldırım v. Turkey*, App. No. 3111/10, (December 18, 2012).

28 *Cengiz and Others v. Turkey*, App. Nos. 48226/10 and 14027/11, (December 1, 2015).

Türkiye’s Constitutional Court has reflected these principles formally, finding wholesale Twitter and YouTube blockings unconstitutional in 2014²⁹ and the 2.5-year Wikipedia ban unconstitutional in 2019.³⁰ More significantly, the Court has addressed structural defects in Law No. 5651. Its 2021 pilot judgment in *Keskin Kalem Publishing* identified systemic problems in Article 9 (personal rights violations),³¹ and in October 2023 it annulled Article 9 in its entirety (taking effect October 2024) for failing the legality requirement.³² In *Artı Media GmbH* (2023), a semi-pilot judgment, the Court held that Article 8/A (national security and public order protection) also structurally violates freedom of expression and press freedom for failing the legality test, granting excessive executive discretion, and lacking procedural safeguards.³³ Despite these landmark rulings, criminal judgeships of peace have continued to issue Article 8/A orders without applying the Court’s criteria, rendering the structural findings largely inoperative in practice.

2.3 ICCPR Framework and the Universal Periodic Review

İFÖD has documented that between 2014 and 2024, under the now-annulled Article 9 of Law No. 5651, 49,533 news articles (URLs) were blocked, removed, or deleted pursuant to 8,793 separate court orders issued by 605 different judgeships.³⁴ The UN Human Rights Committee’s General Comment No. 34 makes clear that restrictions on websites and platforms are permissible only if they are content-specific and compatible with Article 19(3) of the ICCPR;³⁵ Türkiye’s practice of imposing broad, generic bans on entire platforms plainly fails to meet that standard.³⁶

At Türkiye’s Fourth Universal Periodic Review (May–September 2025), the government

29 Yaman Akdeniz and Others, App. No. 2014/3986, April 2, 2014; YouTube LLC Corporation Company and Others (Plenary), App. No. 2014/4705, May 29, 2014.

30 Wikimedia Foundation Inc. and Others (Plenary), App. No. 2017/22355, December 26, 2019.

31 Keskin Kalem Yayıncılık ve Ticaret A.Ş. and Others, App. No. 2018/14884, October 27, 2021.

32 Constitutional Court, Norm Review Decision, Docket No.2020/76, Decision No. 2023/172, October 11, 2023, O.G. January 10, 2024, No. 32425 (annulment taking effect on October 10, 2024).

33 Artı Media GmbH, App. No. 2019/40078, September 14, 2023. This was reinforced in *Ahmet Alphan Sabancı and Others*, App. No. 2015/13667, November 21, 2023.

34 Freedom of Expression Association, EngelliWeb 2024: Kafkaesque Censorship in a Digital Cage, September 2025, https://ifade.org.tr/reports/EngelliWeb_2024.pdf.

35 UN Human Rights Committee, General Comment No. 34 on Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, September 12, 2011, para. 43: “Any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, such as internet service providers or search engines, are only permissible to the extent that they are compatible with paragraph 3.”

36 Freedom of Expression Association, UPR Submission (2024).

supported Estonia’s recommendation to refrain from blocking online content without judicial oversight,³⁷ claiming this was “already implemented,” a claim difficult to reconcile with the Constitutional Court’s structural findings and lower-court practice documented above. Türkiye noted but did not accept Norway’s recommendation to repeal the Law on Amendments to the Press Law and Certain Laws, Law No. 7418 of October 13, 2022, which brought Internet news sites within the Press Law regime and added the “publicly disseminating misleading information” offense to the Penal Code (section 2.4).³⁸ İFÖD’s submission urged the Council to recommend that Türkiye cease broad platform-wide bans, base any restrictions on clearly defined grounds, and reform Law No. 5651 in line with Article 19 of the ICCPR.³⁹

2.4 Criminal Law Restrictions on Expression

Beyond the Internet censorship framework, Türkiye’s criminal law contains several provisions that directly restrict freedom of expression and have significant implications for AI-generated content. Article 299 of the Turkish Criminal Code criminalizes insulting the President, a provision that has led to thousands of criminal proceedings.⁴⁰ Article 301 penalizes denigrating the Turkish Nation, the Republic, and state institutions. Articles 6 and 7 of the Anti-Terrorism Law have been used extensively against journalists, writers, and academics, often on the basis of their published or online expression. Most recently, Article 217/A, introduced in October 2022, criminalizes the public dissemination of “false or misleading information” with the intent to create public anxiety, carrying a sentence of up to three years.⁴¹ These provisions are technology-neutral in their formulation and therefore apply equally to AI-generated content, raising the prospect that AI outputs could trigger criminal liability for users, developers, or platform operators.

37 Recommendation no. 40.85 (Estonia).

38 Recommendation no. 40.122 (Norway), A/HRC/60/15. Türkiye’s position is recorded in A/HRC/60/15/Add.1, para. 2.

39 Türkiye’s initial state report to the UN Human Rights Committee under the ICCPR was considered at the Committee’s 142nd session in 2024. For İFÖD’s parallel submission to the Human Rights Committee, see Freedom of Expression Association, Submission to the 142nd Session of the UN Human Rights Committee for Consideration of the State Report of Türkiye, available at https://ifade.org.tr/reports/IFOD_CCPR_Submission_2024.pdf. For İFÖD’s submission to Türkiye’s Fourth UPR cycle (49th session, April–May 2025), see Freedom of Expression Association, Submission to the 4th Cycle of the UN Human Rights Council for Consideration of the State Report of Türkiye During the 49th Session (April–May 2025), available at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=13943&file=EnglishTranslation>.

40 Article 299 of the TCC (insulting the President). Between 2010 and 2023, 59,591 people were prosecuted under this provision and 20,622 were convicted, based on Justice Statistics. From 2022, official statistics consolidate Articles 299–301; see section 6.1.

41 Turkish Penal Code, Article 217/A, added by Law No. 7418 (October 13, 2022).

2.5 Empirical Assessment: International Indices

The practical state of freedom of expression in Türkiye is reflected in consistently poor scores across all major international indices. Freedom House’s Freedom on the Net 2025 report scored Türkiye 31 out of 100, classifying it as “Not Free” and identifying it as one of the five countries with the steepest long-term declines in Internet freedom.⁴² In the broader Freedom in the World 2025 assessment, Türkiye scored 33 out of 100, a 22-point decline since 2014, placing it among the top ten countries with the sharpest decline in freedoms globally.⁴³

The V-Dem Institute classifies Türkiye as an “electoral autocracy” in its Regimes of the World categorization. On V-Dem’s Freedom of Expression and Alternative Sources of Information Index, Türkiye scores approximately 0.18 on a 0 to 1 scale, one of the lowest scores among Council of Europe member states.⁴⁴ The V-Dem Democracy Report 2026 identifies freedom of expression as the democratic component showing the most drastic global decline, with 44 countries deteriorating on this measure compared to 2015. Türkiye is among those countries where the decline has been most pronounced.⁴⁵ Reporters Without Borders ranked Türkiye 159th out of 180 countries in its 2025 World Press Freedom Index, classifying it in the “very serious” category.⁴⁶

2.6 Implications for AI-Generated Content

Türkiye’s freedom of expression standards have direct implications for AI-generated content. The constitutional framework, though formally protective, has been systematically undermined by an expansive Internet censorship apparatus, broad criminal restrictions on expression, and routine lower-court non-compliance with Constitutional Court and ECtHR rulings. By the end of 2025, approximately 1.5 million websites and domain names

42 Freedom House, Freedom on the Net 2025: Turkey, November 2025. Türkiye classified as “Not Free,” with subcategory scores of 13/25 for obstacles to access, 10/35 for limits on content, and 8/40 for violations of user rights.

43 Freedom House, Freedom in the World 2025: Turkey, February 2025, <https://freedomhouse.org/country/turkey/freedom-world/2025>. Türkiye has been classified as “Not Free” since 2018.

44 V-Dem Institute, Democracy Report 2025: 25 Years of Autocratization – Democracy Trumped?, University of Gothenburg, 2025. See further, V-Dem Freedom of Expression and Alternative Sources of Information Index, <https://ourworldindata.org/grapher/freedom-of-expression-index?mapSelect=~TUR>.

45 V-Dem Institute, Democracy Report 2026: Unraveling the Democratic Era?, University of Gothenburg, March 2026.

46 Reporters Without Borders (RSF), 2025 World Press Freedom Index, May 2025.

had been blocked,⁴⁷ with entire platforms (Roblox, Wattpad, Discord, the Voice of America Turkish service, and others) remaining indefinitely inaccessible.⁴⁸ Social media platforms operating under Law No. 5651 routinely comply with the vast majority of government removal requests, including TikTok with over 91 percent and Meta’s Instagram approaching 80 percent in 2024.⁴⁹

This apparatus has already been applied directly to generative AI. İFÖD has documented a series of access-blocking decisions targeting AI-generated content and AI service accounts on X. On July 9, 2025, the Ankara 7th Criminal Judgeship of Peace blocked 50 posts shared by Grok (xAI’s AI assistant) on its X account on national security and public order grounds. Some posts were deleted, the rest geo-blocked.⁵⁰ On September 11, 2025, Grok’s entire X account was blocked under Article 8/A on the same grounds,⁵¹ as was Ask Perplexity’s X account. X has not geo-blocked either account, and both remain reachable from Türkiye. The orders remain in force, and their implementation rests with the platform rather than with any Turkish authority.⁵² On January 3, 2026, user prompts directing Grok to generate images of political figures in bikinis were blocked and geo-blocked.⁵³ On March 23, 2026, the Rize Criminal Judgeship of Peace blocked Grok’s AI-generated responses to user questions about a public-interest news story (the closure of a pharmacy faculty at Recep Tayyip Erdoğan University, with related allegations of public-fund misuse), the same topic for which conventional news articles had already been blocked one week earlier.⁵⁴

A parallel procedural route emerged with the Van 8th Civil Court of First Instance’s decision of September 8, 2025. On the application of the Rectorate of Van Yüzüncü Yıl University,

47 Freedom of Expression Association, EngelliWeb 2025 (July 2026).

48 Wattpad was blocked by the decision of the Ankara 10th Criminal Judgeship of Peace on July 12, 2024 (Decision No. 2024/6507), upon the request of the Ministry of Family and Social Services. Roblox was blocked under Article 8/A by the decision of the Adana 6th Criminal Judgeship of Peace on August 7, 2024 (Decision No. 2024/5282), on the grounds of “protecting national security and public order.” Discord was blocked by the decision of the Ankara 1st Criminal Judgeship of Peace on October 9, 2024 (Decision No. 2024/12907). All three platforms remain blocked as of the date of writing. See Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026), vi.

49 Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026).

50 EngelliWeb announcement, “Grok’s posts blocked from access,” July 9, 2025, <https://ifade.org.tr/engelliweb/>. Ankara 7th Criminal Judgeship of Peace, Decision No. 2025/8170, July 9, 2025.

51 EngelliWeb announcement, “Grok’s X account blocked from access,” September 11, 2025.

52 EngelliWeb announcement, “Ask Perplexity’s X account blocked from access,” September 11, 2025. Neither order had been implemented by X as of the date of writing, and İFÖD was unable to establish which criminal judgeship of peace issued them. Both orders concern the accounts on X alone; Perplexity’s own website and application are unaffected.

53 EngelliWeb announcement, “Prompts sent to Grok blocked from access,” January 3, 2026.

54 EngelliWeb announcement, March 23, 2026. Rize Criminal Judgeship of Peace, Decision No. 2026/1398, March 23, 2026.

the Court issued a preliminary injunction under civil law provisions,⁵⁵ blocking access to 226 URLs of X posts concerning the suspicious death of Rojin Kabaiş, a student at the university. The 226 blocked URLs included five Grok posts and one Ask Perplexity post relaying public questions about the death.⁵⁶ The Van decision is the first documented instance in which a civil court deployed a preliminary injunction against AI-platform content, which places the censorship of AI outputs within the personal-rights jurisdiction of civil courts as well as the Article 8/A framework.⁵⁷

These decisions are among the earliest documented instances globally of state censorship specifically targeting generative AI content. Criminal judgeships of peace applied Article 8/A, the same provision and the same grounds they have used for over a decade against news articles and platforms, with no AI-specific safeguards. The Rize judgeship extended the suppression of a news story from human-authored journalism to Grok's answers about the same matter. The Van court opened a parallel route under Civil Code Articles 24 and 25 and the Code of Civil Procedure, repurposing a pre-existing procedure and developing nothing tailored to AI. A public university rectorate obtained that injunction *ex parte*, on the day it applied, and used personal-rights claims to suppress AI-platform content relaying demands for accountability about the university itself. The existing censorship apparatus will apply to AI-generated content. The open question is whether it can be reformed to meet international human rights standards before generative AI's proliferation makes the consequences irreversible.

⁵⁵ Articles 389 et seq. of the Code of Civil Procedure (HMK) and Articles 24 and 25 of the Civil Code (protection of personal rights).

⁵⁶ EngelliWeb announcement, "Posts concerning the suspicious death of Rojin Kabaiş," September 8, 2025, <https://ifade.org.tr/engelliweb/rojin-kabaisin-supheli-olumuyle-ilgili-gonderiler/>. Van 8th Civil Court of First Instance, Decision No. 2025/33, September 8, 2025. The death of Rojin Kabaiş received extensive national and international coverage in connection with the discovery of two distinct male DNA profiles on her body, the contested Forensic Medicine Institute report, and the criminal complaints lodged by the Van and Diyarbakır Bar Associations on grounds of serious negligence. See Bianet, "Access blocked to social media posts about suspicious death of 21-year-old woman," September 17, 2025. The case is also the subject of a joint communication from the UN Special Rapporteur on violence against women and girls and the Special Rapporteur on extrajudicial, summary or arbitrary executions, AL TUR 2/2026, January 4, 2026, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=30737>.

⁵⁷ See further sections 6.3 and 6.4 of this chapter.

3. AI LEGISLATION LANDSCAPE

3.1 National AI Strategy and Institutional Framework

Türkiye's first and, to date, only comprehensive AI policy document is the National AI Strategy 2021-2025, published in August 2021 by the Presidential Digital Transformation Office (CBDDO).⁵⁸ The Strategy identified six strategic priorities, namely training AI professionals, supporting AI research, fostering innovation and entrepreneurship, ensuring access to quality data, strengthening technical infrastructure, and achieving socioeconomic adaptation.⁵⁹ The Strategy contained no provisions addressing freedom of expression, human rights safeguards, ethical frameworks with enforcement mechanisms, or the impact of AI on democratic governance.

Within this context, the institutional landscape for AI governance has been in flux. The CBDDO, which served as Türkiye's primary AI governance body and led the country's engagement in international AI processes, was dissolved in March 2025. Its AI governance responsibilities were transferred to the newly established Cyber Security Presidency (CSP) and, following the December 2025 reorganization, are shared between the CSP and the Ministry of Industry and Technology's General Directorate of National Technology and Artificial Intelligence (MTYZGM).⁶⁰ This institutional reorganization created a period of uncertainty, and no successor strategy document to replace the expired 2021-2025 Strategy has been published as of the date of writing.

⁵⁸ National AI Strategy 2021-2025 (August 2021).

⁵⁹ *Ibid.* The six priorities and 24 objectives of the Strategy were organized around economic competitiveness and technological development.

⁶⁰ Presidential Decree No. 183, published in the Official Gazette of March 28, 2025 (dissolving the CBDDO and transferring its digital transformation and AI duties to the CSP under Presidential Decree No. 177); Presidential Decrees No. 191 and 192, published in the Official Gazette of December 25, 2025 (renaming the General Directorate of National Technology as the MTYZGM and authorizing the CSP and the MTYZGM jointly in national AI governance). See TBMM AI Investigation Commission Report, Law Section (2026), section 4.4.3.3.

3.2 The Grand National Assembly of Türkiye (TBMM) AI Investigation Commission

The most significant domestic policy development has been the work of the Grand National Assembly's AI Investigation Commission, which completed and published a comprehensive report in 2026 covering both the technical and legal dimensions of AI governance.⁶¹ The report's law section mapped the full landscape of existing Turkish legislation applicable to AI and recommended the preparation of a framework AI Act.⁶²

3.3 Pending AI Bills

Four AI-related legislative proposals have been introduced, but they remain at the committee stage. A June 2024 private member bill proposes a standalone AI Act with risk classification, conformity assessment, and a three-tier penalty structure. Prohibited AI practices would attract fines of up to 35 million TL or seven percent of annual turnover, breaches of obligations up to 15 million TL or three percent, and supplying false information to the supervisory authority up to 7.5 million TL or 1.5 percent.⁶³ The bill does not state whether the fixed sum or the turnover percentage governs where the two diverge, unlike the EU AI Act, which specifies that the higher figure applies. A November 2025 bill amends existing laws on the legal definition of AI, liability for AI-generated content, and AI cybersecurity rather than creating a new statute.⁶⁴ A November 2025 amendment to Law No. 5651 would require the labeling of AI-produced audio, written, and visual content, with non-compliance triggering the “misleading information” offense under Article 217/A.⁶⁵ A March 2026 amendment to the Intellectual and Artistic Works Act would introduce extended collective licensing for digital uses and a dedicated rights-management model for AI training inputs and outputs.⁶⁶

61 TBMM AI Investigation Commission Report (2026).

62 This is discussed in detail in subsection 3.3 below.

63 AI Act Bill, <https://www.tbmm.gov.tr/Yasama/KanunTeklifi/e21539a0-888a-4500-81be-01904a918c53>. The bill designates no supervisory authority, and the penalty provision in Article 6 sets no rule of priority between the fixed ceilings and the turnover percentages.

64 Bill Amending Certain Laws, <https://www.tbmm.gov.tr/Yasama/KanunTeklifi/12d348f9-77ee-4f09-8b78-019a5e27521f>.

65 Bill amending Law No. 5651, <https://cdn.tbmm.gov.tr/KKBSPublicFile/D28/Y4/T2/WebOnergeMetni/a6cf57b6-85be-4fbb-a01a-41316f52d855.pdf>.

