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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

TÜRKIYE

ARTICLE 29
OF THE LEGISLATIVE PROPOSAL ON AMENDMENT TO THE
PRESS LAW AND SOME OTHER LAWS
AND INFORMATION NOTE

INFORMATION NOTE

Subject: The Legislative Proposal on Amendment to the Press Law and Some Other Laws

(1) The Legislative Proposal on Amendment to the Press Law and Some Other Laws was communicated to the Speaker's Office of the Grand National Assembly of Türkiye (GNAT) on 26 May 2022 and referred by the Speaker's Office to the Committee on Justice as the primary committee and to the Committee on Digital Channels as the secondary committee.

(2) The discussions of the secondary committee on the aforementioned Legislative Proposal were concluded on 6 June 2022 and those of the primary committee were concluded on 20 June 2022, and the Proposal was approved by the Committee on Justice by the majority of votes. Drawn up by the Committee on Justice in regards to the approved Legislative Proposal, a report was disseminated to the members of the GNAT.

(3) The discussions over the Legislative Proposal could not be commenced in the 5th legislative year of the 27th term. It is now placed on the Agenda of the GNAT Plenary as the item "legislative proposals and other procedures submitted by the committees" to be discussed following the start of the new legislative year on 1 October 2022.

(4) Publicly known as "the disinformation law", the Legislative Proposal comprises a total of 40 articles and the Legislative Proposal is projected to introduce amendments to 23 different laws including but not limited to the Press Law No. 5187, the Law No. 5953 on Governing the Relations Between Employers and Employees in the Profession of Journalism, the Law No. 5651 on Regulation of Publications on the Internet and Combating Crimes Committed by Means of Such Publication, the Law No. 5809 on Electronic Communications, and the Turkish Penal Code No. 5237.

(5) The aforementioned Legislative Proposal aims in general to make sure online news websites and their employees exercise the rights accorded for newspapers and journalists, place online news websites under the category of periodicals, make sure that official announcements and advertisements are released on online news websites based on certain rules, govern the terms for types of press credentials and eligibility rules, name the members of the Press Credentials Committee and their length of tenure, set out cases that would cause press credentials to be cancelled and their consequences, introduce some changes in the organizational structure of the Press Advertising Agency, eliminate reservations about the authority to implement resolutions on removal of contents/blocking access, set the roles and powers of the Access Providers Association, remove the differentiation between the domestic

and international for predicate offences committed online, introduce additional regulations on obligations and responsibilities of social network providers, define the over-the-network services (instant messaging apps) and grant authority to the Information and Communication Technologies Authority to make the necessary regulations and take the relevant measures regarding these services, make a definition of the offence “publicly disseminating information to mislead the general public” set out under the category of “Offences Committed Against Public Peace” in the Turkish Penal Code to take actions against disinformation, and make sure that publicly disseminating misleading information in a way to cause disruption in public peace is designated as an offence.

(6) The proposed amendment to the Turkish Penal Code under article 29 of the Legislative Proposal designates it as an offence to publicly disseminate misleading information about the country’s internal and external security, public order, and general well-being to solely cause public concerns, fear or panic. Should the offence be committed by a perpetrator concealing his/her real identity or within the framework of the activities of an organization, it shall be deemed as a rationale to aggravate the sentence.

(7) Article 29 of the Legislative Proposal was amended and approved by the Committee on Justice upon the agreement on the motion made to eliminate reservations about major offences committed by perpetrators, impose an aggravated sentence if it is committed by a perpetrator concealing his/her real identity or within the framework of the activities of an organization, and thus eliminate the concerns of the press members about being forced to disclose their sources.

LEGISLATIVE PROPOSAL	AS APPROVED BY THE COMMITTEE ON JUSTICE
<p>ARTICLE 29- The following article has been added to the Turkish Penal Code No. 5237 of 26/9/2004 to follow article 217 of the said Law.</p> <p>“Publicly disseminating misleading information</p> <p>ARTICLE 217/A- (1)Those who publicly disseminate misleading information, exclusively to cause public concerns, fear or panic, regarding the country's internal and external security, public order and general well-being in a way conducive to disturbance of the public peace shall be sentenced to a penalty of imprisonment of a term of one to three years.</p> <p>(2) Should the offence be committed by a perpetrator concealing his/her real identity or within the framework of the activities of an organization, the sentence to be imposed in accordance with the aforementioned paragraph shall be increased by half.”</p>	<p>ARTICLE 29- The following article has been added to the Turkish Penal Code No. 5237 of 26/9/2004 to follow article 217 of the said Law.</p> <p>“Publicly disseminating misleading information</p> <p>ARTICLE 217/A- (1)Those who publicly disseminate misleading information, exclusively to cause public concerns, fear or panic, regarding the country's internal and external security, public order and general well-being in a way conducive to disturbance of the public peace shall be sentenced to a penalty of imprisonment of a term of one to three years.</p> <p>(2) Should the perpetrator commit the offence by concealing his/her real identity or within the framework of the activities of an organization, the sentence to be imposed in accordance with the paragraph one shall be increased by half.”</p>