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THE ROLE OF THE EUROPEAN COURT OF HUMAN RIGHTS IN RESTORING THE BALANCE FROM THE RIGHT TO FREE EXPRESSION OF THE JOURNALIST AND THE RIGHT TO PROFESSIONAL REPUTATION OF ANOTHER PERSON

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Abstract

Nowadays, ensuring a balance between the right to freedom of expression of journalists and the right to protection of reputation represents a challenge for many states, including the Republic of Moldova. Although journalists are allowed to spread information that offends, shocks or disturbs, they are called to Court often by the subjects of their articles, even in front of The European Court of Human Rights. In some cases, the Court gives justice to the journalists, considering that articles respect the principles of responsible journalism. In other cases, the Court concluded that journalists exceeded the limits of freedom of expression, holding that there had been a violation of article 8 of the European Convention of Human Rights regarding the right to protection of reputation. The paper aims to analyse the role of The European Court of Human Rights in restoring the balance between these two rights, relying on Case of Busuioc v. Moldova, Case Timpul Info-Magazin and Anghel v. Moldova, Case Flux and Samson v. Moldova, Case Savițchi v. Moldova.

Keywords: right to freedom of expression, right to protection of reputation, balance, imbalance, The European Court of Human Rights.

INTRODUCTION

The analysis of the role of the European Court of Human Rights in ensuring a balance between the journalist's freedom of expression and the right to the professional reputation of the subject of journalistic materials represents an interesting scientific research topic, given the number and complexity of defamation cases. The paper aims to discover the general aspects regarding the journalist's freedom of expression and the right to the professional reputation of the subject of the journalistic material and analyze the role of the Court in delimiting the sphere of facts from the sphere of value judgments, in the protection of freedom of expression and the right to professional reputation.

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METHODOLOGY

The present work is based on the logical method and the sociological method.

RESULTS

General aspects regarding the journalist's freedom of expression

Freedom of expression is a fundamental human right, socio-political [1] and inextricably linked to the activity of the media. Being considered the "public watchdog" [2] by the European Court of Human Rights (hereinafter, the Court), the press can achieve its primary purpose of serving the public interest [3] only when it enjoys freedom of expression, independence, professional honor and trust from society. Freedom of expression appears, therefore, as a fundamental and necessary value in a democratic society, which, along with good faith, constitutes the foundation of responsible journalism.

Thanks to its importance on the scene of socio-political rights, freedom of expression is enshrined by a diverse palette of international normative acts (art. 19 of the Universal Declaration of Human Rights [4], art. 19 of the International Covenant on Civil and Political Rights [5], art. 10 of the European Convention on Human Rights [6]) and national [art. 32 of the Constitution of the Republic of Moldova [7], art. 3 of Law no. 64/2010 on freedom of expression [8], art. 1 paragraph (1) from Law no. 243/1994 regarding the press [9]]. We will highlight some legal texts that we consider important for this paper:

- art. 10 of the European Convention on Human Rights sheds light on the fact that "everyone has the right to freedom of expression" and that "right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers";
- according to art. 32 of the Constitution of the Republic of Moldova, "every citizen is guaranteed freedom of thought, opinion, as well as freedom of expression in public by word, image or by any other possible means";
- according to art. 3 paragraph (1), (2) from Law no. 64/2010, "every person has the right to freedom of expression; this right includes the freedom to seek, receive and communicate facts and ideas" and "freedom of expression protects both the content and the form of information expressed, including information that offends, shocks or disturbs";
- in accordance with art. 1 paragraph (1) from Law no. 243/1994, "the state guarantees all persons the right to the free expression of opinions and ideas, to truthful information on events in domestic and international life through periodical publications and press agencies, which operate in conditions of political pluralism, such as and compliance with copyright law".