66 Bill amending Law No. 5846, <https://cdn.tbmm.gov.tr/KKBSPublicFile/D28/Y4/T2/WebOnergeMetni/a04b8b2f-5095-41c2-9fa4-60a2c7a7f2df.pdf>.

The TBMM AI Investigation Commission separately recommended a framework Turkish AI Act, tailored to domestic needs⁶⁷ and using broad language to account for AI's dynamic character.⁶⁸ Commission members suggested charting a middle path between the EU AI Act and the more permissive US approach.⁶⁹ The dissenting opinion of the CHP, the main opposition party, however, criticized the parliamentary process. It noted the systematic exclusion of stakeholders, including the Turkish Bar Association, TMMOB, labor unions, and press-freedom and civil-society organizations;⁷⁰ argued that the report approached AI predominantly through the lens of economic growth and competitiveness, relegating labor, democratic oversight, data sovereignty, environment, and social inequalities to a secondary role;⁷¹ and concluded that on AI ethics the report offered only general principles without concrete frameworks for prevention, detection, or enforcement.⁷²

3.4 International Framework: The Council of Europe Convention

The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law (CETS No. 225), opened for signature on September 5, 2024, is the first binding international treaty on AI.⁷³ Türkiye took an active part in the negotiation of the Convention. The (former) CBDDO headed the Turkish delegation and served as national secretary and coordinator, and a Turkish representative sat on the Bureau of the Council of Europe's Committee on Artificial Intelligence (CAI) during the drafting process. The CBDDO also established a National Working Group to consult with relevant public institutions.⁷⁴ At the TBMM AI Commission meeting of February 4, 2025, the (former) CBDDO Deputy Chair stated that Türkiye would sign the Convention "in the near future."⁷⁵

67 TBMM AI Investigation Commission Report, Law Section (2026), section 4.4.3.1.

68 TBMM Commission Report, section 4.4.3.1.

69 TBMM Commission Report, section 4.4.3.1.

70 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

71 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

72 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

73 Council of Europe, Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law, CETS No. 225, opened for signature September 5, 2024.

74 TBMM AI Investigation Commission Report, Law Section (2026), section 4.1.2.2. Işıl Selen Denemeç (Türkiye) was elected to the CAI Bureau in September 2022 for the remainder of a vacant one-year mandate expiring in April 2023. The Committee was chaired by Thomas Schneider (Switzerland). See CAI(2022)10, List of Decisions, Strasbourg, September 23, 2022.

75 Statements by (former) CBDDO Deputy Chair Yusuf Tancan at the TBMM AI Commission meeting of February 4, 2025: "Our Presidency, in cooperation with the Ministry of Foreign Affairs, is continuing preparations for the signature process. Türkiye will become a signatory of this Framework Convention in the near future."

As of this writing, however, Türkiye has neither signed nor ratified the Convention.⁷⁶

Türkiye's failure to sign the Convention so far is significant given its active role in the negotiation process and the Convention's relevance to the protection of human rights in the AI context. The Convention's core principles, including human dignity, transparency, accountability, and the protection of freedom of expression, would provide a binding international framework that could complement domestic AI legislation. The gap between Türkiye's participation in the drafting process and its inaction on signature mirrors the broader pattern documented in section 2 of this chapter, namely formal engagement with international standards alongside a failure to implement them domestically.

3.5 EU AI Act Harmonization

A further dimension of Türkiye's AI policy landscape is the prospect of harmonization with the EU AI Act (Regulation 2024/1689).⁷⁷ The TBMM AI Investigation Commission report notes that harmonization with the EU AI Act would serve the requirements of the Customs Union Agreement and establish conformity assessment mechanisms, notified bodies (the independent organizations a state designates to certify that a product meets the applicable requirements), and conformity declarations functionally equivalent to the EU system.⁷⁸ The (former) CBDDO had been conducting impact analysis and preparatory work for harmonization with the Ministry of Industry and Technology prior to its dissolution.⁷⁹

The EU AI Act's risk-based classification system, transparency requirements for generative AI, labeling obligations for deepfakes, provisions on systemic risk, and regulatory sandbox mechanisms would, if harmonized, introduce significant elements into Turkish law. From a freedom of expression perspective, harmonization could bring both benefits (such as transparency and accountability requirements) and risks (such as the potential for vague "systemic risk" provisions to be used to restrict AI-generated expression).⁸⁰ How

⁷⁶ As of the date of writing, the Convention has been signed by 14 member states, 5 non-member states and the European Union so far (June 9, 2026).

⁷⁷ Regulation (EU) 2024/1689 of the European Parliament and of the Council of June 13, 2024 laying down harmonized rules on artificial intelligence (AI Act).

⁷⁸ TBMM AI Investigation Commission Report, Law Section (2026), section 4.4.2.

⁷⁹ Following the dissolution of CBDDO, the harmonization process was transferred to the CSP and the Ministry of Industry and Technology's MTYZGM.

⁸⁰ See Article 51 of the EU AI Act: Classification of General-Purpose AI Models as General-Purpose AI Models with Systemic Risk.

harmonization is pursued, and whether it is accompanied by domestic human rights safeguards, will be a critical determinant of its impact on freedom of expression.

3.6 Existing Laws Applicable to AI

In the absence of AI-specific legislation, AI in Türkiye is governed by general laws. The TBMM Commission report mapped the applicable domestic framework.⁸¹

The Law on the Protection of Personal Data is the primary data-protection framework.⁸² The Personal Data Protection Authority (KVKK) has issued AI-specific soft-law guidance covering personal data in AI, chatbots (with explicit reference to ChatGPT), deepfakes, and agentic AI systems.⁸³ However, Türkiye's rules on automated decision-making are weaker than the EU equivalent. Article 11(g) gives individuals only a right to object to results from exclusively automated analysis, with no comprehensive right against solely automated decisions and no explicit right to human review, unlike GDPR Article 22.⁸⁴

Law No. 5651 governs online content and, as detailed in section 2.6, has been applied directly to AI outputs through Article 8/A orders against Grok and Perplexity AI accounts.⁸⁵ The Law on Intellectual and Artistic Works (FSEK), which governs copyright, was identified by the Commission as outdated and lacking digital-era provisions.⁸⁶ Two AI questions remain unresolved under FSEK: whether using copyrighted content in AI training datasets

81 TBMM AI Investigation Commission Report, Law Section (2026), section 4.3. The report identifies the following domestic laws as applicable to AI: the Turkish Code of Obligations (Law No. 6098) for contractual liability; KVKK (Law No. 6698) for personal data protection; Law No. 5651 for Internet content regulation; the Product Safety and Technical Regulations Law (Law No. 7223) for product liability; and FSEK (Law No. 5846) for intellectual property.

82 Law No. 6698 on the Protection of Personal Data, enacted March 24, 2016. The KVKK was modelled on the EU Data Protection Directive 95/46/EC and has been partially updated to align with the GDPR, though significant differences remain.

83 Personal Data Protection Authority (KVKK), Recommendations on the Protection of Personal Data in the Field of AI, April 2025, <https://www.kvkk.gov.tr/SharedFolderServer/CMSFiles/25a1162f-0e61-4a43-98d0-3e7d057ac31a.pdf>. More recently, the Authority has published guidance on Agentic AI systems (March 12, 2026), <https://www.kvkk.gov.tr/SharedFolderServer/CMSFiles/MTY5YWE4ZDEONWYwMWI.pdf>.

84 Article 11(g), provides individuals the right to object to a result that arises against them through the analysis of data exclusively by automated systems. However, unlike GDPR Article 22, the law does not provide a comprehensive right not to be subject to solely automated decision-making or an explicit right to human review of automated decisions. See TBMM AI Investigation Commission Report, Law Section (2026), section 4.3.1.3.7.

85 Law No. 5651, enacted May 4, 2007, as amended by Law No. 7253 (July 29, 2020) and Law No. 7418 (October 13, 2022). For a detailed analysis of the platform control regime under Law No. 5651, see section 2 of this chapter and Yaman Akdeniz and Ozan Güven, Digital Obedience Regime (2026).

86 Law No. 5846 on Intellectual and Artistic Works, enacted December 5, 1951. The TBMM AI Investigation Commission Report noted that even temporary caching of works in Internet browsing could constitute a copyright infringement under the current text. See section 4.4.3.5.4 of the report.

is permitted,⁸⁷ and whether AI-generated outputs can qualify as protected “works” given FSEK’s “distinctiveness” requirement and AI’s lack of legal personality.⁸⁸

Liability for AI-caused harm is allocated under the Turkish Code of Obligations (Law No. 6098), supplemented by the Product Safety and Technical Regulations Law (No. 7223) where AI is classified as a product.⁸⁹ The Commission recommended that the proposed AI Act clarify these liability frameworks.⁹⁰ Consumer-protection law has already begun to address AI directly. A July 2026 amendment to the Regulation on Commercial Advertising and Unfair Commercial Practices introduced two AI-specific provisions. The first imposes a disclosure duty where AI or other software is used in advertising in a way that materially affects consumers’ economic behavior, or where AI generates digital characters indistinguishable from humans. The second prohibits advertisements in which an AI-generated digital replica of a real person is falsely presented as having used or recommended a good or service. These provisions regulate commercial speech through secondary regulation rather than any AI-specific framework, and they are among the first binding AI-specific rules in Turkish law.⁹¹ The Cyber Security Law adopted in March 2025 also grants authorities broad access to data stored in Türkiye and criminalizes false reporting about data leaks (up to five years in prison), raising further concerns for expression in the AI context.⁹²

3.7 Assessment: Freedom of Expression Implications

Türkiye’s AI landscape combines an absence of dedicated legislation with a well-developed, frequently deployed general framework for controlling digital content. The Commission

87 TBMM AI Investigation Commission Report, Law Section (2026), section 4.3.3.1. The report notes that the use of copyrighted content in AI training datasets “contains uncertainty under FSEK” and recommends “a detailed study with the participation of affected stakeholders and a legal policy and legal and economic impact analysis.”

88 TBMM AI Investigation Commission Report, Law Section (2026), section 4.3.3.2.

89 Turkish Code of Obligations, Law No. 6098, Articles 49 et seq. (tort liability) and Articles 112 et seq. (contractual liability). See also Product Safety and Technical Regulations Law, Law No. 7223, enacted November 11, 2020.

90 TBMM AI Investigation Commission Report, Law Section (2026), section 4.4.3.6.

91 Regulation Amending the Regulation on Commercial Advertising and Unfair Commercial Practices, Official Gazette No. 33297, July 1, 2026 (in force August 1, 2026), Articles 6 and 11 (adding Article 18(8) and Article 27(12) respectively to the base regulation). Translations from Turkish by the author.

92 Cyber Security Law, Law No. 7545, adopted March 13, 2025. See Freedom House, Freedom on the Net 2025: Turkey; İFÖD, Cyber Security Law Proposal: Are You Aware of the Danger?, January 16, 2025. The Freedom of Expression Association referred to the provisions as “Orwellian,” drawing attention to the serious risks threatening fundamental human rights such as freedom of expression, the protection of personal data, and the privacy of individuals. See (in Turkish) <https://ifade.org.tr/basin-bultenleri-ve-duyurular/siber-guvenlik-kanunu-teklifi-tehlikenin-farkinda-misiniz/>.

report calls for AI to be developed “in line with national values.” The CHP dissent objects that the report leaves unresolved who defines a national value and by what procedure, and warns that the resulting vagueness would allow the authorities to suppress content they dislike by labeling it un-national. Such a standard would enter AI governance alongside Law No. 5651, which already confers wide discretion over online content on criminal judgeships of peace and on the ICTA, now the CSP. The Commission’s framework recommendation attaches no enforceable human rights safeguard to either.⁹³

93 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026), under the heading “Algoritmik Sansüre Karşı Özgürlük” (Freedom against Algorithmic Censorship).

4. ELECTION AND POLITICAL CONTENT

4.1 Legal Framework for Political Speech

Türkiye has no legislation specifically addressing the use of AI in elections or political communication. Instead, political speech in the AI context is governed by a combination of general criminal law provisions and the Internet content regulation framework analyzed in the preceding sections. The most directly relevant provisions include Article 217/A of the Turkish Penal Code (publicly disseminating misleading information),⁹⁴ Article 299 (insulting the President),⁹⁵ and the anti-terrorism provisions that have been used extensively against journalists and opposition figures expressing political views.⁹⁶ These technology-neutral provisions apply equally to AI-generated political content, meaning that political commentary, satire, or criticism produced by a generative AI system could expose users and, potentially, developers or platform operators to criminal liability under the same standards that have been applied to human-authored expression.

The platform control regime under Law No. 5651, including its content removal obligations, sanctions ladder, and bandwidth throttling mechanism, provides the primary administrative infrastructure through which political speech is controlled online.⁹⁷ As documented in section 2.6, this framework has already been applied to AI-generated content on the X platform, establishing a direct link between the existing censorship apparatus and the regulation of AI outputs in the political sphere.

⁹⁴ Turkish Penal Code, Article 217/A, added by Law No. 7418 (October 13, 2022). For the implications of this provision for freedom of expression online, see section 2.4 of this chapter.

⁹⁵ Article 299 (insulting the President of the Republic). The provision has been used extensively against journalists, social media users, and opposition figures. See section 2.4.

⁹⁶ Article 301 (denigrating the Turkish Nation, the Republic, and state institutions) and Articles 6 and 7 of the Anti-Terrorism Law No. 3713 (disseminating propaganda on behalf of a terrorist organization).

⁹⁷ For a detailed analysis of the platform control regime under Law No. 5651 and its application to AI-generated content, see sections 2.6 and 3.6 of this chapter. See also Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026).

4.2 The March 2025 Crackdown: A Case Study

Following the arrest of Istanbul Metropolitan Mayor Ekrem İmamoğlu on March 19, 2025, on corruption, bribery, and terrorism-support charges, the government’s response to the ensuing protests extended rapidly to the digital sphere.⁹⁸ Within days, criminal judgeships of peace in Ankara, Izmir, Mersin, and Istanbul issued Article 8/A blocking orders against more than 700 X accounts.⁹⁹ iFÖD’s EngelliWeb project identified 504 of the blocked accounts and documented the indiscriminate nature of the crackdown.¹⁰⁰ It reached student and youth organizations,¹⁰¹ women’s organizations,¹⁰² independent journalists, human rights defenders, and artists. Of the 454 accounts with verifiable follower data, the combined total exceeded 25 million followers, including the journalist Erk Acarer (1.2 million), the We Will Stop Femicide Platform (181,000), and Mayor İmamoğlu himself (9.7 million); some blocked accounts had fewer than ten followers or none at all.¹⁰³

The crackdown was accompanied by 42 hours of social-media throttling in Istanbul, rendering platforms effectively unusable.¹⁰⁴ Platforms largely complied. A joint open letter by iFÖD, Human Rights Watch, and Article 19 documented Meta’s own acknowledgment that it had restricted government-critical posts, including LGBTQ+ and feminist accounts, in response to Article 8/A requests.¹⁰⁵ 2024 compliance data confirms the pattern: TikTok 91.8

98 Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026), Part One.

99 X publicly objected to the blocking orders in a statement on March 23, 2025, characterizing the blocked accounts as belonging to “news organizations, journalists, political figures, students, and others” and describing the decisions as unlawful interference with freedom of speech. X Global Affairs (@GlobalAffairs), March 23, 2025, <https://x.com/GlobalAffairs/status/1903879657755230507>.

100 EngelliWeb announcement, “Access to X accounts sharing information and content regarding street protests blocked,” March 22, 2025, <https://ifade.org.tr/engelliweb/sokak-eylemeleriyle-ilgili-bilgi-ve-icerik-paylasan-x-hesaplari-erisime-engellendi/>. The EngelliWeb project identified 504 of the blocked accounts; follower data was established for 454 of these, with a combined total exceeding 25 million followers.

101 EngelliWeb announcement, “Access to X Accounts of Youth Organizations Blocked,” March 21, 2025, <https://ifade.org.tr/engelliweb/genclik-orgutlerinin-x-hesaplari-erisime-engellendi/>.

102 EngelliWeb announcement, “Access Block to Women’s Organizations,” March 26, 2025, <https://ifade.org.tr/engelliweb/kadin-orgutlerine-erisim-engeli/>.

103 Ekrem İmamoğlu’s X account was blocked by the decision of the Istanbul 8th Criminal Judgeship of Peace, Decision No. 2025/436, April 24, 2025. The journalist Erk Acarer’s account (1.2 million followers) and the We Will Stop Femicide Platform (Kadın Cinayetlerini Durduracağız Platformu, 181,000 followers) were also blocked. See Akdeniz and Güven, *Digital Obedience Regime* (2026). X issued a statement on May 8, 2025, specifically objecting to the blocking of Mayor İmamoğlu’s account. X Global Affairs (@GlobalAffairs), May 8, 2025, <https://x.com/GlobalAffairs/status/1920426409358455081>.

104 EngelliWeb announcement, “Internet throttling came to an end,” March 21, 2025, <https://ifade.org.tr/engelliweb/bant-genisligi-daraltmasi-kaldirildi/>.

105 Freedom of Expression Association, “Joint Open Letter to Social Media Companies on Censorship in Türkiye,” May 8, 2025, <https://ifade.org.tr/en/press-releases-announcements/joint-open-letter-to-social-media-companies-on-censorship-in-turkiye/>.

percent, Instagram approaching 80 percent, and X 85.66 percent as of end of 2024.¹⁰⁶ Meta refused some protest-related orders, and the ICTA fined it in consequence, a penalty Meta confirmed publicly in April 2025 without disclosing the amount. The refusals suggest that Meta maintains certain red lines. The aggregate compliance rates nonetheless show broad platform capitulation on political content.¹⁰⁷

4.3 Deepfakes in Political Campaigns

Türkiye has already experienced deepfake use in electoral campaigns without legal consequences. The 2023 presidential election produced two documented incidents. Days before the May 14 vote, President Erdoğan displayed at his Istanbul rally, before an estimated 1.7 million attendees, a manipulated version of opposition candidate Kemal Kılıçdaroğlu's campaign video in which PKK leader Murat Karayılan had been digitally inserted clapping along to the campaign song.¹⁰⁸ The deepfake was subsequently broadcast on state broadcaster TRT and other channels as election propaganda. No proceedings followed against either the candidate or the broadcasters.¹⁰⁹ Separately, presidential candidate Muharrem İnce withdrew three days before polling after a purported sex tape, which he described as a deepfake, circulated online. He stated that neither journalists nor prosecutors had acted to protect him.¹¹⁰

The CHP dissent warned that the combination of generative AI and centralized media control could allow the government to monopolize AI-supported propaganda and construct “an artificial reality that appears compatible with the conditions of the day but destroys

106 For TikTok and Meta compliance see Akdeniz and Güven, *Digital Obedience Regime* (2026). For X's compliance see X Global Transparency Report H2 2024, <https://transparency.x.com/en/reports/global-reports/2025-transparency-report>. See further the Joint Open Letter to Social Media Companies on Censorship in Türkiye (May 8, 2025), cited above.

