

FREEDOM OF THE MEDIA BEFORE COURTS OF LAW

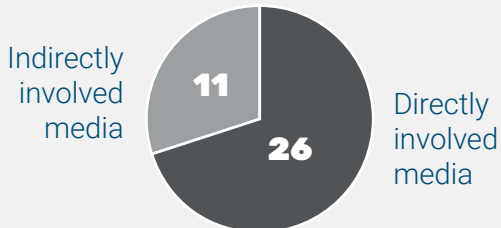
HOW TO COUNTERACT LEGAL ACTIONS AIMED AT SILENCING JOURNALISTS (SLAPPS)

Debates about topics of public interest are essential for a democratic society, and the media plays a fundamental role in this process. Because of that, the press is {often} sued for its work with the aim of intimidating it and discouraging public discourse. In European law, such actions are called

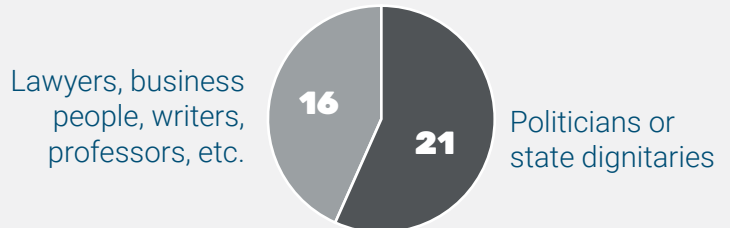
SLAPPS

STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION

THE STATUS OF PLAINTIFFS

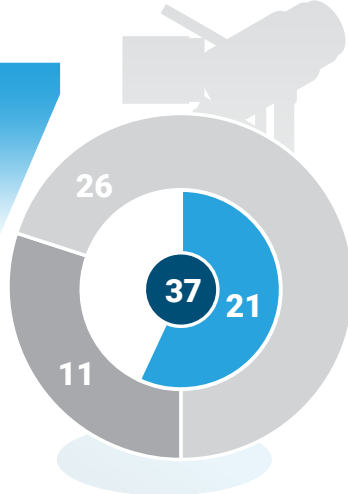


THE WAY THE MEDIA WAS INVOLVED



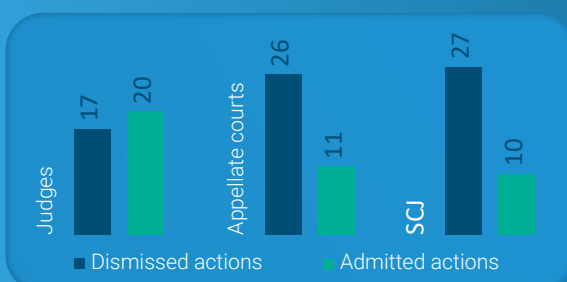
THE LRCM HAS ANALYZED 37 CASES CONCERNING FREEDOM OF THE MEDIA

the Supreme Court of Justice resolved between 1 January 2019 and 31 December 2023. In lower courts, the number of legal actions against media outlets is considerably larger.



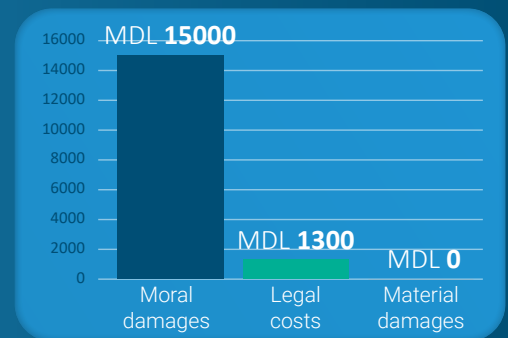
- In 26 cases (70%) the media was involved directly,
- and in 11 cases (30%), indirectly, usually as additional intervenor.
- In 21 cases (57%) the plaintiffs were politicians or state dignitaries, who should be more tolerant of public criticism.

COURTS' RESOLUTIONS AND AWARDED DAMAGES



The Supreme Court of Justice admitted 10 (27%) out of 37 cases definitively. District courts are twice as likely to admit such actions against media outlets as higher courts.

The average sum awarded in moral damages was MDL 15,000, and the average amount of legal costs was 1,300 MDL. Material damages were not awarded in any of the cases.



MOLDOVAN LAW

- Right to freedom of expression and information of the public
- Prohibition of censorship and freedom to criticize the state
- Source protection
- Narrow timeframes for the statement of charges
- Regulation of presumptions favorable to defendants
- Obligation to pay taxes
- Protection of good faith

EUROPEAN UNION LAW

- Support for defendants in court from community organizations
- Guarantees of the repair of potential harm
- Fast-tracked dismissal of SLAPPS
- Payment of all legal costs
- Applying of sanctions to plaintiffs in SLAPPS
- Public tracking of SLAPPS

RECOMMENDATIONS

FOR THE COUNCIL OF THE PRESS

- Organize campaigns to raise public awareness about SLAPPS
- Carry out a periodic monitoring of SLAPPS and inform the public about the results

FOR PARLIAMENT / THE GOVERNMENT

- Adjust the law by establishing a mechanism for fast-tracked finding and dismissal of SLAPPS

FOR COURTS OF LAW

- Gather disaggregated data about SLAPPS
- Transmit collected information to the Courts Administration Agency

FOR THE NATIONAL INSTITUTE OF JUSTICE

- Organize systematic training events on SLAPP for judges
- Develop a dedicated SLAPP training program for the trainees of the NIJ

FOR THE COURTS ADMINISTRATION AGENCY

- Establish a national SLAPP tracking register
- Cover SLAPP statistics and the way of resolution in the agency's reports