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Event | 07.09.2017 | 09:30 - 13:00

Criminal defamation laws in the EU

Are criminal defamation laws stifling free speech?

Background

In the laws of many countries defamation is defined both as a civil wrong and a criminal offence. In other words, a person can either be sued for compensation by the affected person or be criminally prosecuted by the state.

Criminal defamation laws are especially problematic from the point of view of free expression. They can lead to the imposition of harsh sanctions, such as a prison sentence, suspension of the right to practise journalism or a hefty fine. Even if they are applied with moderation, criminal defamation laws still cast a long shadow: the possibility of being arrested by the police, held in detention and subjected to a criminal trial will be in the back of the mind of a journalist when he or she is deciding whether to expose, for example, a case of high-level corruption. This is not to say that defamation should not be discouraged; but in accordance with the necessity test, the means used to discourage it should be carefully targeted, to prevent the dampening of legitimate criticism.

International bodies such as the UN and the OSCE have recognised the threat posed by criminal defamation laws and have recommended that they should be abolished. For example, the OSCE Parliamentary Assembly has called for the abolition of all laws that provide criminal penalties for the defamation of public figures or which penalise defamation of the state or state organs. The UN, OSCE and OAS Special Mandates have gone even further, stating: “Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws.” The UNHRCm has expressed its concern several times over the misuse of criminal defamation laws in concrete cases, recommending a thorough reform in countries as wide- ranging as Azerbaijan, Norway and Cameroon.

By contrast, the ECtHR has declined to rule that criminal defamation laws are by definition a violation of the right to freedom of expression. At the same time, it has never upheld a prison sentence or other serious sanctions applied under such a law.

Programme

09.30h - 09.45h
Opening and moderation 1st panel - MEP **Josep-Maria Terricabras**

Panel 1 What is Criminal Defamation? What is the situation of Criminal defamation laws in the EU? Is ruling Criminal Defamation by definition a violation of the right to freedom of expression? What can the European Parliament do?

09.45h – 10.15h
Pierre François Docquir, Senior Legal Officer at ARTICLE 19

10.15h – 10.45h
Mike Harris, CEO of 89up and an advisor to English PEN on criminal defamation and libel reform

10.45 – 11h
Questions

11h – 11.15h
Coffee break

Panel 2 Practical cases: Arrest by Spanish authorities of Turkish-Swedish journalist Hamza Yalçın pursuant to an Interpol Notice issued by Turkey, Spanish gag law, first-hand experience (El Jueves) of a satirical magazine that was censured and subjected to a criminal trial on 2007 and 2014.

11.15h – 11.30h
Moderation of 2nd panel MEP **Bodil Valero**

11.30h – 12.00h
Carme Arenas, president of Catalan PEN

12.00h – 12.30h
Guille Martínez-Vela, director El Jueves

12.30h – 12.45h
Questions

12.45h – 13h
Closing remarks by MEP **Judith Sargentini**

Key speakers

- **Mike Harris** is the CEO of 89up and an advisor to English PEN on criminal defamation and libel reform. Mike has run high profile campaigns on Libel Reform and human rights in Belarus and Azerbaijan. He is the author of a number of reports on free speech including The EU and freedom of expression; Burma: Freedom of Expression in Transition and is a contributor to Palgrave Macmillan's book Media Law and Ethics in the 21st Century.

- **Pierre François DOCQUIR** is a researcher and expert in the fields of Human Rights Law, Internet and Media Law and Regulation. He has joined the freedom of expression NGO ARTICLE 19 (www.article19.org) in 2015, as Senior Legal Officer. He previously served as vice-president of the Conseil Supérieur de l'Audiovisuel in French-speaking Belgium (2007-2015) and was a researcher at the Université Libre de Bruxelles, where he obtained his PhD in Law in 2009. At ARTICLE 19, Pierre François focuses on media freedom, media regulation, and the evolution of media policy in the context of convergence.

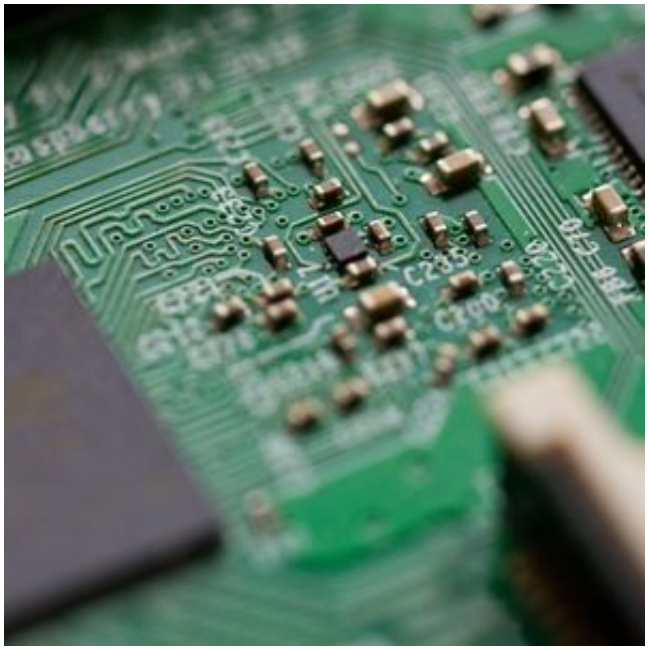
- **Carme Arenas**, president of Catalan PEN. Graduate in History of Art and Catalan Philology from the University of Barcelona, he is a professor of Catalan Literature, literary critic, translator and publisher.

- **Guillermo Martínez-Vela** (Barcelona, 1983) signs his vignettes as 'Guille'. Tanned in fanzines and university magazines, he jumped to professionalization as a graphic humorist in 2008 when he began collaborating with the weekly El Jueves. In 2010 he joined the editorial board of the magazine, where he has done all kinds of creative and organizational tasks. In 2016 he is appointed director of El Jueves. His works include his participation in the supplement 'Gas de la Risa' and the series of strips 'Niña pija'.

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Registration

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Responsible MEPs



Judith Sargentini

Member



Josep Maria Terricabras

EFA President and first Vice President of the Greens/EFA Group



Bodil Valero

Vice-President

Contact person



Josep Maria Terricabras

EFA President and first Vice President of the Greens/EFA Group

Venue

European Parliament - room ASP 5E1 - 60, Rue Wiertz - 1047 Brussels

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