107 Meta stated on April 1, 2025, that it had been fined a “substantial amount” for declining to restrict content it regarded as being in the public interest, and did not disclose the figure. Administrative fines for non-compliance with orders issued under Law No. 5651 are imposed by the ICTA. See Politico EU, “Meta faces ‘substantial’ fine for not complying with Turkey’s gag orders,” April 1, 2025; Joint Open Letter to Social Media Companies on Censorship in Türkiye, May 8, 2025.

108 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026). See further DW, “Fact check: Turkey’s Erdogan shows false Kılıçdaroğlu video,” May 24, 2023, <https://www.dw.com/en/fact-check-turkeys-erdogan-shows-false-kilicdaroglu-video/a-65554034>; Euronews, “AI content is meddling in Turkey’s election. Experts warn it’s just the beginning,” May 12, 2023, <https://www.euronews.com/next/2023/05/12/ai-content-deepfakes-meddling-in-turkey-elections-experts-warn-its-just-the-beginning>.

109 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026). The dissent noted that the People’s Alliance candidate used a deepfake video in the election campaign and faced no sanctions, and that TRT and other television channels broadcast the material without facing any judicial proceedings.

110 Euronews, “AI content is meddling in Turkey’s election,” May 12, 2023. İnce, leader of the Homeland Party and one of Erdoğan’s main challengers in the 2018 election, stated in his resignation speech: “What I’ve seen in the last 45 days, I’ve not come across in the past 45 years. Fake videos, fake pictures... they put my face on a video taken from an Israeli porn website.” He blamed public prosecutors for failing to act.

pluralism.”¹¹¹ According to the dissent submission, generative AI now makes propaganda virtually indistinguishable from reality across text, image, and audio, posing a serious threat to the information ecosystem and voter behavior.¹¹² To address this, the CHP dissent recommended restrictions on AI-generated content by political parties and candidates during elections, deterrent sanctions (including election annulment) for political deepfake use, and an EU AI Act-style prohibition on deceptive and exploitative AI use.¹¹³ None of these recommendations have been implemented. Türkiye has no legislation specifically governing deepfakes, no labeling or disclosure requirements for synthetic media, and no electoral rules on AI-generated campaign content.

4.4 AI-Generated Political Content: Emerging Censorship Patterns

As documented in section 2.6, Türkiye’s censorship apparatus has already been applied to AI-generated political content. The blocking of user prompts directing Grok to generate images of political figures in bikinis illustrates that AI interactions involving political figures are treated as censorship targets regardless of their character.¹¹⁴ The blocking of Grok’s and Ask Perplexity’s X accounts in their entirety, and the censorship of Grok’s responses to user questions about a public interest news story, further demonstrate that AI platforms producing content that touches on politically sensitive topics are subject to the same blocking mechanisms used against traditional media and social media users.¹¹⁵

The absence of any AI-specific regulation means that there is no legal distinction between harmful uses of AI in the political sphere (such as deepfake election manipulation) and protected uses (such as satire, parody, or AI-assisted journalism). The same legal provision, Article 8/A of Law No. 5651 with its broad grounds of national security and public order, is used both to justify the suppression of legitimate political criticism and to address genuine harms. The ECtHR has held that satire requires particular care in any assessment of interference, and it has found Türkiye in violation of Article 10 where domestic courts

¹¹¹ CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

¹¹² CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

¹¹³ CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

¹¹⁴ EngelliWeb announcement, “Prompts sent to Grok blocked from access,” January 3, 2026.

¹¹⁵ EngelliWeb announcements, 2025–2026. See section 2.6 for the full documentation of AI-specific blocking decisions.

penalized harshly worded political criticism of the head of government.¹¹⁶ Without AI-specific legislation that draws these distinctions and builds in proportionality and necessity requirements, all AI-generated political content stands to be treated as a potential threat.

4.5 Assessment

Türkiye's approach to elections and political content in the AI context therefore fails in two directions. No regulation addresses genuine AI risks to electoral integrity, such as deepfakes, automated disinformation, and bot networks. Meanwhile, the existing apparatus is deployed against legitimate political expression, whether human or AI-generated. The CHP dissent's recommendations for algorithmic transparency, DSA-style auditing, and electoral-deepfake restrictions remain unimplemented.¹¹⁷

¹¹⁶ *Vereinigung Bildender Künstler v. Austria*, App. No. 68354/01 (January 25, 2007), para. 33 (satire is a form of artistic expression and social commentary whose restriction must be examined with particular care); *Tuşalp v. Turkey*, App. Nos. 32131/08 and 41617/08 (February 21, 2012) (civil compensation awarded against a journalist for articles criticizing the then Prime Minister violated Article 10).

¹¹⁷ CHP Dissenting Opinion. The dissent called for transparent algorithm requirements, regular reporting by social media platforms on how they promote and target political content, and the establishment of a mechanism similar to the EU's Digital Services Act to audit platform algorithms.

5. HATE SPEECH

5.1 Legal Framework

Türkiye's primary hate-speech provision is Article 216 of the Turkish Penal Code, which criminalizes publicly inciting hatred and hostility between population segments on grounds of social class, race, religion, sect, or regional difference where this creates a clear and present danger to public safety (paragraph 1), publicly denigrating a population segment on those grounds plus gender (paragraph 2), and publicly denigrating religious values (paragraph 3).¹¹⁸ The provision has been interpreted broadly, and the ECtHR has repeatedly found violations of Article 10 where convictions were disproportionate because the expression did not constitute incitement to violence.¹¹⁹

Official statistics show a sustained increase in Article 216 prosecutions over 2023–2025, though without disaggregation by paragraph.¹²⁰ The relatively high acquittal rates, and the frequent use of HAGB¹²¹ (deferral of the announcement of the verdict, which suspends a conviction on condition of good behavior), likely reflect both the ECtHR's findings of disproportionality and a prosecutorial culture of initiating proceedings as a tool of pressure regardless of conviction prospects.

¹¹⁸ Turkish Penal Code, Article 216. Paragraph 1 carries a sentence of one to three years' imprisonment; paragraph 2 carries six months to one year; paragraph 3 carries six months to one year.

¹¹⁹ See, e.g., *Faruk Temel v. Turkey*, App. No. 16853/05, Eur. Ct. H.R. (February 1, 2011); *Gül and Others v. Turkey*, App. No. 4870/02, Eur. Ct. H.R. (June 8, 2010). The Court has emphasized that political speech, even when provocative or critical of the state, is protected under Article 10 unless it constitutes direct incitement to violence.

¹²⁰ The official judicial statistics published by the Turkish Ministry of Justice do not disaggregate Article 216 data by paragraph. Accordingly, the figures cited encompass prosecutions under all three paragraphs of Article 216 and cannot be attributed to any of the three specific crimes in isolation. Active case files grew from 2,283 in 2023 to 2,658 in 2024 and 3,108 in 2025 (a 36 percent increase over the period). At the outcomes stage, in 2025, 1,558 cases were concluded, comprising 285 convictions, 706 acquittals, 453 HAGB deferrals, and 114 other dispositions; comparable proportions of acquittals and HAGB deferrals were recorded in 2023 (525 acquittals and 254 HAGB out of 1,042 concluded cases) and 2024 (592 acquittals and 326 HAGB out of 1,218 concluded cases).

¹²¹ *Hükmün açıklanmasının geri bırakılması* (HAGB), governed by Article 231 of the Code of Criminal Procedure (Law No. 5271), is a procedural mechanism by which a court that has reached a finding of guilt defers the formal announcement of the conviction and suspends its legal consequences for a probationary period of five years. If the defendant commits no intentional offense during that period, the proceedings are discontinued and no criminal record entry is made. Conversely, if the defendant reoffends, the deferred verdict is announced and enforced.

The exclusion of sexual orientation and gender identity from Türkiye's anti-discrimination and hate-speech framework is systemic. Article 122 of the Penal Code, Article 216(1), Article 10 of the Constitution, and Article 3 of Law No. 6701 on the National Human Rights and Equality Institution (HREIT) all enumerate other protected grounds while omitting both.¹²² The European Commission against Racism and Intolerance (ECRI) has confirmed this gap in its Fifth and Sixth Monitoring Cycle reports and issued priority recommendations that Türkiye amend Law No. 6701 to include both grounds and establish a working group on anti-LGBTQ+ hate speech.¹²³ At the 2025 UPR, recommendations from Australia, Iceland, Ireland, Mexico, and Canada to amend Article 122 along the same lines were noted but not accepted.¹²⁴

Enforcement asymmetry compounds the legislative gap. Rather than prosecuting hate speech against LGBTQ+ people, authorities have prosecuted LGBTQ+ advocates and allies. After the head of the Presidency of Religious Affairs delivered a sermon on April 24, 2020, linking LGBTQ+ individuals to HIV transmission, the Ankara and Izmir bar associations issued statements condemning it, and the Ankara Bar Association filed a criminal complaint. Prosecutors charged the board members of both associations rather than the speaker. The Izmir 1st Assize Court acquitted the former president and ten board members of the Izmir Bar Association on April 24, 2023, of denigrating religious values under Article 216(3), and the Ankara 16th Assize Court acquitted the former president and ten board members of the Ankara Bar Association on May 17, 2023, of insulting a public official on account of his religious beliefs under Article 125. The episode illustrates the structural inversion at work.¹²⁵ No prosecution under Article 216 has followed the then-Minister of

122 See İFÖD, Third Party Intervention in Onurhan Solmaz and the Black Rose Triangle Association of Izmir v. Turkey (App. No. 42711/13), https://ifade.org.tr/reports/IFOD_ECtHR_Onurhan_Solmaz_Third_Party_Intervention.pdf; ECRI, Report on Turkey, Fifth Monitoring Cycle, adopted June 29, 2016, published October 4, 2016, paras. 4–5, 11; ECRI, Report on Türkiye, Sixth Monitoring Cycle, published June 12, 2025, paras. 2, 46.

123 ECRI Fifth Cycle, para. 11 (recommending inclusion of sexual orientation and gender identity in Articles 122, 125, and 216, removal of the public order threshold in Article 216(1), and introduction of homo/transphobic motivation as an aggravating circumstance); ECRI Sixth Cycle, para. 4 (priority recommendation to amend Law No. 6701 to include sexual orientation and gender identity in HREIT's mandate) and para. 52 (priority recommendation to establish an inter-institutional working group on anti-LGBTQ+ hate speech).

124 UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Türkiye, A/HRC/60/15 (2025), recommendations 40.307 (Ireland), 40.308 (Mexico), 40.309 (Australia), 40.310 (Iceland), 40.311 (Canada); positions recorded in A/HRC/60/15/Add.1, para. 2.

125 ECRI Sixth Cycle, footnote 102; Human Rights Watch, "Turkey: Criminal Case for Opposing Homophobic Speech," May 1, 2020, <https://www.hrw.org/news/2020/05/01/turkey-criminal-case-opposing-homophobic-speech>. See further, Ministry of Foreign Affairs of the Netherlands, General Country of Origin Information Report – Türkiye (2023), p. 68, <https://www.government.nl/binaries/government/documenten/reports/2023/08/31/general-country-of-origin-information-report-on-turkiye-august-2023/General+COI+report+Türkiye+%28August+2023%29.pdf>. Criminal liability under Turkish law attaches only to natural persons (Turkish Penal Code, Article 20(2)), so the defendants in both proceedings were the individual board members rather than the bar associations themselves.

Interior's description of the LGBTQ+ community as "cultural terrorism" (November 2022)¹²⁶ or President Erdoğan's "virus of heresy" (January 2023)¹²⁷ and "threat to families and society" (May 2023) statements.¹²⁸ Türkiye ranks 47th out of 49 European countries on the 2026 ILGA-Europe Rainbow Map (4.75 percent).¹²⁹

The Constitutional Court has reinforced this pattern. In more than eight years of individual applications, it has never held that anti-LGBTQ+ hate speech violated the constitution. In the first application by Kaos GL, one of Türkiye's largest organizations for LGBTQ+ rights, the Court acknowledged that sexual-orientation-based hate speech is as serious as race- or origin-based hate speech, but found no positive obligation on the state to prosecute the use of the term "*sapkınlar*" (perverts) targeting the association.¹³⁰ In a fourth Kaos GL application (General Assembly, October 20, 2022), the Court dismissed as manifestly ill-founded a complaint about articles repeatedly describing the association and LGBTQ+ people as "*sapkın homolar*" (deviant homos) and "*ahlaksızlar*" (the morally depraved), holding the expressions addressed public debate and did not incite violence.¹³¹ As ECRI's Sixth Monitoring Cycle (June 2025) observed, this pattern produces a vicious circle. LGBTQ+ distrust of law enforcement leads to chronic underreporting, which authorities then treat as evidence that the problem is negligible.¹³²

5.2 The "Denigrating Religious Values" Ground

Article 216(3), which criminalizes public denigration of religious values, has become a potent tool for suppressing expression, deployed to block atheist content and to prosecute platforms for material deemed offensive to Islam. In 2015, the Gölbaşı Criminal Judgeship of Peace issued a blocking order following the Telecommunications Authority's criminal

126 Duvar English, "In new hate speech, Turkish Interior Minister Soyulu deems LGBTI+ 'cultural terrorism'" November 13, 2022, <https://www.duvarenglish.com/in-new-hate-speech-turkish-interior-minister-soyulu-deems-lgbti-cultural-terrorism-news-61530>.

127 Duvar English, "In new hate speech, Erdoğan deems LGBTI+ 'virus of heresy'" January 17, 2023, <https://www.duvarenglish.com/in-new-hate-speech-erdogan-deems-lgbti-virus-of-heresy-news-61704>.

128 The New York Times, "After Erdogan's Attacks, Fear Spreads Among L.G.B.T.Q. People in Turkey," May 31, 2023, <https://www.nytimes.com/2023/05/31/world/middleeast/turkey-erdogan-gay-rights-lgbt.html>.

129 ILGA-Europe Rainbow Map 2026 and categorization, <https://rainbowmap.ilga-europe.org/countries/turkey/>.

130 Kaos Gey ve Lezbiyen Kültürel Araştırmalar ve Dayanışma Derneği, App. No. 2014/18891, May 23, 2018.

131 Kaos Gey ve Lezbiyen Kültürel Araştırmalar ve Dayanışma Derneği (4), App. No. 2018/20035, October 20, 2022 (notable dissent by Justice Yıldırım arguing the expressions constituted hate speech against human dignity). Note also Sinem Hun, App. No. 2013/5356, May 8, 2014 (lawyer representing Kaos GL denied victim status in respect of "perverts' lawyer" slur); *Sinem Hun v. Turkey*, App. No. 9483/15, October 17, 2017 (ECtHR – inadmissible on similar standing grounds).

132 ECRI Sixth Cycle, para. 51 (vicious circle observation).

complaint over Charlie Hebdo's post-attack "Je Suis Charlie" cover depicting the Prophet Muhammad. Forty-nine addresses were blocked, including the entire Charlie Hebdo website, Wikipedia's Charlie Hebdo page, and the Atheism Association's website. The decision specified neither the content alleged to constitute denigration, nor whose personal rights were violated.¹³³ The Charlie Hebdo block remains in force, and the case is pending before the ECtHR after the Constitutional Court declared the application inadmissible on standing grounds.¹³⁴ The episode illustrates the structural problem with Article 216(3) online. A provision aimed at preventing incitement is used to block satirical publications of clear public interest indefinitely, with no proportionality assessment, no content-specific targeting, and no effective remedy. AI-generated satirical, critical, or analytical content on religious topics would be equally vulnerable.

Since 2022 the same provision has been turned on global platforms rather than individual speakers. In August 2022, Istanbul prosecutors opened criminal proceedings against Spotify over playlists and podcasts allegedly insulting religious values and the President, the first such proceedings against an international streaming service.¹³⁵ In July 2025, a coordinated social-media campaign over user-generated playlist titles, including some targeting First Lady Emine Erdoğan, prompted the Deputy Minister of Culture and Tourism to demand legal action; the competition authority opened an antitrust investigation the same day. Spotify, with over twelve million monthly active users in Türkiye, signaled it was considering temporary suspension or exit from the market, stating it was "not prepared for its users to be censored."¹³⁶ The episode shows how Turkish anti-denigration law extends beyond criminal prosecution to exert regulatory and commercial pressure on platforms.

The denigration ground operates in conjunction with Radio and Television Supreme Council (RTÜK)'s "national and moral values" standard against streaming platforms,¹³⁷ creating

¹³³ Gölbaşı Criminal Judgeship of Peace, Decision No. 2015/191, February 27, 2015; Efe Kerem Sözeri, "Turkey quietly escalating online censorship of atheism," The Daily Dot, March 4, 2015, <https://dailymdot.com/turkey-secret-ban-atheist-content>.

¹³⁴ Constitutional Court, Kerem Altıparmak and Yaman Akdeniz (6), App. No. 2015/9536, January 24, 2024 (declaring the application inadmissible *ratione personae*). The applicants subsequently filed an application with the ECtHR.

¹³⁵ Bianet, "Istanbul prosecutors investigate Spotify over playlists 'insulting religious values,'" August 8, 2022; Global Voices, "In Turkey, religious values are used to censor online content," August 10, 2022.

