

ARTICLE 19

# Bosnia and Herzegovina: On the Amendments on Criminal Libel in the Legislation of Republika Srpska

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April 2023

Legal analysis



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## Introduction

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In this legal analysis, ARTICLE 19 reviews the suggested amendments to the Criminal Code of Republika Srpska on re-introducing criminal penalties for defamation, insult and other similar provisions.

The analysis is based on the application of the relevant international and regional standards on freedom of expression with a focus on de-penalization of defamation. The analysis additionally draws on a set of standards on freedom of expression and defamation articulated in the ARTICLE 19 publication, *Defining Defamation: Principles on Freedom of Expression and Protection of Reputations*.<sup>1</sup> The analysis is based on an unofficial English translation of the relevant provisions in the Criminal Code and examines, in particular, articles 156a, 208a, 208b, 208v, and 208d (the Amendments).

ARTICLE 19 has long argued that criminal defamation laws are unnecessary and disproportionate responses to damages to reputation. Instead, where appropriate, alternative remedies such as a publication of a retraction, apology, or correction and the right of reply, constitute a better response to an unjustified attack on one's reputation. In any event, civil defamation laws are a less intrusive means and, if necessary and proportionate, should be used instead of criminal laws.

Although the Amendments include a number of defences for the accused of defamation and related offenses, the punitive nature of the applicable sanctions, as well as the chilling effect they produce on the exercise of freedom of expression, render them to be a disproportionate interference with free speech. Separately, it is particularly concerning that "unauthorized publication and display of other people's file, portrait and recording [...] with the intention of causing damage to reputation" is punishable by a prison sentence, which is never an appropriate measure for protecting one's reputation.

As such, ARTICLE 19 calls on the legislators in Republika Srpska to abandon these proposals in their entirety. Instead, they should review the existing provisions of the civil law on defamation and ensure it fully complies with international freedom of expression standards. Legislators should also consider introducing additional safeguards to the civil law to protect journalists from misuse of defamation and other laws, in particular against strategic law suits against public participation (SLAPPs).

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<sup>1</sup> ARTICLE 19, [Defining Defamation: Principles on Freedom of Expression and Protection of Reputation](#), 2017, with a particular reference to Principle 4.

# Applicable international human rights standards

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## Protection of the right to freedom of expression

Bosnia and Herzegovina ratified the International Covenant on Civil and Political Rights on 1 September 1993. Article 19 of the ICCPR protects the right to freedom of expression in broad terms. Under that provision, States parties are required to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. General Comment No.34 of the UN Human Rights Committee, adopted in July 2011, sets out the authoritative view of Committee on Article 19:

This right includes the expression and receipt of communications of every form of idea and opinion capable of transmission to others, subject to the provisions in article 19, paragraph 3, and article 20. It includes political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse. It may also include commercial advertising. The scope of paragraph 2 embraces even expression that may be regarded as deeply offensive, although such expression may be restricted in accordance with the provisions of article 19, paragraph 3 and article 20.

Freedom of expression is also protected in the European human rights system, namely under Article 10 of the *European Convention on Human Rights* (ECHR), which was ratified by Bosnia and Herzegovina in 2002.

The right to freedom of expression is not absolute but may be restricted only under permissible grounds and in compliance with certain conditions:

- First, the restrictions must be “**provided by law.**” The European Court of Human Rights (the European Court) has stated that this requirement will be fulfilled only where the law is accessible and “formulated with sufficient precision to enable the citizen to regulate his conduct”;<sup>2</sup>
- Second, the interferences must pursue a legitimate aim. They may only be imposed for one of the grounds set out in Article 19(3)(a) or (b) of the ICCPR and Article 10(2) of the European Convention. This includes the respect of the rights or reputations of others; and
- Third, they must conform to the strict tests of **necessity and proportionality**. The principle of proportionality requires that any restriction must be the least intrusive measure to achieve the intended legitimate objective. Further, the specific interference in any particular instance must be directly related and proportionate to

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<sup>2</sup> The European Court, *The Sunday Times v. United Kingdom*, 26 April 1979, App. No. 6538/74, para 49.

the need on which they are predicated. The “chilling” effect which disproportionate sanctions, or even the threat of such sanctions, may have upon the free flow of information and ideas must be taken into account when assessing the legitimacy of restrictions.

