

A NEW "DISINFORMATION" LAW OBSTRUCTS FREEDOM OF EXPRESSION IN TURKEY

ACHRS STATEMENT | ZELAL AG



A recent "disinformation" law has sparked new controversy in the Turkish parliament. The vaguely defined law, which targets news platforms, social media content and journalists, has been sharply criticised for being an extension of Erdoğan's censorship policy and further restricting freedom of expression ahead of Turkey's 2023 elections.

Despite harsh criticism, Erdoğan's ruling party, AKP, has now managed to pass its proposed law against "disinformation" in parliament, which could have fatal implications for public freedom of expression in Turkey.

The law was introduced to ensure that content that could "disturb public order or spread fear or panic among the population" is curbed. This could result in prison sentences of up to three years. It may affect not only journalists and news or media platforms but also social media users, who might fall under the scope of the law.

The Threat Posed by The Law

According to critics, the law threatens freedom of expression in Turkey, as it criminalises the dissemination of information that does not fit into the autocratic image of the government. Opposition politicians like Burak Erbay (CHP) even go so far as to proclaim that freedom of communication is over.

Social media content, for instance, can now be removed when classified as false information. However, the law does not provide a clear and exhaustive definition of such. Merely "news that disturbs public order or spreads fear or panic among the population" is understood to be misinformation. Turkish law does not define fear or panic, which makes it too vague and creates room for speculation and unjustified arrests of journalists, critics and social media users.



These concerns do not come without reason, as Turkey is already known for its controversial censorship of journalists and activists. After the coup attempt in 2016, Erdoğan put countless journalists and activists behind bars using laws and claims of security against terrorism as justification. Those targeted were often only Erdoğan critics or opposition defenders, such as journalist Deniz Yücel or the ex-chairman of the pro-Kurdish HDP party, Selahattin Demirtas. The law spreads fear among the population to no longer express criticism of the government and to distance themselves from critics. This ultimately leads to the suppression of individuals who think differently from the current Erdoğan government.

The New Law Has Opened The Election Campaign in Turkey

Given the upcoming elections, the new law with the prospect of censorship of political opponents is quite fitting. The position of the current President Recep Tayyip Erdoğan, his ruling party AKP and coalition partner MHP are already weakened by the country's current economic situation. The value of the Turkish lira has lost over 40%, the government is already at over 80% inflation, and gas and energy prices are skyrocketing. Recent polls show that the AKP, with Erdoğan as its candidate for the 2023 elections, has lost supporters since the last election, while its primary opponents, The Good Party and CHP, have gained supporters. Now, Erdoğan is the only candidate put forward for election, as the oppositions have yet to settle on one of their candidates. Kemal Kılıçdaroğlu of the CHP seems to be a potential contender and possibly the best competitor against Erdoğan.

The new law could provide Erdoğan and his government with support to censor those who speak out on the current situation; for example, by criticising the inflation policy so that they can carry out their election campaign undisturbed.

The Human Rights to Freedom of Expression

Turkey, by signing the 1953 European Convention for the Protection of Fundamental Rights and Freedoms, has committed to:

1. Ensure "everyone has the right to freedom of expression [including] freedom to hold opinions and to receive and impart information and ideas without interference by public authorities and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises."

2. An to protect and implement (1) which is a “necessity in a democratic society, in the interests of national security, territorial integrity or public safety [...] for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

Thus, given this framework, Turkey has the obligation to ensure that any legislation respects and ensures the rights of everyone’s freedom of expression.

Moreover, critics have commented that the opinion of journalistic organisations was not sought in the preparation of the law, whereas they will be most affected by it. This is neither in accordance with democratic values nor in line with ACHRS priorities for the right of speech within the MENA Region.

ACHRS’ Position

Given current concerns regarding the status of freedom of speech in Turkey, ACHRS takes a clear stand against all undemocratic and human rights-violating actions. ACHRS endorses the protection of the freedom of expression and denounces attempts to censor opposing political ideology.

Furthermore, ACHRS strongly condemns any action taken on the grounds of false information that leads to an attack on critical voices, the censorship of public opinion or imprisonment!

ACHRS also condemns the enforcement of the new law without seeking sufficient consultation with media and journalistic organisations.

Suggested Way Forward

ACHRS suggest as a way forward that a review of the law be undertaken with the help of the affected groups to ensure that any ambiguity in its interpretation and implementation be eliminated.

(DW; Amnesty; The Guardian; TGS; VOA News; TAZ; Human Rights Watch; AlJazeera; Human Rights Watch)