¹³⁶ See France 24, "Turkey opens Spotify probe after 'provocative playlist' complaint," July 5, 2025; Euronews, "Spotify faces Turkish probe over alleged insults to religious beliefs and First Lady," July 11, 2025; Digital Music News, "Turkey Investigating Spotify Over Anti-Competitive Practices and 'Provocative' Playlists," July 6, 2025. Spotify's statement on possible market exit was reported by The Times (London) and cited in the Euronews report. The competition authority investigation and the deputy minister's public statement were issued on the same day: July 4-5, 2025.

¹³⁷ See section 8.2 of this chapter.

a layered system of criminal and administrative sanctions against expression concerning religion, secularism, and moral questions.¹³⁸

5.3 Suppression of Kurdish Media and Political Expression

The interaction between hate-speech provisions and anti-terrorism legislation has been systematically used against Kurdish media and political expression. Articles 6 and 7 of Anti-Terrorism Law No. 3713 criminalize disseminating propaganda on behalf of a terrorist organization, and courts have applied them broadly to journalists, writers, and media covering the Kurdish question, the long-running political conflict over Kurdish rights and identity, often without evidence of incitement to violence.¹³⁹ Prosecution is only one of two available routes. The same material can be taken out of circulation under Article 8/A of Law No. 5651, which permits blocking on grounds of national security and public order without any criminal finding, and Kurdish outlets including Mezopotamya Agency, JinNews, ETHA, and Yeni Yaşam have faced systematic Article 8/A blocking on grounds that blur genuine incitement and protected political speech.¹⁴⁰ iFÖD's EngelliWeb 2024 report documents that the blocking orders affecting these and other outlets such as Sendika.org, SiyasiHaber.org, Özgür Gündem, Dicle Haber Ajansı, Azadiya Welat, and Rudaw remain in force, and specific articles in mainstream outlets such as Cumhuriyet, Sözcü, BirGün, Evrensel, Diken, T24, and Artı Gerçek were also blocked under the same provision.¹⁴¹

Article 8/A's reach also extends to music streaming. At least 454 Grup Yorum videos published on YouTube between 2006 and 2024, across 56 channels and totaling 205 million views, were blocked in May 2025 under Article 8/A on national security and public order grounds.¹⁴² In May 2025 the blocking extended to streaming platforms. Spotify and Apple Music made the album "Haziranda Ölmek Zor / Berivan" invisible from Türkiye. The

¹³⁸ See section 8.2 of this chapter and the RTÜK sanctions data compiled by the Freedom of Expression Association.

¹³⁹ Anti-Terrorism Law No. 3713, Articles 6 and 7. See Yaman Akdeniz and Kerem Altıparmak, Turkey: Freedom of Expression in Jeopardy (PEN International, 2018), documenting the systematic use of anti-terrorism provisions against journalists and writers.

¹⁴⁰ Among others see Bianet, "Censorship against Mezopotamya Agency," March 13, 2024.

¹⁴¹ Freedom of Expression Association, EngelliWeb 2024 (September 2025). See also Yaman Akdeniz, "Censorship in the Name of Security: The Conflict Between Freedom of Expression and National Security Online," *Suç ve Ceza*, 2025 (2), documenting that between May 2015 and the end of 2024, 130 separate criminal judgements of peace issued 1,607 decisions under Article 8/A blocking access to more than 27,143 addresses including news sites, Twitter accounts, tweets, Facebook content, and YouTube videos.

¹⁴² EngelliWeb announcement, "Access to Grup Yorum videos blocked," May 28, 2025. YouTube confirmed to Middle East Eye that it had blocked access to the relevant URLs following receipt of what it described as a valid legal request, while noting that such requests risk having a chilling effect on free expression. See also Alex MacDonald, "YouTube and Spotify accused of 'censorship' after blocking left-wing folk group in Turkey," Middle East Eye, June 3, 2025.

order directed at Deezer covered the artist page in its entirety, a wider scope than either of the others, but Deezer had not implemented it, and the page remained reachable from Türkiye.¹⁴³ As with the Grok and Ask Perplexity accounts discussed in section 2.6, platform implementation rather than the terms of the order determined the practical reach of the measure. The episode shows that Article 8/A now reaches music and cultural expression, well beyond its conventional use against news reporting.

The ECtHR has repeatedly held that Türkiye violates Article 10 when it applies incitement and terrorism provisions to political expression on the Kurdish question. Political speech is protected unless it amounts to direct incitement to violence.¹⁴⁴ Despite this jurisprudence and the Constitutional Court's *Artı Media GmbH* judgment finding Article 8/A structurally flawed,¹⁴⁵ lower courts continue the practice. The implications for AI-generated content are direct. A generative AI system responding to queries about the Kurdish question, Kurdish history, or southeastern political developments could produce outputs equally vulnerable to Article 8/A blocking or anti-terrorism prosecution, with no AI-specific proportionality safeguard.

5.4 Implications for AI-Generated Content

Article 216 is technology-neutral, so AI-generated text, images, or video deemed to incite hatred, denigrate a segment of the population or religious values can trigger criminal liability for the user, and potentially for platform operators. Three risks stand out. First, the religious-values ground in Article 216(3) directly captures chatbot responses about religion, atheism, secularism, or comparative theology. Second, the conflation of Kurdish political expression with terrorism propaganda exposes AI-generated content on the Kurdish question to Article 8/A blocking and anti-terrorism prosecution. Third, the absence of explicit protections for satire, parody, and artistic expression leaves no legal safe harbor for AI-assisted creative content on contested topics. The Grok/Rize blocking decision¹⁴⁶ confirms that the apparatus does not distinguish between human and AI authorship. Combined with

¹⁴³ EngelliWeb announcement, "Grup Yorum is also blocked on Spotify, Apple Music, and Deezer," May 30, 2025.

¹⁴⁴ See, e.g., *Yavuz and Yaylalı v. Turkey*, App. No. 12606/11, Eur. Ct. H.R. (December 17, 2013); *Faruk Temel v. Turkey*, App. No. 16853/05, Eur. Ct. H.R. (February 1, 2011); *Gül and Others v. Turkey*, App. No. 4870/02, Eur. Ct. H.R. (June 8, 2010). See also the third-party intervention by the Council of Europe Commissioner for Human Rights in 10 cases against Turkey on freedom of expression, October 10, 2017, CommDH(2017)29.

¹⁴⁵ See section 2.2 of this chapter.

¹⁴⁶ See section 2.6 of this chapter.

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documented over-enforcement and asymmetric application, this indifference leaves AI-generated expression on Türkiye's most contested subjects vulnerable.

6. DEFAMATION

6.1 The Criminal Defamation Framework

Türkiye's defamation framework is dominated by criminal rather than civil remedies, with profound implications for freedom of expression. Article 125 of the Turkish Penal Code criminalizes attacking a person's honor, dignity, or reputation, with aggravated penalties for insult directed at public officials or committed through publication or broadcasting.¹⁴⁷ More significantly, Article 299 criminalizes insulting the President, punishable by one to four years' imprisonment, with the sentence increased by one-sixth if committed publicly and by one-third if committed through the press.¹⁴⁸

The scale of Article 299 prosecutions is extraordinary by any comparative standard. Between 2010 and 2013, before Erdoğan assumed the presidency in August 2014, 2,136 investigations were initiated under the provision. Between 2010 and 2023, the total reached 241,599, of which 194,162 fell in the Erdoğan era, including a sharp escalation in 2016, when 38,254 investigations were initiated in a single year. Of the 59,591 people prosecuted over the full period, 44,675 were prosecuted during the Erdoğan presidency. Those cases produced 16,993 convictions, 16,034 deferrals of the announcement of the verdict (HAGB), and 7,772 acquittals. Between 2010 and 2021, 4,876 people received custodial sentences.¹⁴⁹

Beginning in 2022, the Ministry of Justice consolidated Articles 299, 300, and 301 into a single reporting category. Since Article 299 has accounted for the overwhelming majority of cases in the preceding years, the combined figures remain broadly representative. The

¹⁴⁷ Turkish Criminal Code, Article 125 (insult). The provision criminalizes insulting a person in a manner that attacks their honor, dignity, or reputation, with penalties of imprisonment from three months to two years, or a judicial fine. Aggravated penalties apply under Article 125(3) when the insult is directed at a public official on account of their duties, and under Article 125(4) when the insult is committed through publication or broadcasting.

¹⁴⁸ Turkish Criminal Code, Article 299 (insulting the President of the Republic). The provision carries a sentence of one to four years' imprisonment. Penalties are increased by one-sixth if the offense is committed publicly, and by one-third if committed through the press or media. See sections 2.4 and 4.2 of this chapter.

¹⁴⁹ Based on official statistics cited in Yaman Akdeniz and Kerem Altıparmak, Turkey: Freedom of Expression in Jeopardy (PEN International, 2018) as well as more recent statistics from the Justice Statistics.

2022–2025 data show acceleration at every stage. Incoming investigations rose 17 percent (from 51,077 to 59,780), cases forwarded to public prosecution rose 23 percent, and total incoming files at criminal courts rose 31 percent. Convictions for Articles 299–301 combined stood at 1,920 in 2022, 1,631 in 2023 (as post-pandemic backlogs cleared), 1,720 in 2024, and 2,023 in 2025. HAGB deferrals dominated the outcomes, stabilizing at around 2,100 by 2024–25. Convictions and HAGB together accounted for approximately 61 percent of adjudicated outcomes, against an acquittal rate of 27 percent. Given this scale and Article 299’s documented dominance within the combined figures, the provision has become a routine instrument for responding to expression about the presidency.

The ECtHR sought to address this pattern in *Vedat Şorli v. Turkey* (2021). Beyond finding an Article 10 violation, the Court invoked Article 46, holding that insult-to-the-President cases constitute a systemic problem and that bringing the law in line with Article 10 would be the appropriate redress. In effect, the judgment called for the reform of Article 299 itself.¹⁵⁰ Türkiye has not acted on this finding, and Article 299 continues to be applied against social-media users, journalists, opposition figures, and ordinary citizens, producing the chilling effect the Court identified. Although civil remedies exist under the Turkish Code of Obligations and the Civil Code,¹⁵¹ the criminal framework, and Article 299 in particular, has overwhelmingly dominated enforcement. As a result, defamation law in Türkiye functions primarily as a mechanism for silencing dissent.

6.2 Article 9 of Law No. 5651: The Weaponization of Personal Rights Claims

The most consequential mechanism for suppressing reputation-related content in Türkiye’s digital environment was the now-annulled Article 9 of Law No. 5651, which let individuals claiming a “personal rights” violation request a criminal judgeship of peace to order content removal or access blocking.¹⁵² Although designed as a judicial remedy, Article 9 functioned

¹⁵⁰ Vedat Şorli v. Turkey, App. No. 42048/19, § 54 (October 19, 2021). Since the Şorli decision, there are no Constitutional Court decisions referring to this case.

¹⁵¹ Turkish Code of Obligations, Law No. 6098, Articles 49 et seq. (tort liability for unlawful acts causing damage); Turkish Civil Code, Law No. 4721, Articles 24 and 25 (protection of personal rights). Civil remedies for reputation harm include claims for injunctive relief, compensation for pecuniary and non-pecuniary damages, and rectification.

¹⁵² Law No. 5651, Article 9, entitled “Removal of content and access blocking,” as amended by Law No. 6518 (February 6, 2014) and Law No. 7253 (July 29, 2020). The provision allowed individuals claiming a violation of their “personal rights” to request a criminal judgeship of peace to order content removal and/or access blocking within 24 hours, without adversarial proceedings.

as an expedited administrative censorship tool. Judgeships had to decide within 24 hours, without adversarial proceedings and without hearing the publisher or platform, and their orders took immediate and indefinite effect.

The scale was staggering. iFÖD’s EngelliWeb project documented that between 2014 and 2024, 49,533 news articles were blocked, removed, or deleted under 8,793 Article 9 decisions issued by 605 separate judgeships. The vast majority concerned matters of public interest, including government corruption, security operations, judicial proceedings, and the activities of public officials. The applicants were frequently the public figures who were the subjects of the reporting.¹⁵³ In *Keskin Kalem Publishing* (2021), the Constitutional Court found that judgeships had issued tens of thousands of orders with abstract and generalized reasoning, without adversarial proceedings or adequate balancing of competing rights, and frequently to the detriment of freedom of expression.¹⁵⁴

6.3 The Constitutional Court’s Annulment of Article 9 and Its Aftermath

Following *Keskin Kalem*, the Constitutional Court annulled Article 9 in October 2023, finding it contrary to Articles 13, 26, and 28 of the Constitution. The provision failed the “prescribed by law” test, since its scope, aim, and limits were not foreseeable, and its indefinite blocking measures imposed a “severe and permanent interference” with freedom of expression and press freedom.¹⁵⁵ The annulment was deferred nine months to October 10, 2024, to avoid a legal vacuum.¹⁵⁶ Since that date, removal and blocking requests based on personal rights can no longer be filed under Article 9. Remaining remedies include civil actions for injunctive relief and compensation under the Civil Code and Code of Obligations, criminal complaints, and right-of-reply requests under the October 2022 Press Law

¹⁵³ Freedom of Expression Association, EngelliWeb 2024 (September 2025).

¹⁵⁴ *Keskin Kalem Yayıncılık ve Ticaret A.Ş. and Others*, App. No. 2018/14884 (October 27, 2021).

¹⁵⁵ Constitutional Court, Norm Review Decision, Docket No. 2020/76, Decision No. 2023/172, §§ 96–107 (October 11, 2023). The annulment took effect on October 10, 2024. The Court found Article 9 in its entirety to be contrary to Articles 13, 26, and 28 of the Constitution.

¹⁵⁶ Constitutional Court, Docket No. 2020/76, Decision No. 2023/172, § 111. The Court deferred the annulment for nine months, citing the need to avoid a legal vacuum. However, as the EngelliWeb 2024 Report documents, the Court provided no concrete justification for this deferral, particularly given that it had itself recognized in prior individual application decisions that alternative remedies under the Turkish Civil Code (Articles 24 and 25) and the Code of Obligations (Article 58) already existed for the protection of personal rights. Note further *Songül Savcı Çengel v. Turkey*, App. No. 30697/19 (June 10, 2021). The ECtHR found that the civil remedies under Turkish Civil Code Articles 24 and 25 and the Code of Obligations Article 58 could, in theory, provide an appropriate balance between competing interests and an effective remedy, including through content removal or access blocking orders where necessary.

amendments.¹⁵⁷

However, the aftermath has revealed a significant implementation gap. Neither Supplemental Article 4 of Law No. 5651 nor the Procedures and Principles Regarding Social Media Platforms has been amended to reflect the repeal. YouTube’s H1 2025 transparency report shows that 688 items, 75.52 percent of applications, were still evaluated under the repealed Article 9.¹⁵⁸ Criminal judgeships of peace have also begun issuing decisions under Article 9/A (protection of private life) that include personal-rights assessments without establishing the required connection to private life, effectively migrating Article 9’s logic into a neighboring provision. The structural deficiencies the Constitutional Court identified, namely the absence of adversarial proceedings, the exclusion of content owners, and indefinite duration, apply equally to this practice.

A further migration of Article 9’s logic has emerged in the civil courts. On September 8, 2025, at the request of the Rectorate of Van Yüzüncü Yıl University, the Van 8th Civil Court of First Instance issued a preliminary injunction under Articles 389 et seq. of the Code of Civil Procedure (HMK) and Articles 24 and 25 of the Civil Code (protection of personal rights), blocking access to 226 URLs of X posts concerning the suspicious death of a university student.¹⁵⁹ Although the court expressly acknowledged that Article 9 of Law No. 5651 had been annulled by the Constitutional Court, it relied on Civil Code Articles 24 and 25, read together with the case law of the General Assembly of Civil Chambers and the Fourth Civil Chamber of the Court of Cassation, to establish its competence to issue an access-blocking preliminary injunction. The decision was issued *ex parte*, on the same day as the application, without any opportunity for the affected speakers to be heard. The civil-court route thus reproduces the structural defects the Constitutional Court identified in Article 9. The proceedings are not adversarial, content owners are excluded from the decision-making process, and the blocking takes indefinite effect. Compounding the problem, a public institution used personal-rights claims to suppress public-interest demands for accountability concerning a death directly connected to it. The decision also marks the first

¹⁵⁷ Press Law No. 5187, Article 14, as amended by Law No. 7418 (October 13, 2022).

¹⁵⁸ Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026).

¹⁵⁹ Van 8th Civil Court of First Instance, Decision No. 2025/33, September 8, 2025. The Court relied on jurisprudence of the General Assembly of Civil Chambers of the Court of Cassation and the Fourth Civil Chamber of the Court of Cassation to establish its competence to issue an access-blocking preliminary injunction in the absence of Article 9. The reasoning indicates that the annulment of Article 9 has not extinguished the general jurisdiction of civil courts of first instance to act as access-blocking forums under the Civil Code and the HMK. See section 2.6 of this chapter for the AI-specific dimension of the decision.

documented use of civil-court preliminary injunctions to block AI-platform content. Among the 226 blocked URLs were five Grok posts and one Ask Perplexity post relaying public questions about the death.¹⁶⁰

6.4 Implications for AI-Generated Content

Türkiye’s defamation framework has direct implications for AI-generated content along three dimensions. First, Articles 299 and 125 are technology-neutral, in that they attach to the content of an expression and to its publication while saying nothing about the means by which it was produced. Neither provision turns on whether a human or a machine generated the text or image. AI-generated text, images, or video deemed to insult the President, a public official, or a private individual can therefore trigger criminal liability for the prompting user, the hosting platform, and potentially the deploying entity. The TBMM Commission Report addressed liability for AI-generated harm only in general terms. It noted that fault must attach to developers, operators, or deployers because AI lacks legal personality. It said nothing specific about defamation law, however, and left the application of Articles 299 and 125 to AI outputs unresolved.¹⁶¹

Second, the documented AI-specific blocking under Law No. 5651 confirms that authorities already invoke defamation grounds against AI content. In July 2025, the Ankara 7th Criminal Judgeship of Peace blocked 50 posts on Grok’s X account on grounds including “insulting the President” (TCK 299), “denigrating religious values” (TCK 216/3), and “insult” (TCK 125).¹⁶² User prompts directing Grok to generate images of political figures were separately blocked and geo-blocked.¹⁶³ These decisions apply existing provisions to AI outputs without any adaptation to the distinctive features of AI-generated speech.