Art. 4 of Law no. 64/2010 stipulates that "the freedom of expression of the mass media also admits a certain degree of exaggeration or even provocation, provided that the essence of the facts is not distorted". For example, in the Flux and Samson case against Moldova [10], the Court emphasized that "it is convinced of the good faith of the newspaper and of the fact that it

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acted in accordance with the principles of the responsible journalist (...), although he resorted to "a degree of exaggeration or even provocation", which must be protected". [11]

Although it represents a right "of first importance in any democratic society" [12], freedom of expression is not absolute. For example, in the *Flux vs. Moldova* case, the Court noted that "freedom of expression does not give newspapers the absolute right to act irresponsibly and make accusations without factual basis", stating that "the newspaper flagrantly violated the principles of a journalism responsible". [13] Therefore, journalists must exercise their activity responsibly, avoiding exceeding the limits of freedom of expression and without disturbing the balance between the right to free expression and the inherent rights of other people.

Corneliu Bîrsan mentions that "we must not lose sight of the fact that sometimes freedom of expression can be in conflict with certain collective or individual interests, which means that it should not be conceived beyond any limits". [14] Therefore, the journalist's freedom of expression is limited when the subject of the journalistic material concerns sensitive topics, such as "national security, territorial integrity or public safety, defense of order and crime prevention, protection of health or morals, protection of reputation or the rights of others, the disclosure of confidential information or to guarantee the authority and impartiality of the judiciary" (art. 10 of the Convention and art. 3 par. (3) of Law no. 64/2010), "the honor, dignity or right of another person to one's own vision, contesting and defaming the state and the people, incitement to war of aggression, national, racial or religious hatred, incitement to discrimination, territorial separatism, public violence, as well as other manifestations that threaten the constitutional regime" [art. 32 par. (2), (3) of the Constitution of the Republic of Moldova].

According to art. 7 par. (8) from Law no. 64/2010, "no one can be held responsible for the humorous and satirical style if by using it the public is not misled about the facts". In the study "Analysis of the draft law of the Republic of Moldova on freedom of expression", the authors mention that this statement must be omitted, because it "contradicts democracy, for which tolerance and an open spirit are the key norms". [15] Moreover, the authors argue that humorous and satirical accounts do not constitute news, nor do they aim to inform the public.[16]

In accordance with art. 28 par. (1) Law no. 64/2010, the press is exempt from liability when it spreads false information taken from documents, public authorities' communiqués, from requests, letters or complaints sent for examination to public authorities, as well as when it publishes false information collected during meetings of public authorities, criminal prosecution or court hearings. Also, according to Art. 28 par. (2) from Law no. 64/2010, if the press has in good faith taken false information of public interest from "press releases of persons other than public authorities, author's creations that cannot be redacted, broadcasts live, statements of other persons, from sources previously spread by other mass media or falling under other cases established by law". However, according to Art. 28 par. (4) from Law no. 64/2010, the journalist is not exempt from liability if he subscribes to the information, because he appropriates, as the author, the content of the journalistic material, being responsible for the veracity of the information included in it.

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3.2. General aspects regarding the right to professional reputation

The right to professional reputation is protected by Art. 8 of the European Convention on Human Rights, being related to a person's private life. This right outlines a person's social ascension, reputation, public appreciation, as well as the set of qualities with which a person is endowed. Since the right to professional reputation encompasses a heightened sentimental value to one's own professional achievements, holders want it shielded from any criticism, even from the press. The attack on the professional reputation produces, most of the time, negative and irreversible effects on his image in society, leading to irreparable damages, such as the loss of trust and esteem of society towards that person. These considerations would serve as a possible justification for the fact that in the period 2005-2009, compensations in the amount of 10 million lei were requested for the reparation of moral damage in cases regarding honor, dignity and professional reputation in the Republic of Moldova.[17]