International and regional freedom of expression standards explicitly protect offensive speech. This protection has been elaborated extensively through the case-law of the European Court, in particular in *Handyside v. United Kingdom*, in which the European Court stated that the right to freedom of expression:

[I]s applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of pluralism, tolerance and broadmindedness without which there is no ‘democratic society.’<sup>3</sup>

It is further important to stress the utmost importance that the European Court ascribes to matters of public interest: “there is little scope ... for restrictions on political speech or debates on questions of public interest.”<sup>4</sup> The European Court has rejected any distinction between political debate and other matters of public interest, stating that there is “no warrant” for such distinction.<sup>5</sup>

## Relevant international and European standards on defamation

As noted earlier, international human rights law recognizes that free expression may be limited to protect individual reputation. However, defamation laws, like all restrictions, must be proportionate to the harm done and not go beyond what is necessary in the particular circumstances. The relevant measures cannot be regarded as necessary where a less restrictive means could be employed to achieve the same end. In this respect, the nature of the sanction is a key element in the balancing exercise and validating a proportionate response to the harm done.

ARTICLE 19 asserts that any law criminalising defamation is, in and of itself, a violation of the right to freedom of expression. Not only are criminal defamation laws outmoded and unduly harsh, they are also unnecessary and disproportionate measures to protect the reputation of others. The “chilling” effect which disproportionate sanctions, or even the threat of such sanctions, may have upon the free flow of information and ideas must be taken into account when assessing the legitimacy of restrictions. Civil libel laws are adequate means to address the harms caused by defamatory statements.

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<sup>3</sup> The European Court *Handyside v. United Kingdom*, 7 December 1976, App. No. 5493/72, para 49.

<sup>4</sup> The European Court, *Dichand and others v. Austria*, para 39.

<sup>5</sup> The European Court, *Thorgeir Thorgeirson v. Iceland*, 25 June 1992, App. No. 13778/88, para 64.

These views are supported by authoritative interpretation and jurisprudence on the question of compliance of criminal defamation laws with the right to freedom of expression. Criminal prosecution for defamation in response to a statement about a matter in the public interest are particularly serious attacks on freedom of expression.

On the conceptual level, criminal law is designed to respond to serious threats to public order. In the context of freedom of expression, this concerns, for example, criminalization of incitement to commit a crime. In contrast, the protection of one's reputation is not a matter of public order; as such, defamatory speech cannot be considered "a serious threat" that should be dealt with by means of criminal law.

Although the European Court has never decisively prohibited criminal defamation, its jurisprudence has been critical of criminal defamation laws. The Court repeatedly scrutinized the incompatibility of criminal sanctions for defamation with the principle of a greater tolerance and openness to criticism that apply to public figures. Civil servants acting in an official capacity are subject to wider limits of acceptable criticism than ordinary individuals.<sup>6</sup> The Court has also clarified that this enhanced protection applies even where the person who is attacked is not a 'public figure'; it is sufficient that the statement is made on a matter of public interest.<sup>7</sup> In the landmark case *Lingens v Austria*, the European Court characterized criminal libel proceedings against a journalist as a measure that

[A]mounted to a kind of censure which would be likely to discourage him from making criticisms of this kind again in the future ... In the context of political debate such a sentence would be likely to deter journalists from contributing to public discussion of issues affecting the life of the community. By the same token a sanction such as this is liable to hamper the press in performing its task as purveyor of information and public watchdog."<sup>8</sup>

In its further jurisprudence, the European Court expanded the role of a public watchdog to other actors in a democratic society. For example, the Court has accepted that when an NGO draws attention to matters of public interest, it is exercising a public watchdog role of similar importance to that of the press<sup>9</sup> and may be characterised as a social "watchdog" warranting similar protection under the European Convention as that afforded to the press.<sup>10</sup> It has recognised that civil society makes an important contribution to the discussion of public affairs.<sup>11</sup>

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<sup>6</sup> The European Court, *Morice v. France* [GC], App. No. 29369/10, para 131.

<sup>7</sup> The European Court, *Bladet Tromsø and Stensaas v. Norway*, paras 62 and 73.