The Van preliminary injunction¹⁶⁴ extends the same pattern into a different procedural route. By blocking 226 URLs, including five Grok posts and one Ask Perplexity post, on the strength of the rectorate’s personal-rights application, the September 8, 2025 decision of

¹⁶⁰ See further section 6.4.

¹⁶¹ TBMM AI Investigation Commission Report, Law Section (2026), section 4.4.3.6.

¹⁶² EngelliWeb announcement, “Access to posts on Grok’s X account blocked,” July 9, 2025. The Ankara 7th Criminal Judgeship of Peace, Decision No. 2025/8170, July 9, 2025. See sections 2.6 and 4.4 of this chapter.

¹⁶³ EngelliWeb announcement, “Prompts sent to Grok blocked from access,” January 3, 2026. See also the Rize Criminal Judgeship of Peace, Decision No. 2026/1398 (March 23, 2026), blocking Grok’s AI-generated responses to user questions about a public interest news story.

¹⁶⁴ See section 6.3.

the Van 8th Civil Court of First Instance demonstrates that defamation-adjacent grounds are now deployed against AI-platform content through civil-court preliminary injunctions under the Civil Code as well as through Article 8/A of Law No. 5651. The same questions of authorship, intent, and publication that arise in the Article 8/A context arise here with no AI-specific framework to resolve them. The procedural deficiencies are more serious still, since the decision was issued *ex parte* on the day of the application and without notice to the affected speakers.¹⁶⁵

Third, the civil liability framework for AI-generated defamation is undeveloped. Under the fault-based tort regime of the Code of Obligations, liability requires proof of fault by the user, developer, or deployer.¹⁶⁶ There is no AI-specific legislation addressing strict liability, no framework allocating liability across the AI value chain, and no regulatory guidance on whether existing product liability rules apply to AI-generated speech.¹⁶⁷

¹⁶⁵ Van 8th Civil Court of First Instance, Decision No. 2025/33, September 8, 2025. See sections 2.6 and 6.3 of this chapter for the chronological and legal-structural analysis of the decision.

¹⁶⁶ Code of Obligations, Article 49 et seq. (tort liability). See also Product Safety and Technical Regulations Law, Law No. 7223 (November 11, 2020), which could apply to AI systems as products but does not specifically address AI-generated speech.

¹⁶⁷ The TBMM AI Investigation Commission Report (2026). See section 3 of this chapter.

7. PROTECTION OF MINORS

7.1 The Existing Legal Framework: Supplemental Article 4(7)

The protection of minors in Türkiye’s digital environment is governed primarily by the platform regulation framework under Law No. 5651, supplemented by criminal law provisions on obscenity and child exploitation. The October 2022 amendments to Law No. 5651 introduced Supplemental Article 4(7), which requires social media providers to “take the necessary measures to provide differentiated services specific to children.”¹⁶⁸ Secondary regulations issued by the Information and Communication Technologies Authority (ICTA) spelled out this obligation. Platforms must implement age-based differentiation, observe the best interests of the child, safeguard children’s physical, psychological, and emotional development, deploy protection mechanisms against sexual abuse and commercial exploitation, ensure data minimization, and present terms of use in language children can understand.¹⁶⁹

On paper, the differentiated services framework reflects principles drawn from international child rights standards and the emerging global consensus on age-appropriate design. In practice, however, significant gaps persist between the legislative text and its enforcement. iFÖD’s *Digital Obedience Regime* report (2026) documented that platforms have not disclosed concrete policies on how their age-verification algorithms operate or what criteria they use to determine data processing levels for child users. Likewise, no audit results on platform compliance with the differentiated services obligation have been published.¹⁷⁰ The result is a framework that is formally in place but functionally unenforced, creating a gap between the stated objective of child protection and the reality of unmonitored, unaudited platform practices.

¹⁶⁸ Law No. 5651, Supplemental Article 4(7), added by Law No. 7418 (October 13, 2022).

¹⁶⁹ ICTA, Procedures and Principles Regarding Social Media Platforms, Article 14 (March 28, 2023).

¹⁷⁰ Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026). Supervision of compliance rested with the ICTA until July 2026 and now rests with the Cyber Security Presidency.

7.2 Platform Blocking Under Child Protection Justifications: The Roblox Case

The most visible manifestation of the child-protection agenda in Türkiye’s digital governance has been the wholesale blocking of platforms, nominally on child-protection grounds. The differentiated-services obligation itself has gone largely unenforced. In 2024, separate criminal judgements of peace blocked Wattpad, Roblox, and Discord. All three remain indefinitely blocked.¹⁷¹

The Roblox¹⁷² block is particularly significant because it generated a pending Constitutional Court application that raises novel questions at the intersection of child protection, platform blocking, and the rights of child users. Although the Adana Chief Public Prosecutor’s Office requested the block on the ground that the platform contained child abuse content, the order applied to the platform’s entire domain and app-store presence rather than to specific content, and was framed as “protecting national security and public order.” The application, filed in 2024 on behalf of a minor user of the platform, challenges the wholesale block as a violation of the rights to develop one’s material and moral existence (Article 17), to private life (Article 20), and to freedom of expression (Article 26), read with Articles 13, 17, 27, and 31 of the UN Convention on the Rights of the Child.¹⁷³ It thereby introduces into the Constitutional Court’s platform-blocking jurisprudence¹⁷⁴ a previously unaddressed dimension, namely the specifically protected rights of children, including the rights to digital play and access to information emphasized by the UN Committee on the Rights of the

171 Ankara 10th Criminal Judgeship of Peace, Decision No. 2024/6507 (July 12, 2024); Adana 6th Criminal Judgeship of Peace, Decision No. 2024/5282 (August 7, 2024); Ankara 1st Criminal Judgeship of Peace, Decision No. 2024/12907 (October 9, 2024). See further section 8.3 of this chapter.

172 Roblox is a platform with over 200 million active users worldwide, particularly popular among children and young people, offering gaming, game development, and social interaction.

173 The applicant’s objection to the blocking order was rejected by the Adana 1st Criminal Judgeship of Peace on October 31, 2024 (Decision No. 2024/9655).

174 The application invokes the ECtHR jurisprudence in *Cengiz and Others v. Turkey* (App. Nos. 48226/10 and 14027/11, December 1, 2015) and the Constitutional Court’s decisions in *Yaman Akdeniz and Others* (App. No. 2014/3986), *YouTube LLC* (App. No. 2014/4705), and *Wikimedia Foundation* (App. No. 2017/22355), all of which found that the wholesale blocking of platforms violated freedom of expression. The application further invokes Article 31 of the UN Convention on the Rights of the Child (right to play and leisure) and the Constitutional Court’s semi-pilot judgment in *Artı Media GmbH* (App. No. 2019/40078, September 14, 2023), which found that Article 8/A structurally violates freedom of expression.

Child,¹⁷⁵ in General Comment No. 25 (2021) on children’s rights in the digital environment.¹⁷⁶

7.3 Social Media Ban for Children Under 15 and Gaming Regulation

On May 1, 2026, the Official Gazette published Law No. 7578 (*Law on Amending the Social Services Law and Certain Other Laws*), adopted on April 22, 2026, only weeks after it was proposed in February 2026. Articles 21 to 23 substantially amend Law No. 5651, expanding the child-protection framework and extending state regulatory reach over both social media platforms and the digital gaming sector. The amendments enter into force on November 1, 2026. The reforms introduce a social-media ban for children under 15, mandatory parental controls and design restrictions, and comprehensive regulation of the gaming sector.

First, the new Supplemental Article 4(7) prohibits social media providers from offering services to children under 15 and requires them to take all necessary measures, including age verification, to enforce the ban. For children aged 15 and above, providers must offer differentiated, age-appropriate services and publish the measures on their websites.¹⁷⁷ İFÖD has criticized the 15-year threshold as lacking any stated pedagogical or sociological basis and as making no qualitative distinction between educational, developmental, and entertainment platforms.¹⁷⁸ More significantly, enforcing the ban requires age verification of all users, effectively mandating universal identity verification and ending online anonymity in Türkiye. The Justice Minister’s announcement that accounts will require “identity and mobile phone verification” confirms as much.¹⁷⁹

Second, Supplemental Article 4(20) introduces mandatory parental control tools, including account settings, parental approval for purchases and subscriptions, and screen-

¹⁷⁵ UN Convention on the Rights of the Child, Article 31: “States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.” Article 13 (freedom of expression), Article 17 (access to information through mass media), and Article 27 (right to a standard of living adequate for the child’s development). Türkiye ratified the Convention on April 4, 1995.

¹⁷⁶ UN Committee on the Rights of the Child, General Comment No. 17, CRC/C/GC/17 (2013), para. 14(c). The Committee emphasized that play is a vital dimension of childhood and an indispensable component of physical, social, cognitive, and emotional development. General Comment No. 25, CRC/C/GC/25 (2021), on children’s rights in relation to the digital environment, further established that states must balance the protection of children against the risks of the digital environment with respect for their evolving capacities and their rights to expression, information, and participation.

¹⁷⁷ Law No. 7578 (*Law on Amending the Social Services Law and Certain Other Laws*), Article 22 (amending Supplemental Article 4(7) of Law No. 5651), published in Resmi Gazete No. 33240, May 1, 2026 (entering into force on November 1, 2026). See also Freedom of Expression Association (İFÖD), “The Digital Obedience Regime Deepens,” March 11, 2026.

¹⁷⁸ İFÖD, “The Digital Obedience Regime Deepens,” March 11, 2026.

¹⁷⁹ İFÖD, “Are You Aware of the Danger?” February 18, 2026.

time monitoring. Supplemental Article 4(21) requires measures to prevent deceptive advertising.¹⁸⁰

Third, and most significant for the digital ecosystem, the law brings the gaming sector within a comprehensive regulatory framework for the first time. New definitions in Article 2 of Law No. 5651 distinguish between “game,” “game developer,” “game distributor,” and “game platform,” bringing operators such as Steam, Epic Games Store, PlayStation Store, and the Apple App Store within Turkish regulation. Under the new Supplemental Article 5, game platforms are prohibited from offering unclassified games (unless classified at the highest age threshold), foreign platforms with more than 100,000 daily accesses must appoint a local representative, and parental-control tools are required. İFÖD has observed that the classification requirement will render thousands of global and independent games inaccessible. Platforms unwilling to accept the legal risk will either withdraw such content from the Turkish market or, by default, classify games at the highest age threshold. Withdrawal removes access entirely, while blanket high-age classification imposes the identity- and mobile-verification requirements described above on adult users seeking access to games that would not otherwise warrant such restrictions. Because adults, not children, are the largest consumer group for digital games, subjecting the entire ecosystem to state classification under the pretext of child protection is a disproportionate interference with adult users’ rights.¹⁸¹

7.4 Automated Censorship and Sanctions

Law No. 7578 contains provisions extending well beyond child protection into de facto automated content suppression. Supplemental Article 4(22) requires social-media providers with more than ten million daily accesses from Türkiye to implement Article 8/A urgency decisions “immediately and no later than one hour,” and Supplemental Article 4(23) requires them to take “every necessary measure” to prevent republication of removed content.¹⁸² Although the text does not name AI or automated systems, İFÖD has characterized these provisions as effectively mandating “upload filters.” The one-hour window and the open-ended duty to prevent republication make human review impossible, forcing reliance on

¹⁸⁰ Law No. 7578, Article 22, adding new paragraphs (20) and (21) to Supplemental Article 4 of Law No. 5651.

¹⁸¹ İFÖD, “The Digital Obedience Regime Deepens,” March 11, 2026.

¹⁸² Law No. 7578, Article 22, adding new paragraphs (22) and (23) to Supplemental Article 4 of Law No. 5651.

automated systems that are inherently prone to over-blocking of lawful content, including news, political commentary, and satire.¹⁸³

The amendments also substantially tighten sanctions. The pre-existing administrative fines (up to three percent of global gross revenue for certain breaches) now cover the new obligations on age-segmented services, parental controls, and republication prevention. The law also adds a graduated enforcement apparatus. If a fine is not paid within thirty days, the CSP President may impose an advertising ban; if non-compliance continues for three more months, the CSP may apply to a criminal judgeship of peace for 50 percent bandwidth throttling, escalating to 90 percent after a further thirty days.¹⁸⁴ A comparable mechanism applies to game platforms under Supplemental Article 5 with fines of 1–10 million TL, increased to 10–30 million TL for a second offense, followed by 30 percent throttling and ultimately up to 50 percent. İFÖD characterizes this graduated throttling apparatus as a de facto “kill switch” vested in the executive. Although throttling is nominally subject to judicial confirmation, criminal judgeships of peace have almost uniformly rubber-stamped ICTA applications, leaving the practical threshold for shutting down or degrading any non-compliant platform exceptionally low.

7.5. Comparative Analysis: The Australian Model

The government has justified the reforms by referencing Australia’s Social Media Minimum Age Act, but İFÖD’s comparative analysis shows fundamental differences.¹⁸⁵ Australia exempts online games (including Roblox) and messaging applications from the ban, requires only “reasonable steps” for age verification, imposes no penalties on parents or children, guarantees that age and identity data cannot be used for other purposes, and does not grant the state access to platform algorithms or commercial data. The Turkish model, by contrast, extends regulation to the gaming sector, mandates universal identity

183 İFÖD, “The Digital Obedience Regime Deepens,” March 11, 2026.

184 Law No. 7578, Article 22 (introducing the new sanctions regime in the modified penalty paragraph of Supplemental Article 4 of Law No. 5651, including the advertising ban and bandwidth-throttling escalation mechanism); Law No. 7578, Article 23, paragraphs (6)–(7) of new Supplemental Article 5 (sanctions applicable to game platforms). These powers were vested in the ICTA and its President until Law No. 7590 transferred them in July 2026. See section 10.6.

185 İFÖD, “Are You Aware of the Danger?” February 18, 2026. Early data indicate that Australia’s lighter age-assurance standard has left substantial gaps. Two months after the ban took effect, industry figures compiled by Qustodio showed that 20.3 percent of Australians aged 13 to 15 were still using Snapchat and 21.2 percent TikTok, down 13.8 and 5.7 percentage points respectively from November. See Byron Kaye, “One-fifth of Australian teens still use TikTok, Snapchat after social media ban,” Reuters, March 13, 2026. Under-enforcement of the Australian model does not justify the Turkish design, because the objection to universal identity verification is that it ends anonymity for adults, and that objection holds whatever the compliance rate among minors.

verification that ends online anonymity, gives the Cyber Security Presidency power to demand information on platforms' corporate structure and data processing, and layers on the graduated fine, advertising-ban, and throttling apparatus described above. The contrast confirms that the Turkish framework bears little resemblance to Australia's law. It is a comprehensive digital control regime that uses child-protection discourse to extend state surveillance and censorship capacity.

7.6 AI-Specific Gaps

Türkiye has no legislation addressing the AI-specific dimensions of child protection. There is no regulation of AI companion applications or chatbots directed at children, no design restrictions or transparency requirements for AI systems interacting with minors, no rules on emotional manipulation, and no age-appropriate design code for generative AI services. The TBMM Commission Report addressed child safety primarily through the lens of AI-generated explicit content involving minors. It did not engage with AI companions, generative AI's impact on children's mental health, or transparency requirements for children's interactions with AI.¹⁸⁶ The asymmetry is therefore sharp. The state possesses broad powers to block AI-generated content after publication, as the Grok and Ask Perplexity AI cases demonstrate,¹⁸⁷ but has no regulatory tools to require that AI systems be designed to protect children before harm occurs.

¹⁸⁶ TBMM AI Investigation Commission Report (2026). See section 3 of this chapter.

¹⁸⁷ See sections 2.6 and 4.4.

8. EXPLICIT CONTENT

8.1 The Obscenity Framework and Its Application

Türkiye regulates explicit content primarily by Article 226 of the Turkish Penal Code, which criminalizes the production, dissemination, and distribution of obscene material, with aggravated penalties for content involving minors.¹⁸⁸ Under Law No. 5651, obscenity is a “catalogue crime” for which the CSP President may issue ex officio blocking and removal orders without prior judicial approval.¹⁸⁹

The Constitutional Court annulled the ICTA President’s ex officio blocking power over “obscene” foreign-hosted sites in 2017 for failing the legal-certainty test, with effect from February 7, 2019.¹⁹⁰ Rather than complying, the ICTA President continued issuing ex officio orders in disregard of the ruling, as documented in İFÖD’s EngelliWeb reports.¹⁹¹ The legislature “legalized” the practice through Law No. 7418 of October 2022, whose Article 32 removed the domestic/foreign distinction from Article 8(4). This re-enacted and broadened the ex officio blocking authority without geographic limit and effectively rendered the Court’s annulment moot.¹⁹² The same 2023 Constitutional Court decision that annulled Article 9 of Law No. 5651¹⁹³ also annulled the Article 8 content-removal mechanism (as amended in July 2020) for violating the presumption of innocence, since a final removal order could be issued on a purely administrative determination without any conviction or even criminal proceedings, and remained in force even after acquittal. The annulment took

188 Turkish Penal Code, Article 226 (obscenity).

189 Law No. 5651, Article 8(1)(a)(5). Obscenity is one of the “catalogue crimes” for which the President of ICTA (since July 2026, the President of the CSP) may issue ex officio access blocking and content removal orders without prior judicial approval.

190 Constitutional Court, E. 2015/76, K. 2017/153, November 15, 2017, Official Gazette February 7, 2018, No. 30325. The annulment took effect on February 7, 2019.

191 Freedom of Expression Association, EngelliWeb 2020: Fahrenheit 5651: The Scorching Effect of Censorship, August 2021, https://ifade.org.tr/reports/EngelliWeb_2020_Eng.pdf.

192 Law No. 7418, Article 32, October 13, 2022; Akdeniz and Güven, Digital Obedience Regime (2026).

193 See sections 2.2 and 6.3.

effect on October 10, 2024.¹⁹⁴ The administrative removal power was therefore lost, and only the ex officio blocking power remains, exercised since July 2026 by the CSP President.