Often, journalists' freedom of expression takes on such proportions that it damages the right to professional reputation of others. Corneliu Bîrsan mentions that "the most delicate problem is to find the measure of balance that must exist between the exercise of the right to free expression, on the one hand, and the protection of social interests and individual rights belonging to other people, on the other hand, a problem on which the European court often had to rule in its jurisprudence".[18] Author Stela Stoicescu presents an interesting evolution of the battle between the protection of the right to free expression and the protection of the right to professional reputation in the ECHR jurisprudence, emphasizing that "in the first phase of the Court's jurisprudence, in the conflict between art. 8 and art. 10, freedom of expression benefited from overprotection; later, however, the preference given to freedom of expression moderated, realizing the need for appropriate protection of reputation" and that "currently, it is appreciated that the Court's approach has changed, in the sense that it attaches too much importance to the right to reputation, to the detriment of freedom of expression, in a dangerous way and that it imposes too rigorous standards regarding the obligation of journalists to document, even in cases that concern a strong public interest". [19]

In the law of the Republic of Moldova, the right to professional reputation is protected by Art. 16 of the Civil Code, which stipulates that "any person has the right to the respect of his honor, dignity and professional reputation" and that "any person in respect of whom information was spread that harms his honor, dignity and professional reputation is in law, in addition to the denial, to demand the reparation of the material and moral damage caused in this way".

The role of the ECtHR in delimiting the sphere of facts from the sphere of value judgments

Until Law no. 64/2010 on freedom of expression, which includes the definitions of facts, value judgments and value judgments without sufficient factual basis, many complainants invoked before the European Court of Human Rights that the legislation of the Republic of Moldova

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"does not provide an interpretation of the terms "facts", (...) "value judgment" (...), so that the law is clear and predictable" [20] (Busuioc case against Moldova, 2004) and the fact that "articles 7 and 7/1 of the Civil Code are not formulated with sufficient precision and clarity, because they do not provide for the fact that value judgments are not likely to be proven" [21] (Savițchi case against Moldova, 2005). These legislative gaps created confusion among defamation litigants, who could not mount an effective defense because they did not know the difference between facts and value judgments.

The Court's important role was proven especially when it came to clarify the parties, emphasizing that "a clear distinction must be made between facts and value judgments; the existence of facts can be demonstrated, while the truth of value judgments cannot be proven (...); as far as value judgments are concerned, the requirement to prove their truth is impossible to fulfill and constitutes a violation of freedom of expression". [22] For example, in the Case of Busuioc against Moldova, the fragment "probably, I.V. he showed a special interest in airport matters, and the idea of hiring him at the Airport came to his influential relative; for this purpose, he did not even hesitate to invent a new position - Deputy Director of Administration" [23] contains statements of fact, because it can be proven through civil status documents the presence or absence of a kinship between A.I. and I.V. In the Case Timpul INFO-MAGAZIN and Anghel against Moldova [24], the fragment "at the time of the accession of the communists to the government, V.V. he wanted to cut the Gordian knot of the investment fund [D.H.], established on the basis of investment vouchers, that is, to take it for a pittance; to prevent this from happening, someone is said to have paid someone else \$500,000" [25] contains both a statement of fact regarding the crime of bribery and a value judgment. In the Savițchi case against Moldova, the ECHR mentioned that the fragment "he treated him like a person from the lowest social strata, almost like a nobody" contains a value judgment based on the factual basis of Victor's history [26]. In another example, taken from the Case of Busuioc against Moldova, the ECHR emphasizes that the fragment "the statements that everything is possible are supported by another example, namely that of the former veterinarian, currently the Manager of the Services Procurement Directorate, C.V." it also contains a value judgment, through which the plaintiff wanted to emphasize that "the appointment of a totally unqualified person was an illustration of the fact that in a corrupt system everything is possible". [27] In the Case of Flux and Samson against Moldova, the Court mentioned that the passages "a former state dignitary raises his castles" and "the ex-minister of constructions, G.C., decided to enrich himself on the poverty of others" are value judgments and that "under such circumstances, the Court considers that a newspaper could not be asked to prove the veracity of the value judgments made by it and that, moreover, its opinions were not without a factual basis". [28]

Pronouncing a series of ECtHR judgments regarding the violation of art. 10 of the Convention against the Republic of Moldova led the Moldovan legislator to include the legal definitions of "fact", "value judgment" and "value judgment without sufficient factual basis" in the contents of Law no. 64/2010 on freedom of expression. In the following, we will present the definitions illustrated by the Moldovan legislator, which, in essence, correspond to those offered by the

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Court. Therefore, according to art. 2 of Law no. 64/2010, the act is an "event, process or phenomenon that took place or takes place in concrete conditions of place and time and whose veracity can be proven", the value judgment represents "opinion, comment, theory or idea which reflects the attitude towards a fact, the veracity of which is impossible to prove", and the value judgment without sufficient factual basis constitutes "a value judgment that is based on facts that did not occur or on facts that occurred, but whose exposition is distorted to the point of falsehood".