<sup>8</sup> The European Court, *Lingens v Austria*, App No 9815/82, (1986) 8 EHRR 407, para 44.

<sup>9</sup> The European Court, *Animal Defenders International v. the United Kingdom* [GC], App. No. 48876/08, 22 April 2013, para 103.

<sup>10</sup> The European Court, *Magyar Helsinki Bizottság v. Hungary* [GC], App. No. 18030/11, 8 November 2016, para 166.

<sup>11</sup> The European Court, *Steel and Morris v. the United Kingdom*, App. No. 68416/01, para 89, ECHR 2005-II; and *Magyar Helsinki Bizottság, Ibid.*, para 166.

It is furthermore important that the European Court jurisprudence requires that distinction is drawn between value judgments and assertions of fact:

- In *Lingens v. Austria*, the Court noted that the existence of facts can be demonstrated, whereas the truth of value-judgments is not susceptible of proof. As regards value judgments, this requirement – to prove truth – is impossible of fulfilment and it infringes freedom of opinion itself.<sup>12</sup>
- In *Kurski v Poland*, the Court granted protection to a broad degree of exaggeration and imprecision in value judgments. It held that since the individual was involved in a public debate on an important issue, it was therefore inappropriate to require him to “prove the veracity of his allegations”, or require him to “fulfil a more demanding standard than that of due diligence.” Furthermore, the Court accorded him broad latitude to “a certain degree of hyperbole in his statements.”<sup>13</sup>

These principles are particularly important for analysis of any penalization of insults, which normally refer to statements of opinion which do not contain allegations of fact (see below).

The Human Rights Committee overall follows a similar approach to that of the European Court and is particularly concerned with the chilling effect which defamation sanctions can produce to impede engagement in debate on issues of public interest. Although the Committee has not yet reached a general conclusion that any criminal defamation law must be repealed, its jurisprudence suggests a highly critical approach to criminalization of defamation. This position is enshrined in General Comment No.34:

Defamation laws must be crafted with care to ensure that they comply with paragraph 3, and that they do not serve, in practice, to stifle freedom of expression. All such laws, in particular penal defamation laws, should include such defences as the defence of truth and they should not be applied with regard to those forms of expression that are not, of their nature, subject to verification. At least with regard to comments about public figures, consideration should be given to avoiding penalizing or otherwise rendering unlawful untrue statements that have been published in error but without malice. In any event, a public interest in the subject matter of the criticism should be recognized as a defence. Care should be taken by States parties to avoid excessively punitive measures and penalties...States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty. It is impermissible for a State party to indict a person for criminal defamation but then not to proceed to trial expeditiously – such a practice has a chilling effect that may unduly restrict the exercise of freedom of expression of the person concerned and others.<sup>14</sup>

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<sup>12</sup> *Lingens v. Austria, op.cit.*, para 46.

<sup>13</sup> The European Court, *Kurski v. Poland*, App. No. 26115/10, 5 October 2016, paras 54-56.

<sup>14</sup> Human Rights Committee, General Comment No.34, Freedoms of Opinion and Expression (Article 19), CCPR/C/GC/34, 12 September 2011, para 47.

It is important to stress that the Committee used particularly strong and unequivocal language regarding the impermissible character of applying custodial measures as a sanction for defamation: “**imprisonment is never an appropriate penalty.**” In addition to the formulation of general standards, the Human Rights Committee actively recommended decriminalization of defamation in Uzbekistan<sup>15</sup>, Cameroon,<sup>16</sup> and Tunisia.<sup>17</sup> Further, the Committee endorsed decriminalization of defamation, insult, and “expressing personal or family circumstances” in North Macedonia as “steps in the right direction towards ensuring freedom of opinion and expression particularly of journalists and publishers.”<sup>18</sup>

This key safeguard is further elaborated in ARTICLE 19 Principles on Freedom of Expression and Protection of Reputation which states that no criminal sanctions should be available as a sanction for breach of defamation laws, no matter how egregious or blatant the defamatory statement.<sup>19</sup>

