

SUMMARY

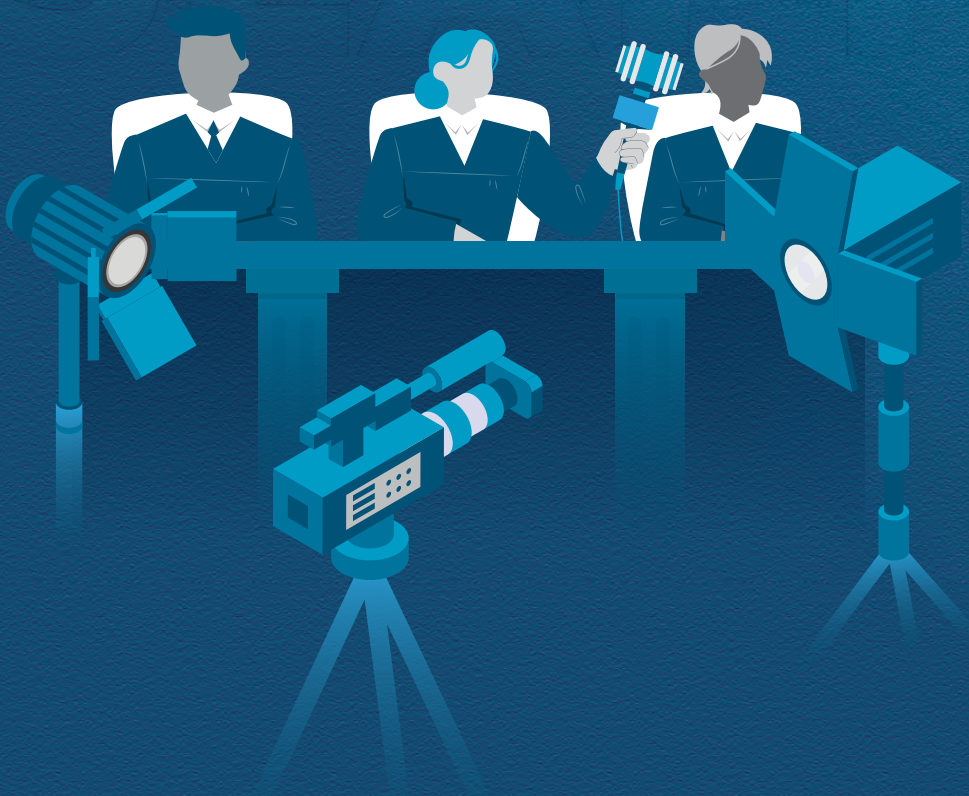
JULY
2024

MEDIA FREEDOM THROUGH THE LENSES OF JUSTICE

How to counteract strategic lawsuits
against public participation

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Chișinău 2024

This publication was funded the Embassy of Finland in Bucharest, as part of the project “Free Speech Watch: Researching legal challenges to freedom of expression and strengthening journalistic independence”, implemented by the Legal Resources Centre from Moldova (LRCM), and is co-funded by the U.S. Department of State. The opinions, findings, and conclusions stated herein are those of the LRCM and do not necessarily reflect those of the partners mentioned.

Freedom of expression is fundamental to the development of a democratic society, and the media, as the primary source of information for the public, stands guard over democracy. Its work depends on the ability to address any matter of public interest safely and without restriction. A censored or oppressed media is rendered ineffective, while a controlled media is dangerous, as it becomes a powerful tool for manipulation and disinformation.

This analytical document, available in [Romanian](#) and [Russian](#), aims to assess the extent to which national courts have uniformly handled cases concerning media freedom of expression and to determine whether the phenomenon of Strategic Lawsuits Against Public Participation (SLAPP) is present in Moldova. In conducting our assessment, we examined relevant European and national legislation and provided recommendations for improvement. Specifically, we identified and analyzed 37 cases adjudicated by the Supreme Court of Justice (SCJ) over the past five years (2019–2023). We also delved into the judgments of lower courts. Our analysis did not evaluate the soundness of courts' solutions, but focused exclusively on whether the law was applied uniformly. We acknowledge that the number of cases against the media is considerably higher. However, in accordance with our methodology, we examined only the cases in which the Supreme Court issued an irrevocable decision during the reference period.

National legislation guarantees the right to freedom of expression, balanced with the respect for the right to honor, dignity, professional reputation, and private life. Nevertheless, media representatives frequently face abusive legal actions aimed at silencing them. European legislation denominates this phenomenon as Strategic Lawsuits Against Public Participation (SLAPP). Their purpose is to intimidate and silence the media, often resulting in self-censorship and stifling public debate on crucial issues. When such actions arise, corruption and social inequity thrive.

Our statistical analysis revealed that two-thirds of these lawsuits directly targeted media outlets. More than half of the plaintiffs were politicians or public officials, who should demonstrate a higher level of tolerance towards media coverage. The media outlets most frequently sued were online news portals and TV stations. The average duration of these cases exceeded three years, which is three times longer than the average duration of civil proceedings. Of the 20 lawsuits admitted by first-level courts, half were overturned on appeal. Ultimately, 70% of the lawsuits were dismissed, suggesting that many of them were attempts to intimidate the media. The average amount claimed for moral damages was MDL 95,500, while the average amount awarded was MDL 15,000.

Overall, the courts applied the law uniformly, with no inexplicable decisions identified. The courts appropriately determined the plaintiffs' status as public figures and acknowledged the fundamental right of the public to be informed. They also made appropriate distinction between statements of fact and value judgments.

Nevertheless, we did identify some SLAPP cases. Although the courts dismissed these cases, media outlets still faced legal costs, uncertainty, and a significant expenditure of time and energy. This highlighted the need for amendments to national law to mitigate the harmful impact of this phenomenon.

European Union law already provides for such mechanisms. The European Directive of April 11, 2024 requires the adoption of a set of measures including : support for targets of abusive court proceedings against public participation by trade unions, specialized organizations, and associations; the requirement for plaintiffs to provide a guarantee to cover estimated costs incurred by the defendant and the right to compensation for damages; the possibility of expedited dismissal of SLAPP claims; sanctions against individuals filing SLAPPs; and the collection, reporting, and monitoring of data on SLAPP cases.

National law provides several key guarantees to protect media freedom, including: an express prohibition of censorship and the enshrinement of the right to criticize the state; protection of the anonymity of sources; strict time limits for filing claims; regulations favoring defendants through legal presumptions; mandatory state fee requirements, particularly for moral claims; and exemption from liability for damages resulting from the good-faith dissemination of false information (good-faith protection).

Based on our analysis and findings, we recommend: establishing a mechanism for the expedited determination and dismissal of SLAPP actions; collecting and analyzing data on judicial proceedings related to media freedom; creating a national register to track SLAPP cases; training justice sector professionals to identify and counter SLAPPs; and organizing awareness campaigns to highlight the importance of combating the SLAPP phenomenon.

The full version of the analytical document in Romanian can be consulted [here](#).



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