The role of the Court in the protection of the journalist's freedom of expression

For the journalist, freedom of expression is a weapon to serve the public interest. Very often, the public authorities interfere in the way the weapon is handled by the journalist. This mix of authorities, also called interference, does not always meet the three conditions: 1. the reparation measure is provided for by law, 2. pursues a legitimate aim and 3. enjoys a real necessity in a society built on democratic principles [29]. Therefore, the journalists, considering that an injustice was done to them, invoke the violation of art. 10 of the Convention before the European Court of Human Rights, which has the mission, through the judgment it will pronounce, either to encourage the journalist's freedom of expression by finding a violation of the Convention, or to confirm the position of the national authorities and to clarify to the journalist that exceeding the limits of freedom of expression attracts the necessary application of some interference in a democratic state.

The opinion of the Court regarding the prosecution of a journalist is interesting. In *Flux and Samson*, it reiterated that "punishing a journalist for helping to disseminate statements made by another person ... would seriously impair the media's contribution to the discussion of matters of public interest and should not be allowed unless there is reason particularly well-grounded to do so". [30] It is possible that with the increase in the number of interventions in unfounded cases and their unfounded tightening in well-founded cases, most journalists will sit down at the table of silence. Emblematic, in this sense, are the verses of the poet and "symbol of the national renaissance movement in Bessarabia" [31], Dumitru Matcovschi, "It is impossible to be silent, to hide the word./All were words in the beginning/ (...) / The word truth is holy when it fits in/ not halved, not pretended;/ (...) / Let's go back to the word, it's long past time!/ Why did you hide in the wordless, Moldova?" (Poem "Holy Word"). [32]

Analyzing the role of the Court in the protection of the right to free expression, we conclude that in many cases, such as the *Flux and Samson* case against Moldova, the *Savițchi* case against Moldova, the *Busuioc* case against Moldova regarding the statements regarding C.M., S.I., A.I., the *Timpul* case INFO-MAGAZIN and *Anghel vs. Moldova*, the Court ruled that there was a violation of Article 10 of the Convention regarding freedom of expression.

In the *Savițchi* case against Moldova, the plaintiff, a journalist by profession at a Russian-language newspaper "Новый порядок", was obliged to pay moral damages in the amount of 180 lei, and the newspaper - in the amount of 1800 lei, for the publication of the article "ГАИ , ГАИ

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- моя звезда", in which the national courts found that the right to professional reputation of G.R. was prejudiced by the following defamatory statements, "this sergeant-major Jora, who treated him like a person from the lowest social strata, almost like a nobody" and "he threw Victor's driver's license in his face, shouting that a madman". [33] The Court found that in the case of the first statement, the national courts did not have to ask for proof of a value judgment, and in the case of the second statement, the national courts did not take into account the statements of the witness Victor intended to prove a statement with regarding the facts, resulting that the applied interventions were not necessary in a democratic society and finding the violation of art. 10 of the Convention. The Court ordered that the defendant state pay the plaintiff 3000 euros as material and moral damage and 1500 euros as costs and expenses. [34]

