[BG] Draft Law on Amendment of the Penal Code

IRIS 1999-3:1/24

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On 8 February a draft law that would amend the Penal Code was introduced to the Council of Ministers of the Republic of Bulgaria. The draft Law provides changes to the highly disputed Section "Offence and aspersion" within the Penal Code. Concerned are those provisions, which currently provide different terms of jail for offence and aspersion and which had already been challenged in the Constitutional Court of Bulgaria as being directed against the journalists and the freedom of speech. Yet the Constitutional Court upheld the provisions and saw no violation of the Constitution or the European Convention on Human Rights (see IRIS 1998-8:6).

The draft law would lead to substituting the imprisonment penality provided by the Section "Offence and aspersion" with fines varying between 5 and 30 million leva. Up to 20 million leva (= 20,000 DEM) could be imposed for offences and up to 30 million leva (= 30,000 DEM) for aspersion. The draft is decisively opposed by some of the leading members of the governing political party who fear that a change in the type of penalty as proposed by the text of the draft law would stimulate the irresponsibility among the journalists. On the other hand the draft seems to be equally unacceptable to journalists who fear that the financial burden that could result from the new penalties in the draft law would be unbearable for an average monthly remuneration of a Bulgarian journalist, and that journalists accused of offence or aspersion would go bankrupt. As a consequence, journalists fear a (precautionary) decrease in so called "risky" journalistic genres comment, analysis, investigation, which finally would result in a threat to the freedom of speech.

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