The breadth of the obscenity framework, combined with the absence of clear definitions distinguishing unlawful obscenity from lawful sexual expression, creates significant risks for AI-generated content. Generative systems producing sexually suggestive, artistic, or satirical content could trigger blocking under the same broadly applied provisions.

8.2 Suppression of LGBTQ+ Content

The obscenity framework has been systematically deployed against LGBTQ+ content. Hornet, a leading gay social network with over three million users in Türkiye, was blocked on August 6, 2020, by the Ankara 8th Criminal Judgeship of Peace at the request of the Ankara Provincial Gendarmerie Command, on the unspecified ground that the platform violated “personal rights.”¹⁹⁵ The mobile app was removed from the Turkish Apple App Store one year later under the same order.¹⁹⁶ The Constitutional Court eventually found violations of freedom of expression and the right to an effective remedy, and the block was lifted in February 2024, though only temporarily.¹⁹⁷ During the intervening years, Hornet was the only remaining digital platform for Türkiye’s LGBTQ+ community, making the ban’s impact on community connection, health information, and personal expression particularly severe. Grindr has been blocked since September 2013 and a Constitutional Court application filed by a user remains pending after nearly 13 years.

KaosGL, one of Türkiye’s oldest and most prominent LGBTQ+ organizations and media portals, was targeted across multiple platforms in 2025. On June 21, 2025, the Istanbul 9th Criminal Judgeship of Peace blocked its X account on national security and public order

¹⁹⁴ Constitutional Court, Docket No. 2020/76, Decision No. 2023/172 (October 11, 2023). The same decision annulled both Article 8 (content removal, as amended in 2020) and Article 9 of Law No. 5651. The annulments took effect on October 10, 2024.

¹⁹⁵ Ankara 8th Criminal Judgeship of Peace, Decision No. 2020/5617, August 6, 2020, issued on the application of the Ankara Provincial Gendarmerie Command on the ground of violation of personal rights. See the corresponding EngelliWeb announcement, August 6, 2020, at <https://ifade.org.tr/engelliweb/hornet-gay-sosyal-agi-engellendi/>.

¹⁹⁶ “Hornet App Set for Return to Türkiye Following Legal Victory in Turkish Constitutional Court,” February 14, 2024, <https://hornet.com/stories/hornet-app-set-return-turkiye-following-legal-victory-turkish-constitutional-court/>.

¹⁹⁷ The Court found violations of the right to freedom of expression and the right to an effective remedy. See EngelliWeb announcement, “Hornet – Gay Social Network’s access blocking order lifted”, February 16, 2024, <https://ifade.org.tr/engelliweb/hornet-gay-sosyal-agi-erisim-engeli-kaldirildi/>.

grounds, and X geo-blocked the account from Türkiye.¹⁹⁸ Five days later, the Istanbul 12th Criminal Judgeship of Peace blocked KaosGL.org's domain, Facebook page, X account, and Instagram account on the same grounds.¹⁹⁹ The sequential cross-platform orders illustrate the cumulative reach of Article 8/A against a single organization. The pattern predates Article 8/A. GaBiLe, an online LGBT community formed in 1999, was first blocked by an administrative decision of the Telecommunications Communication Presidency in October 2009, and that block was lifted within days.²⁰⁰ The Ankara 7th Criminal Judgeship of Peace blocked the site again in September 2020.²⁰¹ The record confirms that LGBTQ+ platform blocking is a recurring feature of Türkiye's Internet regulation.

This structural pattern escalated sharply during Pride Month in June 2026. On June 5, 2026, the Istanbul 3rd Criminal Judgeship of Peace blocked Hornet again, covering both its next.hornet.com domain and its Apple App Store and Google Play listings, barely two years after the Constitutional Court had found the earlier block unconstitutional.²⁰² On June 12, 2026, a single order of the Istanbul 5th Criminal Judgeship of Peace blocked nine dedicated LGBTQ+ dating and social platforms at once, including SCRUFF, ROMEO, Daddyhunt, Jack'd, and Taimi.²⁰³ From mid-June, in two successive waves, more than seventy X accounts belonging to LGBTI+ and women's-rights organizations, Pride committees (Istanbul Pride Week, Istanbul Trans Pride Week, Ankara Pride, and Izmir Pride), journalists, and activists were made invisible to users in Türkiye under Article 8/A on national-security and public-order grounds. Kaos GL's Instagram account was briefly blocked and then

198 EngelliWeb announcement, "KaosGL's X account blocked", June 21, 2025, <https://ifade.org.tr/engelliweb/kaosglnin-x-hesabi-erisime-engellendi/>. Istanbul 9th Criminal Judgeship of Peace, Decision No. 2025/7155, June 21, 2025.

199 EngelliWeb announcement, "KaosGL's website and social media accounts blocked", June 27, 2025, <https://ifade.org.tr/engelliweb/kaosglnin-web-sitesi-ve-sosyal-medya-hesaplari-erisime-engellendi/>. Istanbul 12th Criminal Judgeship of Peace, Decision No. 2025/3910, June 26, 2025.

200 Cyber Rights Project, "Gabile.com Blocking Decision Lifted," October 10, 2009, <https://privacy.cyber-rights.org.tr/?p=558>.

201 EngelliWeb announcement, "LGBTQ+ social networking site GaBiLe blocked," September 10, 2020, <https://ifade.org.tr/engelliweb/lgbti-tanisma-arkadaslik-ve-sohbet-sitesi-gabile-erisime-engellendi/>. Ankara 7th Criminal Judgeship of Peace, Decision No. 2020/5858, September 10, 2020.

202 EngelliWeb announcement, "Hornet – Gay Chat and Dating Platform Blocked," June 5, 2026, <https://ifade.org.tr/engelliweb/hornet-gay-sohbet-bulusma-platformu-erisime-engellendi/>. Istanbul 3rd Criminal Judgeship of Peace, Decision No. 2026/5236, June 5, 2026, blocking Hornet's next.hornet.com domain together with its Apple App Store and Google Play applications.

203 EngelliWeb announcement, "Access to LGBTI+ Dating and Social Networking Platforms Blocked," June 23, 2026, <https://ifade.org.tr/engelliweb/lgbti-dating-ve-sosyal-ag-platformlari-erisim-engeli/>. Istanbul 5th Criminal Judgeship of Peace, Decision No. 2026/5293, June 12, 2026, blocking HeeSay, Taimi, SCRUFF, Jack'd, Surge, ROMEO, BEARWW, Shuggr, and Daddyhunt.

restored.²⁰⁴ The measures coincided with the pre-trial detention of Kaos GL editor-in-chief Yıldız Tar, whose own account was among those blocked in the second wave. The timing linked platform suppression directly to the criminal prosecution of an LGBTI+ journalist.²⁰⁵ The concentration of these orders during Pride Month, and their reliance on platform-level geo-invisibility rather than transparent blocking, confirm that LGBTQ+ expression remains among the most consistently targeted categories of online speech in Türkiye.

The Radio and Television Supreme Council (RTÜK) reinforces the suppression. Since 2020, RTÜK has imposed at least 35 distinct sanctions against streaming platforms (Netflix, Amazon Prime Video, Disney+, HBO Max, MUBI, Spotify, BluTV, Exxen), overwhelmingly citing “national and moral values,” “general morals,” or “the protection of the family.”²⁰⁶ At least eight decisions explicitly target LGBTQ+ content. Sanctioned titles include *Anne+* and *Elite* (Netflix), *Love, Victor* (Disney+), *The Book of Queer* (BluTV), *Looking: The Movie* (HBO Max), *Cobalt Blue* (Netflix), *All of Us Strangers* (Disney+), and *Passages* (MUBI).²⁰⁷ Netflix alone accounts for 13 of the 35 sanctions.²⁰⁸ The grounds invoked confirm a systematic pattern. RTÜK objected to two female characters’ closeness in *Jurassic World: Camp Cretaceous*; described *Passages* as having “discredited the institution of the family, damaged gender roles in society, particularly among children, and corrupted society;” and cited *Cobalt Blue* for “scenes encouraging homosexuality.”²⁰⁹ RTÜK has also acted

204 EngelliWeb announcement, “Numerous LGBTI+ and Women’s Organizations’ X Accounts Blocked,” June 19, 2026 (57 accounts), <https://ifade.org.tr/engelliweb/cok-sayida-lgbti-ve-kadin-orgutunun-x-hesabi-erisime-engellendi/>; EngelliWeb announcement, “Numerous X Accounts Blocked,” June 27, 2026 (22 accounts), <https://ifade.org.tr/engelliweb/cok-sayida-x-hesabi-erisime-engellendi/>; the underlying order is Istanbul 6th Criminal Judgeship of Peace, Decision No. 2026/5556, June 18, 2026. See also EngelliWeb announcement, “KaosGL.org’s Instagram Account Blocked,” June 30, 2026, <https://ifade.org.tr/engelliweb/kaosgl-orgun-instagram-hesabi-erisime-engellendi/> (noting the account was subsequently made visible again from Türkiye). Account lists are actively updated.

205 The June 27 EngelliWeb announcement describes Yıldız Tar as an imprisoned journalist (“tutuklu gazeteci”). Kaos GL’s editor-in-chief was detained on June 25, 2026, as part of a “terror” investigation launched ahead of the NATO summit in Ankara. See “LGBTI+ rights group’s Instagram account banned as censorship continues during Pride Month,” Bianet, June 30, 2026, <https://bianet.org/haber/lgbti-rights-group-s-instagram-account-banned-as-censorship-continues-during-pride-month-321045>.

206 Data compiled by the Freedom of Expression Association from RTÜK decisions and platform transparency reports (Netflix SASB/ESG Reports 2020–2024; Anadolu Agency reports; Diken reports), covering the period April 2020 to January 2026. Of the 35 documented sanctions, 19 invoke “national and moral values,” “general morals,” or “protection of the family” as grounds. Sanctions include monetary fines (10 instances), catalogue removal (5 instances), and combined fines and catalogue removal (18 instances).

207 See RTÜK decisions cited in: Diken, “RTÜK fines digital platforms for containing gay content,” July 26, 2023 (covering sanctions against BluTV, Disney+, MUBI, and Bein Movies Stars); Anadolu Agency, “RTÜK fined 5 digital platforms for violating national and moral values,” September 18, 2025 (covering sanctions against Netflix, Disney+, HBO Max, MUBI, and Amazon Prime Video for *Cobalt Blue*, *All of Us Strangers*, *Looking: The Movie*, *Benedetta*, and *Those About to Die*).

208 Netflix SASB Report 2020; Netflix ESG Reports 2021, 2022, 2023, and 2024, available at <https://ir.netflix.net/governance/ESG/default.aspx>.

209 RTÜK decision on *Jurassic World: Camp Cretaceous*, cited in Anadolu Agency, “RTÜK imposed sanctions on Netflix for violating broadcasting principles,” August 17, 2022; RTÜK decision on *Passages* (MUBI), cited in Anadolu Agency, “RTÜK imposes fines on one television channel and two digital platforms,” January 22, 2026; RTÜK decision on *Cobalt Blue* (Netflix), cited in Anadolu Agency, “RTÜK fined 5 digital platforms for ‘violating national and moral values,’” September 18, 2025. Translations from Turkish by the author.

against politically sensitive content, including episodes of *Designated Survivor* (2020) and *Famagusta* (2024) on the 1974 Cyprus operation.²¹⁰

RTÜK's jurisdiction extends to all audiovisual media services in Türkiye, and nothing in its mandate would exclude AI-generated video, audio, or multimedia content distributed through streaming or social media platforms. RTÜK therefore operates as an additional layer of content control, alongside Law No. 5651, to specifically target expression on gender, sexuality, and politically sensitive topics.

8.3 Platform Blocking Under Child Protection Justifications

The protection of minors has been invoked as a justification for blocking entire platforms in Türkiye, with consequences that extend far beyond the stated aim. In 2024, separate criminal judgements of peace blocked Wattpad (a global writing and reading platform), Roblox (a gaming platform), and Discord (a messaging platform). Wattpad was blocked at the request of the Ministry of Family and Social Services, and Roblox was blocked on the grounds of “protecting national security and public order.” All three platforms remain indefinitely blocked as of this writing.²¹¹ Instagram was blocked nationwide for nine days in August 2024 by a decision of the ICTA citing “catalogue crimes” under Article 8 of Law No. 5651.²¹²

These blanket blocking orders repeat the pattern the ECtHR condemned in *Ahmet Yıldırım* and *Cengiz and Others*, where entire platforms were blocked instead of specific unlawful content.²¹³ Wattpad, Roblox, and Discord host vast amounts of lawful content, including user-generated creative writing, educational material, and social interaction, alongside any content that may violate Turkish law. Blocking entire platforms on grounds nominally related to child protection is disproportionate and illustrates the risk that such justifications

210 RTÜK decision on *Designated Survivor*, cited in Netflix SASB Report 2020; RTÜK decision on *Famagusta*, cited in Anadolu Agency, “RTÜK: The series ‘Famagusta’ will not be included in the catalog of Türkiye or any other country,” September 6, 2024. The *Famagusta* decision followed talks between RTÜK and Netflix, after which RTÜK announced the series would appear only in the Greek catalogue; Netflix's Turkish spokesperson stated it had been removed from the Türkiye catalogue.

211 Ankara 10th Criminal Judgement of Peace, Decision No. 2024/6507 (July 12, 2024); Adana 6th Criminal Judgement of Peace, Decision No. 2024/5282 (August 7, 2024); Ankara 1st Criminal Judgement of Peace, Decision No. 2024/12907 (October 9, 2024). See further section 7.2 of this chapter.

212 Instagram was blocked by a decision of the president of ICTA on August 2, 2024, citing “catalogue crimes” under Article 8 of Law No. 5651. Reports at the time suggested the block was triggered by Instagram's removal of Turkish users' posts mourning the assassination of Hamas leader Ismail Haniyeh. See Freedom of Expression Association, EngelliWeb 2024.

213 *Ahmet Yıldırım v. Turkey*, no. 3111/10 (December 18, 2012); *Cengiz and others v. Turkey*, nos. 48226/10 and 14027/11, (December 1, 2015).

serve as pretexts for broader content control. The same dynamic is directly relevant to AI governance, since generative AI platforms could face identical wholesale blocking if their outputs are deemed to include content falling within the broadly defined catalogue crimes.

8.4 AI-Generated Explicit Content: A Regulatory Vacuum

Türkiye has no AI-specific legislation addressing AI-generated non-consensual intimate imagery (NCII), deepfake intimate content, or AI-generated sexually explicit material more broadly.²¹⁴ Article 226 and the Law No. 5651 catalogue-crimes framework are technology-neutral and apply to AI outputs, but they offer no tailored safeguards distinguishing harmful content (such as NCII deepfakes) from lawful expression (AI-assisted artistic or satirical content involving sexuality or nudity). The January 2026 blocking of user prompts directing Grok to generate images of political figures in bikinis shows that the censorship apparatus draws no line between political satire and explicit content.²¹⁵ It treats any AI interaction producing content with a sexual dimension as a target for suppression, whether or not the result is lawful expression.

8.5 Assessment

Türkiye's approach to explicit content is characterized by over-broad enforcement extending well beyond preventing child sexual abuse material (CSAM) or non-consensual intimate image (NCII) abuse. The obscenity catalogue and morals- and minors-based justifications have been used to suppress LGBTQ+ platforms and content, and to block Wattpad, Roblox, and Discord wholesale. In the AI context, this framework creates significant risk that AI-generated content on sexuality, gender identity, or morally contested topics will face the same over-broad enforcement, without the targeted, proportionate, and necessity-based restrictions international standards require.

²¹⁴ The TBMM AI Investigation Commission Report (2026) did not propose specific legislation on AI-generated NCII or explicit content.

²¹⁵ EngelliWeb announcement, "Prompts sent to Grok blocked from access," January 3, 2026. See section 2.6 for a detailed analysis.

9. COPYRIGHT

9.1 FSEK: An Outdated Framework

Türkiye’s copyright framework is governed by the Law No. 5846 on Intellectual and Artistic Works (FSEK), enacted in 1951 and amended on numerous occasions since, though never comprehensively updated for the digital era.²¹⁶ The TBMM AI Investigation Commission Report (2026) identified FSEK as fundamentally outdated, observing that the statute lacks the legal provisions necessary even for routine use of works on the Internet. The report noted, by way of illustration, that FSEK contains no exception for the temporary caching or technical transmission of works during Internet browsing, so that on a strict reading, all non-personal Internet usage could theoretically amount to copyright infringement.²¹⁷ Because FSEK falls short even at this baseline, it is even less equipped to address the novel copyright questions raised by generative AI, including the use of copyrighted works in training datasets, the copyrightability of AI-generated outputs, and the allocation of rights over content produced with AI assistance.

9.2 Copyrighted Works in AI Training Data

The central copyright question in the AI context, whether using copyrighted content to train AI models infringes FSEK, is one the Parliamentary Commission found to “contain uncertainty,” and it recommended a detailed multi-stakeholder study and impact analysis before any legislative action.²¹⁸ Unlike the US fair-use doctrine or UK fair-dealing provisions, FSEK contains no open-ended exceptions that could accommodate large-scale processing for AI training. Because obtaining individual permissions for the millions of data points used in AI training is, in the Commission’s words, “practically impossible,” FSEK in practice bars such use without authorization. The Commission therefore recommended introducing more

²¹⁶ Law No. 5846 on Intellectual and Artistic Works (FSEK), enacted December 5, 1951. FSEK is the primary copyright statute in Türkiye, governing the creation, ownership, and exploitation of literary, musical, artistic, and cinematic works.

²¹⁷ TBMM AI Investigation Commission Report, Law Section (2026), section 4.4.3.5.4.