In the Case of Flux and Samson against Moldova, the plaintiff newspaper "Flux" was obliged to publish a denial, to pay damages and state tax in the amount of 1,404 Moldovan lei to G.C. for the publication of an article that contained the following information that did not correspond to the truth and for which the applicant could not prove the veracity of these statements: "a former state official raises his castles", "neighbors say he rents them out, suffering a horror of money", "the former Minister of Constructions, G.C., decided to enrich himself on the poverty of others", "through various methods he forced the old people who lived in a yard with [the second plaintiff] to will achieve the goal at any cost" and "that it will make his life impossible". [35] The Court's role was to consider whether the interference was necessary in a democratic society. Therefore, taking into account that most of the statements were value judgments that cannot be proven and that the article shed light on issues of public interest, the Court finds that the interferences applied were not necessary in a democratic society, finding the violation of art. 10 of the Convention and ordering the defendant state to pay the plaintiff newspaper 112 euros as material damage, 3000 euros as moral damage and 1000 euros as costs and expenses. [36]

In the Busuioc vs. Moldova case, the plaintiff, a journalist at the Russian-language weekly newspaper "Express", was obliged to pay damages in the amount of 900 lei to C.M., 180 lei to S.I., 900 lei to A.I., and the newspaper was obliged to pay 1350 lei to C.M., S.I. and A.I., for publishing an article entitled "Small Businesses of the Big Airport", in which the plaintiff wrote the following defamatory statements about C.M.: "One of the most colorful figures in the recruitment of A.I. became the head of the Airport Staff Directorate, C.M. Indeed, his function can be characterized in the following way: the head of the Cadre Directorate of the Airport would leave perplexed even an employee of the Cadre Directorate of any penitentiary"; "...probably, it is not necessary to describe every detail of the adventures of this debauched official"; about S.I.: "A.I. appointed S.I. (a graduate of the Kyiv Institute of Food Industry)... The dubious business, behind which, according to many civil aviation employees, was A.I. and S.I.", about A.I.: „...A.I. [...] organized with the help of his supporters a demonstration in the square of the old Airport. ...He even wrote a flyer entitled "Appeal to the Airport staff". ...The purge and personnel transfer marked the reinstatement of A.I. Many were reminded of their disagreement with the candidacy of A.I. for the position of Director of the A.I.C., expressed at the meeting with the directors and managers. (...)" [37] In relation to these statements, the Court

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found that the interference was not necessary for a democratic society, finding the violation of art. 10 of the Convention regarding C.M., S.I. and A.I and ordering that the defendant state pay the plaintiff 125 euros as material damage, 4000 euros as moral damage and 1500 euros as costs and expenses. [38]

In the Case *Timpul INFO-MAGAZIN and Anghel vs. Moldova* the plaintiff newspaper "Timpul INFO-MAGAZIN" and journalist A.A. were obliged to pay compensation in the amount of 130,000 lei to D.H. and D.P. for the publication of the article "Luxury in the country of poverty", which criticized the fact that the Government bought luxury cars without publishing details. [39] The Court found that "the article was clearly aimed at criticizing the Government for the non-transparent and ineffective way of spending public money, which is a matter of genuine public interest, rather than criticizing the D.H.". [40] Therefore, the interference with the applicant's right to freedom of expression was not necessary in a democratic society, ruling that there had been a violation of Article 10 of the Convention and ordering that the respondent state must pay the applicant 12,000 euros by way of material and moral damage, 1800 euros as costs and expenses. [41]

The role of the Court in the protection of the right to professional reputation

Responsible journalism is based on both freedom of expression and its limits imposed by law. Given that freedom of expression is not absolute, case law demonstrates that it is difficult for journalists to balance freedom of expression with other inherent rights of a person, such as professional reputation, when addressing sensitive topics in journalistic materials. As a result, the injured rights holders sue the journalists, citing the violation of a fundamental right. If it is found that the limits of freedom of expression have been exceeded, the national courts have a series of measures designed to repair the damage suffered by the owner of the violated right.