The UN Special Rapporteur on Freedom of Opinion and Expression explicitly urged Governments to: (a) repeal criminal defamation laws in favour of civil laws, and (b) limit sanctions for defamation to ensure that they do not exert a chilling effect on freedom of opinion and expression and the right to information.<sup>20</sup> The Rapporteur noted that the subjective character of many defamation laws, their overly broad scope and their application within criminal law have turned them into a powerful mechanisms to stifle investigative journalism and silent criticism.<sup>21</sup> The Special Rapporteur has taken an equivocal position against imprisonment as a sanction against defamation: “penal sanctions, in particular imprisonment, should never be applied”.<sup>22</sup>

## Relevant international and European standards on insult

ARTICLE 19 believes that defamation laws are legitimate only if their aim is to protect the reputations of individuals – or of entities with the right to sue and be sued – against real injury. Defamation laws should not protect people from language that is merely offensive or shocking.

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<sup>15</sup> Human Rights Committee, Concluding Observations on Uzbekistan, 24 March 2010, CCPR/C/ARG/CO/4.

<sup>16</sup> Human Rights Committee, Concluding Observations on Cameroon, 28-29 August 2010, CCPR/C/CMR/CO/4.

<sup>17</sup> Human Rights Committee, Concluding Observations on Tunisia, 28 March 2008, CCPR/C/TUN/CO/5 at para 18.

<sup>18</sup> Human Rights Committee, Concluding Observations on the Former Yugoslav Republic of Macedonia, 3 April 2008, CCPR/C/MKD/CO/2, para 6.

<sup>19</sup> Defining Defamation, *op.cit.*, 4(b)(iv).

<sup>20</sup> Report of the Special Rapporteur on Freedom of Opinion and Expression, E/CN.4/2001/64, 13 February 2001, para 47.

<sup>21</sup> Report of the Special Rapporteur on Freedom of Opinion and Expression, A/HRC/7/14, 28 February 2008, para 39.

<sup>22</sup> Promotion and protection of the right to freedom of opinion and expression. E/CN.4/1999/64, 29 January 1999, para 28.



As noted earlier, in this regard the European Court’s maxim that the right to freedom of expression “is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb.”<sup>23</sup>

The term “insult” usually refers to statements of opinion which do not contain allegations of fact and protects feelings rather than reputations. ARTICLE 19’s Defining Defamation rules out defamation restrictions on statements of opinion.<sup>24</sup>

Without such limitations, any rule prohibiting statements of opinion is almost certain to be abused by those seeking to avoid criticism. Such a broad interpretation would almost certainly go beyond what may permissibly be restricted under Article 10(2) of the European Convention and Article 19(3) of the ICCPR. This has been recognised in other European countries. For example, the Paris Tribunal de Grande Instance has indicated that the French ‘insult’ provisions – now no longer applied – are in breach of Article 10 of the European Convention.<sup>25</sup>

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<sup>23</sup> *Op.cit.*

<sup>24</sup> *Op.cit.*, Principle 10(a).

<sup>25</sup> This judgment was referred to in the decision of the European Court in *Colombani and others v. France*, App. No. 51279/99, 25 June 2002, which indicated that the French provisions no longer applied.

# Analysis of the Amendments

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## Insult

Article 208a of the Amendments penalises ‘insult’ by a fine from KM 5,000 to KM 20,000. A higher fine (from KM 10,000 to KM 50,000) is imposed if the insult “had been committed through the press, radio, television or other means of public information or at a public gathering or in another way, as a result of which the insult became accessible to a larger number of persons.” The court can release the perpetrator from the sentence if “the perpetrator was provoked by the indecent behaviour of the insulted party or if the injured party accepted his apology before the court for the committed act”. If “the insulted party reciprocated the insult,” both or only one of the perpetrators can be released from sentence.

These provisions do not meet the requirements of the international standards for the restrictions of the right to freedom of expression:

- First, the Amendments do not define ‘insult’ so the requirement of legal certainty is not met;
- Second, the restrictions do not pursue a legitimate aim. It can be assumed that the scope of the crime under this provision will include statements of opinion which do not contain allegations of fact. As such, the article makes no distinction between value judgments not susceptible of verification and factual statements. This is contrary to the jurisprudence of the European Court.<sup>26</sup> The key principle is that no one should be liable under defamation law for the expression of an opinion.<sup>27</sup>

The right to freedom of expression protects statements deemed to be insulting, which corresponds to the demands of pluralism, tolerance, and broadmindedness without which there is no “democratic society”.<sup>28</sup>

**Recommendation:** ARTICLE 19 recommends to revoke Article 208(a) in its entirety.

## Defamation

Article 208b proposes to criminalize defamation. The article reads as follows:

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<sup>26</sup> *Lingens v Austria, op.cit.*

<sup>27</sup> ARTICLE 19, *Defining Defamation, op.cit.*, Principle 10(a).