²¹⁸ TBMM Commission Report, section 4.3.3.1.

permissive open-ended exceptions for the digital environment and a specific text-and-data-mining exception.²¹⁹

The Commission also urged caution. It warned that unrestricted use of copyrighted works for AI development could undermine human-origin creativity and content production, and ultimately “eliminate the organic content production that is also necessary for the development of AI itself.”²²⁰ Any exception should therefore be limited to systems producing “a new and transformative effect providing additional benefit and solutions,” rather than substitutes for original works.²²¹

9.3 Copyrightability of AI-Generated Outputs

Whether AI-generated content can qualify as a protected “work” under FSEK is unresolved. FSEK requires a work to reflect the author’s “distinctiveness,” and because AI lacks legal personality, it cannot be an “author.”²²² The Commission observed that where AI produces content that would clearly qualify as a work if a human had created it, it becomes difficult to say whose distinctiveness, if anyone’s, the output reflects. A simple prompt likely would not suffice, but sustained creative direction, curation, and modification might.²²³ The Commission recommended legislative resolution rather than leaving the question to the courts. It identified options, including allocating rights to the user, to the developer, or jointly, with “neighboring rights” as one model, along with protections against AI-driven style imitation, wholesale reproduction, and unauthorized derivative works.²²⁴ No Turkish court has yet ruled on these questions.

9.4 Assessment

Türkiye’s copyright framework in the AI context is marked by legal uncertainty. FSEK lacks even basic digital-era exceptions, and the TBMM Commission’s measured

219 TBMM Commission Report, section 4.3.3.1.

220 TBMM Commission Report, section 4.3.3.1. Translation from Turkish by the author.

221 TBMM Commission Report, section 4.3.3.1.

222 TBMM Commission Report, section 4.3.3.2.

223 TBMM Commission Report, section 4.4.3.5.5.

224 TBMM Commission Report, section 4.4.3.5.5.

recommendations await a slow legislative process.²²⁵ No copyright-based suppression has been documented so far, and the principal risk to freedom of expression is a chilling effect on AI development and use arising from indeterminate rules on training data, output protection, and permissible use.

²²⁵ See section 3.6 of this chapter. The TBMM AI Investigation Commission Report noted that digital copyright reform was already under way at the time of writing and recommended that any AI-related copyright amendments be integrated with the ongoing digital copyright legislative process to avoid creating an inconsistent legal framework.

10. AI-POWERED SURVEILLANCE

10.1 Platform Obligations to Share User Data

Türkiye’s digital surveillance architecture operates primarily through platform obligations under Law No. 5651, rather than through AI-specific surveillance legislation. Supplemental Article 4(5), introduced by Law No. 7418 in October 2022, imposes a strict duty on social media platforms to provide user information to judicial authorities for a catalogue of specified crimes.²²⁶ This transforms local representatives from passive recipients of content removal notices into active agents of state investigation. If a platform fails to comply, the Chief Public Prosecutor may apply to the Ankara Criminal Judgeship of Peace for 90 percent bandwidth throttling, implemented within four hours and lifted only when the requested data are disclosed.²²⁷ The inclusion of TCK Article 217/A (“publicly disseminating misleading information”) in the catalogue is concerning, since the line between factual and “misleading” information is often politically driven, especially during elections or unrest.

10.2 The Meta vs. Google Divergence

iFÖD’s *Digital Obedience Regime* report (2026) documented a stark divergence in platform responses, revealing how the throttling threat shapes behavior.²²⁸ Meta (Facebook, Instagram) follows what the report calls a “high compliance and obedience” strategy. After Law No. 7418 entered into force in 2022, Meta’s compliance rate with Turkish data requests jumped from roughly 67 percent to consistently above 80 percent, reaching 82 percent by

226 Law No. 5651, Supplemental Article 4(5), added by Law No. 7418 (October 13, 2022). The provision imposes a strict obligation on social media platforms to provide information to judicial authorities regarding specific crimes listed in the Turkish Penal Code, including sexual abuse of children (TCK 103), publicly disseminating misleading information (TCK 217/A), disrupting the unity of the state (TCK 302), crimes against the constitutional order (TCK 309–316), and crimes against state secrets and espionage (TCK 328–337).

227 Law No. 5651, Supplemental Article 4(5), paras. 2–3. If the platform fails to comply, the Chief Public Prosecutor may apply to the Ankara Criminal Judgeship of Peace for a sanction of bandwidth throttling by 90 percent. Once issued, the decision is transmitted to access providers via the ICTA and must be implemented within four hours, effectively rendering the platform unusable in Türkiye. The sanction is lifted only when the platform surrenders the requested data. See further Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026).

228 Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026), Chapter on the Obligation to Provide Information to Judicial Authorities. The report documents the divergence between Meta and Google in detail, drawing on analysis of their respective global transparency reports for the period 2021–2024.

the second half of 2024 (3,360 of 4,121 requests).²²⁹ Google, by contrast, has maintained near-total resistance, despite the local-subsidary requirement. Through its Turkish subsidiary, it granted only 4 percent of “Other Legal Requests” in 2022 and none in 2023 or 2024, cooperating only on “Emergency Disclosure Requests” involving immediate threats to life (62 percent of 26 such requests in 2023).²³⁰ Google held this position despite the 90 percent throttling threat, a corporate decision to accept the sanction risk rather than set a precedent of compliance with politically motivated requests.

Other platforms are closer to Meta’s compliance levels than Google’s. TikTok complied with 91.8 percent of removal and blocking requests in the first half of 2024, making it the most compliant platform; X reached 85.66 percent in the second half of 2024.²³¹ The divergence shows that the data-sharing duty works as effective coercion against platforms that prioritize their Turkish commercial presence, while those willing to accept operational restrictions can resist. The net effect, however, is that most users in Türkiye, those on Meta and TikTok platforms, are subject to a regime in which their information is routinely transferred to Turkish authorities on request.

10.3 Transparency Reporting as a Surveillance Enabler

Supplemental Article 4(4) of Law No. 5651 requires biannual platform transparency reports on content removal and access blocking decisions.²³² While transparency reporting could in principle support democratic oversight, İFÖD’s *Digital Obedience Regime* report documents systematic inadequacy. Meta pools Articles 9 and 9/A into a single undifferentiated dataset; X provides no Article 9 or 9/A statistics; TikTok ignores the distinction entirely; and YouTube reports incoming statistics by legal measure but does not cross-tabulate outcomes, making

229 Meta Global Transparency Reports, 2021–2024. The data shows that following the entry into force of Law No. 7418 in 2022, Meta’s compliance rate with Turkish government data requests surged from approximately 67 percent to consistently above 80 percent. In the second half of 2024, data was shared in response to 3,360 of 4,121 requests (82 percent). See *Digital Obedience Regime* (2026), Table 6.

230 Google Global Transparency Reports, 2021–2024. Following the introduction of the local subsidiary requirement in 2022, Google responded positively to only 4 percent of 28 requests in 2022 via the local subsidiary, followed by 0 percent of 124 requests in 2023, and 0 percent of 72 requests in 2024. Google’s overall positive response rate for “Other Legal Requests” from Türkiye has remained at 0 percent across the entire period. The sole exception is “Emergency Disclosure Requests” involving immediate threats to life, where Google cooperated in 62 percent of 26 requests in 2023. See *Digital Obedience Regime* (2026).

231 *Digital Obedience Regime* (2026). TikTok responded positively to 91.8 percent of content removal and access blocking requests from Türkiye in the first half of 2024. X’s (formerly Twitter) compliance rate reached 85.66 percent in the second half of 2024. Meta’s Instagram compliance rate with content removal requests approached 80 percent. LinkedIn published a transparency report for only a single period out of nine, exhibiting what the report characterizes as total indifference to the transparency obligation.

232 Law No. 5651, Supplemental Article 4(4). Non-compliance carries an administrative fine of ten million Turkish Liras.

per-category success rates impossible to determine.²³³ Platforms are formally compliant, but the reports are functionally useless, producing what İFÖD calls a “transparency illusion.” The broader regulatory framework adds further levers. Supplemental Article 4(13) subjects platforms to any regulations the Cyber Security Presidency issues on user-rights protection, algorithmic transparency, and data processing.²³⁴ The amendments enacted in Law No. 7578 require large platforms to implement removal decisions within one hour and to deploy automated systems to prevent republication, effectively mandating automated surveillance and upload filtering.²³⁵

10.4 Bandwidth Throttling as a Surveillance and Censorship Tool

Bandwidth throttling has evolved from an extra-legal practice into a codified instrument of digital control, with documented deployment during political crises, security operations, and natural disasters. İFÖD’s EngelliWeb project documented 42 hours of social-media throttling during the March 2025 İmamoğlu protests.²³⁶ A separate study by the author documented at least 19 instances of throttling or shutdown between 2015 and 2025. It traces five phases starting from extra-legal deployment in the Kurdish southeast (2015–16) and the 2016 coup attempt, through legislative codification via amendments to the Electronic Communications Law and Law No. 5651 (2020–22), to bandwidth throttling’s current status as a standardized “crisis management tool” deployed during any event the government deems critical.²³⁷ The practice was deployed during the February 2023 earthquakes, at a crucial moment when citizens were using platforms to coordinate rescue and share information about survivors trapped under rubble. The then-Minister of Transport and Infrastructure stated only that the cut was “necessary.”²³⁸

Until July 2026 the legal basis was Article 60(10) of the Electronic Communications Law (No. 5809), which authorized the ICTA to implement throttling on the instruction of the Security Affairs Directorate of the Presidency of the Republic, subject to ex-post judicial

233 Digital Obedience Regime (2026), Chapter on Transparency Reports.

234 Law No. 5651, Supplemental Article 4(13); ICTA’s Procedures and Principles, Article 15.

235 Law No. 5651, Supplemental Article 4(22)–(23). See section 7.4 of this chapter.

236 EngelliWeb, “Bandwidth throttling has been removed” March 21, 2025.

237 Yaman Akdeniz, “Invisible Censorship: Bandwidth Throttling Sanctions and the Right to Information Dilemma in Turkish Law,” (unpublished manuscript, 2026, on file with author).

238 Akdeniz, “Invisible Censorship” (unpublished manuscript). Twitter was specifically throttled during the earthquake aftermath, when citizens were using the platform to coordinate rescue operations and share information about survivors.

approval.²³⁹ In practice, throttling was implemented within hours of the instruction, long before any judicial review, which made the ex-post approval an ineffective safeguard. Law No. 7590 repealed that provision and left throttling to be carried out under the undefined measure power discussed in section 10.6.

10.5 The Cyber Security Law and Data Access

The Cyber Security Law (No. 7545, March 2025) grants authorities broad access to data stored in Türkiye on a court order and criminalizes spreading false information about data leaks, punishable by up to five years imprisonment.²⁴⁰ Combined with the Law No. 5651 data-localization requirements, this enables judicially authorized state access to the data of any social media user whose information is stored on Turkish-territory servers. Criminalizing reporting on data leaks further chills public discourse about state surveillance, since journalists, researchers, and civil-society organizations risk prosecution for documenting breaches of personal data by authorities. Law No. 7590 subsequently placed the administration of Law No. 5651 in the hands of the institution this Law created, as the next section sets out.

10.6 The July 2026 Consolidation: Internet Governance Transferred to the Cyber Security Presidency

Law No. 7590, adopted on July 24, 2026, and in force since its publication on July 31, 2026, moved the administration of Türkiye’s Internet regulation regime from the ICTA to the Cyber Security Presidency (CSP).²⁴¹ The transfer was defended on the ground that cyberspace has become a fifth operational domain and that powers assigned to the ICTA as a matter of circumstance belonged with a specialized agency whose primary task is cyber security.²⁴²

Article 27(2)(a) of Law No. 7590 redefines “the President” in Article 2(1)(c) of Law No. 5651 as the President of the CSP, and the transfer of the blocking power rests on that definitional

239 Electronic Communications Law, No. 5809, Article 60(10), as amended.

240 Cyber Security Law, No. 7545, adopted March 13, 2025.

241 Law No. 7590 on Amendments to Certain Laws and Decree-Laws, adopted July 24, 2026, Official Gazette No. 33326, July 31, 2026. The amendments to Law No. 5651 (Articles 2, 3, 6, 6/A, 7, 8, 9/A, 10, 11 and Supplemental Articles 1, 3 and 4) entered into force on the date of publication. The ICTA continues to exist and retains its remaining functions under the Electronic Communications Law; the definition of “the Authority” in Article 2(1)(i) of Law No. 5651 was left unamended.

242 General preamble to the bill submitted to the TBMM Presidency on July 3, 2026, as summarized in İFÖD, press statement, July 13, 2026.

change alone. Article 8/A was not itself amended, yet its administrative blocking power now belongs to the head of a security agency answering to the Presidency of the Republic rather than to the head of a regulatory authority with a collegiate board.²⁴³

Article 21 of Law No. 7590 added a new Article 60/A to the Electronic Communications Law, which authorizes the CSP, on the request of security and intelligence agencies or of its own motion, to determine “the measures that need to be taken” on any ground listed in Article 22 of the Constitution where delay is objectionable. The statute does not define what a measure may consist of. Decisions may be addressed to operators, access providers, data centers, and content and hosting providers, and must be implemented within two hours of notification. The decision is submitted to a criminal judgeship of peace within twenty-four hours, and the judge rules within forty-eight hours, failing which it lapses.²⁴⁴

A single unspecified instruction directed at a data center can render thousands of unrelated services inaccessible at once, so over-blocking is built into the mechanism. Operators must comply within two hours, while the CSP has twenty-four hours to submit the measure for approval and the judge a further forty-eight hours to rule, an outer limit of seventy-two hours. Throttling during the March 2025 protests lasted approximately forty-two hours. The measure therefore ends before the approval period expires. The provision creates a loophole in which judicial authorization may never be obtained at all, since throttling typically lasts hours rather than the indefinite periods for which blocking decisions remain in force. That absence of any judicial decision makes such measures difficult to challenge.²⁴⁵

Article 27(3)(f) repealed Article 60(10) of the Electronic Communications Law, the provision on which throttling decisions had been based since 2016. Article 60(10) did not name bandwidth throttling either, and it suffered from the same absence of published decisions and the same *ex parte* approval procedure. It nonetheless required the administration to attach each throttling decision to an identified paragraph and to submit that decision to a

²⁴³ Law No. 7590, Article 27(2) and (5). Article 27(5) substitutes the CSP for the ICTA in Articles 22 and 23 of Law No. 7578, which govern game platforms and social network providers and enter into force on November 1, 2026. Provisional Article 2 of Law No. 7545, added by Article 26 of Law No. 7590, requires the transfer of movable assets, information systems, data centers, records, and personnel within three months, and permits up to five judges and public prosecutors to be seconded to the CSP. On the volume of blocking administered by the ICTA before the transfer, see Yaman Akdeniz and Ozan Güven, *Digital Lockdown: Silencing the Public in the Name of Public Order* (EngelliWeb 2025 Report), recording 1,505,484 websites and domains blocked from Türkiye by the end of 2025, of which 84.6 percent were blocked by the ICTA.

²⁴⁴ Law No. 5809, Article 60/A, added by Article 21 of Law No. 7590. Article 60/A(3) empowers the CSP to impose administrative fines of 20,000 to 100,000 TL per infringing act, and Article 60/A(5) exempts the CSP from security for costs in proceedings it brings.

²⁴⁵ İFÖD, press statement, July 13, 2026.

criminal judgeship of peace, and a decade of litigation and access-to-information practice developed around that requirement. Throttling now falls unnamed within the undefined measure power, with no designated provision to which a decision must be attached.²⁴⁶

Article 27(4)(a) charges the CSP with providing the technical capability for lawful interception by authorized institutions, and Article 27(2)(a) expands the definition of traffic data in Law No. 5651 from port information to source and destination port information.²⁴⁷ One agency now administers blocking, content removal, throttling, the lawful interception infrastructure, and this expanded traffic data, alongside the universal identity verification requirement examined in section 7.3. İFÖD has warned that vesting these powers in a body integrated with the security and intelligence architecture will reduce transparency further and render access-to-information and judicial remedies ineffective.²⁴⁸

10.7 The Data Protection Framework and Its Limitations in the AI Context

Türkiye's data-protection regime under Law No. 6698 gives individuals a general right to object to results from exclusively automated analysis,²⁴⁹ but, unlike GDPR Article 22, it provides no comprehensive right against solely automated decision-making and no explicit right to human review. The TBMM Commission identified this gap and recommended GDPR harmonization. The KVKK has issued soft-law guidance on chatbots and deepfakes but nothing on AI-powered surveillance, law-enforcement use of AI, or automated communications-data analysis.²⁵⁰

The limits are particularly significant for AI surveillance. As AI tools are increasingly deployed for social-media monitoring, facial recognition, predictive policing, and automated metadata analysis, the absence of a right to human review leaves individuals subject to AI-assisted surveillance with no mechanism under Turkish law to challenge the automated

246 Law No. 7590, Article 27(3)(f). Article 60(10) was inserted into Law No. 5809 by Decree-Law No. 671 of August 15, 2016, and made permanent by Law No. 6757. It was never subjected to abstract constitutional review. The annulment action against Law No. 6757 was confined to the paragraph added by its Article 22.

247 Law No. 7590, Article 27(4)(a), adding Article 6(1)(i) to Law No. 7545; Article 27(2)(a), amending Article 2(1)(j) of Law No. 5651.

248 İFÖD, press statement, July 13, 2026.

249 Law on the Protection of Personal Data, No. 6698, enacted March 24, 2016. Article 11(g) provides individuals the right to object to results arising from exclusively automated data analysis.

250 TBMM AI Investigation Commission Report, Law Section (2026), section 4.3.1.3.7.

component. The right to object to automated results is purely reactive. It becomes available only after a decision has been made and does not address whether AI surveillance tools may be deployed, under what conditions, or with what safeguards.

10.8 Generative AI as a Surveillance Instrument: Use, Application, and Absence of Safeguards

Türkiye has no legislation governing public authorities' use of generative AI for surveillance, and no publicly disclosed framework for the procurement or deployment of AI-powered monitoring systems by law enforcement or intelligence agencies. Even so, the existing censorship infrastructure has already been brought to bear on generative AI, and the resulting state action shows how Law No. 5651's surveillance logic already treats AI outputs.²⁵¹

The primary mechanism is the content-blocking apparatus of Law No. 5651. As documented in section 2.6, criminal judgeships of peace issued Article 8/A blocking decisions against Grok and Ask Perplexity AI outputs on X between July 2025 and March 2026 on national security and public order grounds. Although these are censorship decisions, they show that the state treats AI-generated information as subject to the same monitoring, identification, and suppression process as human content. The data-sharing obligations under Supplemental Article 4(5) apply equally to user interactions with AI services hosted on compliant platforms.²⁵² Thus, prompts, conversation histories, and engagement data associated with generative AI are structurally accessible to Turkish authorities through the existing data-request mechanism without any AI-specific authorization or additional safeguard.