Analyzing the role of the Court in the protection of the right to professional reputation, we find that in some cases, such as the *Busuioc* case against Moldova, journalists exceeded the limits of freedom of expression, reaching the scope of the violation of the right to professional reputation of I.V. and C.V. Regarding the damage to the personal and professional reputation of I.V. by the applicant journalist, the Court pointed out that "the applicant himself admitted during the domestic proceedings that he had published inaccurate information regarding the family ties between the first and sixth applicants in the civil action, without even trying to convince the courts that he made reasonable attempts to verify the information", and in relation to the damage to the right to professional reputation of C.V. by the applicant, the Court found that "it appears that the applicant did not verify the information before publishing it, although, as a journalist, he should have done so and that the information turned out to be incorrect and could be considered offensive, damaging the reputation to C.V.". [42] Therefore, obliging the plaintiff to pay I.V. 450 lei, to C.V. 180 lei, as well as obliging the newspaper to pay to I.V. and C.V. of 1350 lei each, represent interferences provided by law, which aim to protect the professional reputation of the defendants and are necessary in a democratic society for the protection of the right to professional reputation. [43]

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CONCLUSIONS

Freedom of expression and the right to professional reputation are two fundamental human values, protected by a series of international and national acts. Maintaining a balance between these two rights is a real challenge for journalists, making up the subject of many lawsuits that have even reached the European Court of Human Rights. In most cases, the Court found that the national courts had applied interferences to the journalist's right to free expression that were not necessary in a democratic society, which meant that there had been a violation of Article 10 of the European Convention on Human Rights. In other cases, the Court found that journalists exceeded the limits of freedom of expression and that they exercised their profession in bad faith, violating the right to professional reputation of other people. In both situations, the Court had the role of restoring the balance between the two rights - the right to free expression and the right to professional reputation. In conclusion, the present paper urges the reader to be aware of the important role of the Court in the protection of these two fundamental human rights and is an opportunity to motivate journalists to respect the principles that govern their profession, so that they do not violate the rights of other people.

REFERENCES

- [1] Gh. Costachi, Freedom of expression: Legal content, guarantees and restrictions, National Juridical Journal: Theory and Practice, UDC 342.4, available at [https://ibn.idsi.md/sites/default/files/imag_file/Libertateta %20de%20exprimare.pdf](https://ibn.idsi.md/sites/default/files/imag_file/Libertateta%20de%20exprimare.pdf), accessed on 22.10.2022.
- [2] Observer and Guardian v. the United Kingdom, judgment of 26 November 1991, Series A, no. 216, pp. 29-30, 59.
- [3] Art. 1.2. from the Journalist's Code of Ethics from the Republic of Moldova, Chisinau 2019.
- [4] The Universal Declaration of Human Rights, proclaimed by the United Nations General Assembly on December 10, 1948.
- [5] Adopted and opened for signature by the United Nations General Assembly on December 16, 1966. Entered into force on March 23, 1976, cf. art. 49, for all provisions except those from art. 41; on March 28 for the provisions of art. 41. The Republic of Moldova ratified on 30.12.1998.
- [6] The European Convention on Human Rights, signed in 1950 by the Council of Europe. The Republic of Moldova ratified on 24.07.1998.
- [7] Constitution of the Republic of Moldova no. 1 of 29.07.1994, published on 29.03.2016 in the Official Gazette No. 78 art. 140, amended by LP255 of 22.11.18, MO467-479/14.12.18 art.786.
- [8] Law No. 64 of 23-04-2010 regarding freedom of expression, published on 09-07-2010 in Official Gazette No. 117-118 art. 355, amended by LP95 of 14.05.15, MO139-143/05.06.15 art. 261.
- [9] Law no. 243 of 26-10-1994 regarding the press, published on 12-01-1995 in the Official Gazette no. 2 art. 12, version in force from 15.06.2018 based on the amendments by LP79 of 24.05.18, MO195-209/15.06.18 art.338.
- [10] The Flux and Samson case against Moldova, (Application no. 28700/03), Strasbourg, October 23, 2007, final from 01/23/2008, available at [http://justice.md/file/CEDO_judgments/Moldova/FLUX %20SI%20SAMSON%20\(ro\).pdf](http://justice.md/file/CEDO_judgments/Moldova/FLUX%20SI%20SAMSON%20(ro).pdf), accessed on 26.10.2022.

[11] *Idem*, p. 5.