The blocking decisions are also indicators of a surveillance methodology. The March 2026 Rize decision, which blocked Grok's AI-generated responses to user questions about a public-interest news story at the same time, and on the same legal basis, as conventional news articles on that topic, shows that authorities systematically monitor AI outputs

251 Freedom House, *Freedom on the Net 2025: Turkey* (November 2025). The report identifies authorities' use of advanced technical tools to monitor online activity as a contributing factor to Türkiye's "Not Free" classification and its score of 8 out of 40 on the "violations of user rights" subcategory, the lowest in Europe on that measure. The report further notes that individuals were arrested for online activity and that surveillance of communications is pervasive.

252 Law No. 5651, Supplemental Article 4(5), as introduced by Law No. 7418 (October 13, 2022). See sections 10.1 and 10.5 of this chapter.

alongside traditional content.²⁵³ Identifying, flagging, and seeking blocking authorization for specific AI responses to specific prompts presupposes that someone, or some automated system, is monitoring generative AI outputs on public platforms. The legal basis for that function is not disclosed in any documented decision, and no Turkish law specifies the authority, procedures, or limits of such monitoring.²⁵⁴

Law No. 7578 sharpens this dynamic. Its requirement that large platforms deploy automated systems to prevent republication of removed content²⁵⁵ effectively mandates automated content analysis as an instrument of censorship enforcement within the platform environment. A platform operating both a generative AI assistant and a mandatory AI-based upload filter would be required to use one AI system to suppress the outputs of another. No legal framework clarifies how conflicts should be resolved or how the filtering system should be designed to avoid suppressing lawful AI-generated expression.

Beyond the documented blocking decisions, whether Turkish authorities are deploying or procuring generative AI for mass social-media monitoring, sentiment analysis, dissent detection, or automated identification of content warranting investigation remains opaque. The opacity is structural, since neither Law No. 5651, the Cyber Security Law, nor Law No. 6698 requires authorities to disclose the AI tools used for monitoring online expression, the criteria for acting on AI-assisted outputs, or the number of individuals subjected to AI-based analysis. The TBMM Commission Report did not address public-authority generative AI surveillance, AI-powered social-media monitoring by law enforcement or intelligence, or the safeguards such deployment would require.²⁵⁶ This omission is significant, because the Commission identified the need for a framework AI Act and GDPR harmonization but left the most direct threat to expression from AI systems unaddressed.

253 EngelliWeb project documented the sequential blocking of Grok's X account posts (Ankara 7th Criminal Judgeship of Peace, Decision No. 2025/8170, July 9, 2025), Grok's entire X account (September 11, 2025), Ask Perplexity's X account (September 11, 2025), user prompts sent to Grok (January 3, 2026), and Grok's AI-generated responses to user questions about a public interest news story concerning the closure of a pharmacy faculty and allegations of misuse of public funds (Rize Criminal Judgeship of Peace, Decision No. 2026/1398, March 23, 2026). See section 2.6 of this chapter.

254 The Rize Criminal Judgeship of Peace decision of March 23, 2026 (Decision No. 2026/1398).

255 Law No. 5651, Supplemental Article 4(22) and (23), as added by Law No. 7578, Article 22 (in force November 1, 2026). The provision will require platforms with more than ten million daily accesses from Türkiye to deploy AI or automated systems to prevent re-publication of content that has already been subject to a removal or access blocking decision. This is a platform-directed obligation for suppression of user-generated content, not a grant of authority for public authorities to use generative AI as a surveillance instrument. See section 7.4 of this chapter.

256 TBMM AI Investigation Commission Report, Law Section (2026), section 4.3.1.3.7. See section 10.7 of this chapter.

Türkiye’s non-accession to the Council of Europe Framework Convention on AI compounds the problem. The Convention’s provisions on safeguards for high-risk AI systems, procedural protections, and personal-data protection in AI contexts are designed precisely for the kind of vacuum described above.²⁵⁷ Without them, the structural conditions for the unregulated use of generative AI as a mass surveillance instrument are in place, with no binding international obligation to constrain that use.

10.9 Assessment

Türkiye has no AI-specific surveillance legislation.²⁵⁸ The surveillance architecture operates through Law No. 5651’s platform obligations, the throttling provisions of the Electronic Communications Law, the Cyber Security Law’s data-access powers, and Law No. 6698’s limited data-protection framework. The Meta–Google divergence shows that the system depends on platforms’ commercial calculus, with no independent oversight; throttling functions as both a platform sanction and a political-crisis tool; and transparency reporting produces a “transparency illusion.” Law No. 7578 deepens the apparatus by mandating one-hour compliance, automated upload filters, and CSP inspection of platform algorithms. It thereby adds AI capabilities to an already comprehensive monitoring framework while providing none of the safeguards that their scale and opacity require.

257 Council of Europe Framework Convention on AI (CETS No. 225), Articles 14, 15, and 17. Türkiye has neither signed nor ratified the Convention as of the date of writing, despite having taken an active part in the negotiations. See section 3.4 of this chapter.

258 There is no AI-specific legislation in Türkiye governing the use of AI for surveillance by public authorities, AI-powered facial recognition, predictive policing, social media monitoring, or the automated analysis of communications data. The TBMM AI Investigation Commission Report (2026) discussed AI ethics and transparency in general terms but did not propose specific legislation governing AI-powered surveillance. See section 3 of this chapter.

11. MEASURES EMPOWERING FREEDOM OF EXPRESSION

Türkiye’s policy landscape offers very limited measures that meaningfully empower freedom of expression in the context of AI. The principal government initiative to date has been the National AI Strategy 2021–2025, which, as discussed in section 3, focused exclusively on economic competitiveness, workforce development, and technological infrastructure.²⁵⁹ The Strategy did not address freedom of expression, did not incorporate human rights safeguards into its objectives, and contained no provisions relating to the use of AI by disfavored communities, the promotion of diverse viewpoints, or the protection of linguistic and cultural plurality.²⁶⁰ The CHP’s dissenting opinion on the TBMM AI Investigation Commission report noted that the Strategy’s targets lacked measurable outcomes or transparent reporting on achievement rates, making it difficult to assess whether even the limited objectives it did set were realized.²⁶¹

11.1 Absence of Expression-Empowering Measures

The CHP dissent’s broader critique applies directly here. It found that the TBMM Commission report approached AI predominantly through the lens of economic growth, competitiveness, and administrative efficiency, relegating democratic values, public oversight, data sovereignty, and social inequalities to a secondary plane;²⁶² that on AI ethics the Commission offered only general principles without concrete frameworks for prevention, detection, or enforcement;²⁶³ and that the exclusion of bar associations, engineering chambers, labor unions, and press-freedom and civil-society organizations from hearings

259 National AI Strategy 2021–2025 (August 2021). For further analysis, see section 3.1 of this chapter.

260 *Ibid.*

261 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

262 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

263 The CHP dissent stated that no binding ethical framework or sanctionable mechanism for addressing AI ethics violations was established, and that “ethical principles were presented at the level of general principles and good intentions, without any concrete framework on how ethical risks will be prevented, how ethical violations will be detected, and what binding mechanisms will be operated.” See CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

further undermined the process.²⁶⁴ There are no government initiatives specifically designed to promote AI literacy, support AI accessibility for vulnerable populations, or encourage open-source AI development. The expired National AI Strategy and the Commission report both framed workforce development as a competitiveness objective rather than as a measure to empower citizens to understand, critically assess, or meaningfully participate in AI-related discourse.²⁶⁵

11.2 Structural Impediments

Beyond the absence of affirmative measures, the broader regulatory environment actively undermines the conditions under which AI could empower expression. As documented in sections 2 and 4, the existing apparatus has already been deployed to block AI-generated content and AI service accounts.²⁶⁶ The indefinite blocking of Roblox, Wattpad, Discord, and the Voice of America Turkish service restricts access to digital environments in which AI tools and content are increasingly embedded.²⁶⁷ The broader regime, under which more than 1.5 million websites have been blocked and platforms routinely comply with most government removal requests, prevents AI from functioning as a vehicle for diverse viewpoints or minority expression.

The CHP dissent’s warning about developing AI “in line with national values” is pertinent here. Ideological or cultural filters limit creative potential and objectivity, and the ambiguity of “national value” risks the suppression of content labeled “not national.” This would replicate the restrictive logic of the existing content-control regime within AI systems themselves.²⁶⁸ Türkiye’s continued failure to sign the Council of Europe Framework Convention on AI and Human Rights, despite having taken an active part in its

264 The CHP dissent criticized the Commission for failing to hear from the Turkish Bar Association (TBB), the Union of Chambers of Turkish Engineers and Architects (TMMOB), labor unions, and press freedom and civil society organizations, rendering the report deficient in terms of participatory governance and pluralism.

265 TBMM Commission Report, section 4.4.3.8.3.

266 See section 2.6 of this chapter. The Freedom of Expression Association’s EngelliWeb project documented access blocking orders targeting the X accounts of xAI’s Grok and Perplexity AI, individual AI-generated posts, and Grok’s responses to user questions about a matter of public interest.

267 Freedom of Expression Association, EngelliWeb 2024 (September 2025). By the end of 2024, access to Roblox, Wattpad, Discord, the National Film Board of Canada website, iHeart Radio, Tuneln, and Voice of America Turkish had been blocked for extended periods or indefinitely.

268 CHP Dissenting Opinion. The dissent warned that the report’s reference to developing AI “in line with national values” (“millî değerlere uygun”) risks enabling content-level censorship or algorithmic bias: “Training an AI model with specific ideological or cultural filters can limit its creative potential and universal objectivity. Moreover, it is unclear by whom and how the concept of ‘national value’ will be defined.”

negotiation,²⁶⁹ extends into the AI sphere the same gap between international engagement and domestic implementation documented elsewhere in this chapter.²⁷⁰

11.3 The Role of Civil Society

In the absence of government initiatives, civil society organizations have assumed a monitoring and advocacy role that partially compensates for the lack of official action. İFÖD's EngelliWeb project, which systematically documents Internet censorship in Türkiye, has extended its monitoring to include AI-specific blocking decisions, producing some of the earliest documented records globally of state censorship targeting generative AI content. İFÖD's *Digital Obedience Regime* report has provided the most comprehensive publicly available analysis of platform compliance with Turkish government content removal requests, including compliance rates for AI-related content.²⁷¹ These civil society efforts, while essential for transparency and accountability, operate under increasingly constrained conditions and cannot substitute for the structural policy measures required to meaningfully empower freedom of expression in the AI context.

11.4 Assessment

Türkiye has no meaningful initiatives on AI literacy, accessibility, linguistic and cultural plurality, or open-source development. Civil society partially fills the monitoring gap but cannot substitute for affirmative policy. Until AI governance embeds enforceable human-rights safeguards and prioritizes empowering citizens as users and participants in AI-mediated discourse, Türkiye's record on this dimension will remain among the weakest of the jurisdictions surveyed.

269 See section 3.4.

270 See section 3.4 of this chapter.

271 Yaman Akdeniz and Ozan Güven, *Digital Obedience Regime* (2026).

12. MISCELLANEOUS

This section addresses two institutional and structural issues that cut across the thematic areas examined above. The first is the ongoing reorganization of AI governance in Türkiye. The second is the consequence for freedom of expression of the country's continued failure to sign the Council of Europe Framework Convention on AI.

12.1 Institutional Fragmentation and the Proposed Turkish AI Agency

Building on section 3.1, the structural significance of the post-CBDDO reorganization lies in the competing institutional visions it has surfaced. The TBMM Commission acknowledged the coordination gap created by the CBDDO's dissolution²⁷² and recommended a dedicated Turkish AI Agency (Türkiye Yapay Zekâ Kurumu) with regulatory, supervisory, and supportive functions.²⁷³ Yet the Commission simultaneously proposed nine separate AI-related bodies, namely a permanent parliamentary commission, an AI Ethics Board, the Turkish AI Agency, a Turkish Data Agency, a High-Level AI Consultation Platform, a Digital Talent Office, an AI-supported National Crisis and Disaster Management Centre, an AI Joint Research and Product Development Centre and Fund, and Digital Health Management Centers. The CHP dissent characterized this as “institutional inflation” contradicting the report's own anti-proliferation objective, and it recommended instead a single facilitating agency with internal specialist units.²⁷⁴ Neither proposal, however, specifies whether human-rights protection and freedom of expression would be among the Agency's core objectives or relegated to non-binding ethical guidelines. The rights-protective dimension of AI governance thus remains unaddressed regardless of which institutional model is adopted. The contrast with Internet regulation is sharp. Law No. 7590 concentrated Internet regulation in a single security institution in July 2026, whereas the Commission would spread AI governance across nine new bodies.

272 TBMM AI Investigation Commission Report, Law Section (2026), section 4.4.3.3.

273 *Ibid.*

274 CHP Dissenting Opinion, TBMM AI Investigation Commission Report (2026).

12.2 The Council of Europe Framework Convention: Institutional Continuity Risk

As discussed in section 3.4, Türkiye participated actively in negotiating the Council of Europe Framework Convention on AI but has not signed or ratified it as of this writing. The dissolution of the CBDDO less than two months after its Deputy Chair’s February 2025 statement that signature was “in the near future” introduced a risk of institutional discontinuity. Although the TBMM Commission recommended that the CSP continue the preparatory work for signature and accession,²⁷⁵ no such progress has been made. The gap between Türkiye’s participation in drafting the Convention and its subsequent inaction matters because of what the rest of this chapter documents. A state already deploying its censorship infrastructure against generative AI content, with no AI-specific safeguards, has an acute need for the binding human rights framework the Convention would provide.

²⁷⁵ TBMM AI Investigation Commission Report, Law Section (2026), section 4.1.2.2.

13. CONCLUSION

Türkiye is actively planning for the age of artificial intelligence while simultaneously dismantling the digital rights infrastructure that would protect freedom of expression within it. Türkiye is well aware of AI's implications for expression, yet its institutional choices, legislative priorities, and enforcement practices consistently subordinate rights protections to political control.

The constitutional and international legal framework is, on paper, robust. Article 26 guarantees freedom of expression, Article 90(5) gives international human-rights treaties primacy over conflicting domestic law, and Türkiye is bound by both the ECHR and the ICCPR. The Constitutional Court has issued landmark judgments holding that wholesale platform blocking and the administrative censorship powers under Article 8/A of Law No. 5651 structurally violate freedom of expression, and the ECtHR has found Türkiye in violation of Article 10 in more than 460 cases. Yet this formal architecture coexists with a censorship apparatus of extraordinary scale. By the end of 2025, approximately 1.5 million websites and domain names had been blocked; entire platforms, including Roblox, Wattpad, Discord, and the Voice of America Turkish service, remain indefinitely inaccessible; and social media platforms routinely comply with over 80 percent of government removal requests under the threat of throttling and revenue-based fines.

Türkiye's approach to AI is defined by this pre-existing infrastructure. The same provision (Article 8/A), restriction grounds (national security and public order), and institutional actors (criminal judgeships of peace) used for over a decade to block news articles, social media accounts, and entire platforms now target generative AI. The blocking of Grok and Ask Perplexity AI on X, the censorship of AI-generated posts, the suppression of an AI assistant's public-interest responses, and the use of a civil-court preliminary injunction by a public university to block AI-platform content relaying demands for accountability over a student's suspicious death are among the earliest documented instances anywhere of state censorship specifically targeting generative AI. In the Rize decision, Grok's responses

to questions about a university scandal were blocked on the same grounds and by the same court that had blocked conventional news on the topic one week earlier. The decision shows that the apparatus treats AI-generated information as functionally equivalent to journalism, extending the same reflexive suppression without considering whether AI outputs warrant different treatment.

The AI policy landscape reinforces this pattern. The expired National AI Strategy addressed competitiveness, workforce, and infrastructure but said nothing about freedom of expression or enforceable ethical frameworks. The CBDDO, which headed Türkiye's delegation to the Convention negotiations, was dissolved. Its functions were dispersed between the CSP and the MTYZGM, with no successor strategy published. The TBMM Commission's framework recommendation drew a CHP dissent that identified four critical deficiencies, namely the exclusion of civil society and bar associations, the reduction of AI governance to economic growth, the absence of binding ethical mechanisms, and the proposal to develop AI "in line with national values," a phrase whose ambiguity creates obvious risks of content-level censorship. Türkiye's failure to sign the Council of Europe Framework Convention, despite heading a national delegation and holding a seat on the negotiating committee's Bureau, encapsulates the broader pattern of formal participation in the development of norms that the state has no intention of implementing domestically.

The institutional picture changed again in July 2026. Law No. 7590 transferred the administration of Law No. 5651 from the ICTA to the CSP, so the power to order blocking without prior judicial approval now rests with a security agency answering to the Presidency of the Republic. The same law repealed Article 60(10) of the Electronic Communications Law, the provision to which throttling decisions had been tied since 2016, and replaced it with a power to impose undefined measures enforceable within two hours. It also charged the same agency with maintaining the lawful interception infrastructure. One institution now administers blocking, throttling, and interception, and the transfer carried no new safeguard, review mechanism, or transparency obligation.

The central finding of this chapter is that Türkiye's challenge lies in the character of the regulatory environment that AI now enters, rather than in any absence of AI-specific legislation. Türkiye blocks more than 300,000 websites per year, throttles bandwidth during protests, and compels platforms to remove content within hours under threat of

existential sanctions. Authorities have already extended that apparatus to generative AI content. A state with those powers does not need AI-specific censorship tools. The existing infrastructure is sufficient and is already in use. The question is whether the AI regulation Türkiye adopts will embed enforceable human-rights safeguards or replicate and extend the repressive logic of its existing digital governance. On the evidence here, the trajectory points firmly toward the latter.



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