[12] *Tae-Hoon Park v. Republic of Korea*, 20 October 1998, Communication no. 628/1995, paragraph 10.3

[13] *The Case of Flux and Samson*, p. 5.

[14] C. Bîrsan, *European Convention on Human Rights, Commentary on Articles*, 2nd edition, Ed. C.H.BECK, p. 769.

[15] Organization for Security and Cooperation in Europe, Office of the Representative for Media Freedom, *Analysis of the draft law of the Republic of Moldova on freedom of expression*, April 2010, p.3.

[16] *Idem*, p. 19.

[17] P. Macovei, I. Bunduchi, J. Hanganu, I. Balan, D. Costin, *Freedom of expression and defamation: legal provisions and real practices*, Chisinau, 2010, p. 6.

[18] C. Bîrsan, *op. cit.*, p. 769.

[19] S. Stoicescu, *Freedom of expression versus the right to reputation. Application of the ECHR standard in national jurisprudence*", Ed. Hamangiu, 2019, link available at https://www.hamangiu.ro/upload/cuprins_extras/libertatea-de-exprimare-versus-dreptul-la-reputatie-in-jurisprudenta-cedo-si-nationala-stoicescu-extracts.pdf, accessed on 23.10.2022, p. 51.

[20] *Busuioc case against Moldova*, (Application no. 61513/00), Strasbourg, December 21, 2004, definitive from 03.21.2005, p.10, available at

[http://justice.md/file/CEDO_judgments/Moldova/BUSUIOC %20\(ro\).pdf](http://justice.md/file/CEDO_judgments/Moldova/BUSUIOC%20(ro).pdf), accessed on 26.10.2022.

[21] *Savitchi case against Moldova*, (Application no. 11039/02), Strasbourg, October 11, 2005, final from January 11, 2006, p. 6, available at [http://justice.md/file/CEDO_judgments/Moldova /SAVITCHI%20\(ro\).pdf](http://justice.md/file/CEDO_judgments/Moldova/SAVITCHI%20(ro).pdf), accessed on 26.10.2022.

[22] *Lingens v. Austria*, judgment 08.07.86, series A 103, par. 46 in *Decisions of the European Court of Human Rights*, Iasi: 2000. p.164.

[23] *Busuioc case against Moldova*, p. 3.

[24] *Timpul Info-Magazin and Anghel case against Moldova*, (Application no. 42864/05), Strasbourg, November 27, 2007, final from June 2, 2008, available at

[http://justice.md/file/CEDO_judgments/Moldova/ TIMPUL%20INFO-MAGAZIN%20SI%20ANGHEL%20\(ro\).pdf](http://justice.md/file/CEDO_judgments/Moldova/TIMPUL%20INFO-MAGAZIN%20SI%20ANGHEL%20(ro).pdf), accessed on 26.10.2022.

[25] *Timpul Info-Magazin and Anghel case against Moldovei*, p. 3.

[26] *Savitchi case against Moldova*, p. 3.

[27] *Busuioc case against Moldova*, p. 4.

[28] *Flux and Samson case against Moldova*, p. 5.

[29] *Savitchi case against Moldova*, p. 8.

[30] *Flux and Samson case against Moldova*, p. 6.

[31] <https://www.poeziile.com/autori/Dumitru-Matcovschi/sfant-cuvantul17.php>, accessed on 25.10.2022.

[32] <https://www.poeziile.com/autori/Dumitru-Matcovschi/sfant-cuvantul17.php>, accessed on 25.10.2022.

[33] *Savitchi case against Moldova*, pp. 2, 4.

[34] *Idem*, pp. 11, 14.

[35] *The Flux and Samson case against Moldova*, p. 2.

[36] *Idem*, p. 8.

[37] *Busuioc case against Moldova*, pp. 2-4, 8.

[38] *Idem*, pp. 22-23.

[39] *Case Timpul Info-magazin and Anghel v. Moldovei*, p. 2.

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[40] *Idem*, p. 8.

[41] *Idem*, p. 13.

[42] Busuioc case against Moldova, pp. 16, 17.

[43] *Idem*, p. 8.