<sup>28</sup> The European Court, *Handyside v. United Kingdom, op.cit.*

(1) Whoever states or circulates something untrue concerning another person that may harm his honour or reputation, knowing that what he states or circulates is untrue, shall be fined from KM 8,000 to KM 30,000.

(2) If the act referred to in paragraph 1 of this Article had been committed through the press, radio, television or through social networks, at a public meeting or in another way, due to which it became available to a large number of persons, it shall be punished by a fine from KM 15,000 to KM 80,000.

(3) If what is stated or circulated has led or could lead to serious consequences for the injured party, the perpetrator shall be fined from KM 20,000 to KM 100,000.

Further, Article 208(d) provides defences against prosecution of defamation:

There is no criminal offense under Articles 208a up to 208v of this Code, if it is an offensive expression or presentation of something untrue in a scientific, professional, literary or artistic work, in the performance of a duty prescribed by law, journalistic vocation, political or other public or social activity or defence of a right, if it derives from the way of expression or from other circumstances that this has not been committed with the intention of depreciation, or if the person proves the truth of his statement, or he had a well-founded reason to believe in the truth of what he stated or conveyed.

As noted above, the criminal defamation is a disproportionate measure to the possible legitimate aim of protection of reputation. If adopted, the provision will enable criminal prosecution that will constitute unjustified interference with freedom of expression.

Even though the Amendments **do not propose the sanction of imprisonment**, they envisage significant fines ranging between 8,000 and 120,000 KM (4,093 to 61,368 EUR). As of January 2023, the average salary in Bosnia and Herzegovina was 1,861 KM (951 EUR),<sup>29</sup> meaning that the maximum applicable fine is over 64 times higher. These fines would be imposed through criminal proceedings, hence would be included in the criminal records of individuals procedure under the respective provisions. More broadly, the magnitude of fines risk producing a chilling effect and impede engagement in a debate on issues of public interest.

Although Article 208(d) provides defences, ARTICLE 19 argues that these do not mitigate the intrusion as defamation should not be a criminal offence to begin with. Instead, civil defamation laws must be used in their place to protect reputation.

Moreover, even if these defences were introduced into civil law provisions, they would still need to provide the necessary safeguards against excessively onerous defamation laws. We would like to highlight especially the following:

- **Defence of reasonable publication:** It is well-established that defendants should benefit from a defence of reasonable justification so that even statements which are false will not attract liability where the circumstances otherwise justify publication. The European

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<sup>29</sup> [Bosnia And Herzegovina Average Monthly Wages, March 2023 Data.](#)

Court puts great emphasis on the element of “great public interest” in defamation cases. For example, in *Tromsø and Stensaas v. Norway*, the Court held that punishing certain false and defamatory statements breached the guarantee of freedom of expression. The Court noted that the statements concerned a matter of great public interest which the plaintiff newspaper had covered overall in a balanced manner. In other words, the consideration of “great public interest” prevailed over the argument of falsehood of the defamatory statements in question.<sup>30</sup>

The Amendments exclude expressions made in the exercise of the “journalistic profession, political or other public or social activity or defense of a right” from the scope of criminal defamation. Similar exceptions are provided also for “a scientific, professional, literary or artistic work.” However, a matter of “great public interest” can present itself in numerous other forms of human expression, outside the scope of professional activities enumerated in the Amendments. For example, an allegedly defamatory commentary by a user of a social media platform regarding a serving politician (or other public figure with no formal position in the government) could certainly also incur great public interest. Such statements risk exclusion per the narrow scope of the defences provided by the law.

- **Burden of proof:** ARTICLE 19 reiterates that not every false statement should attract liability. In any event, individuals and media outlets should not be required to establish the veracity of the information they disseminate.<sup>31</sup>

The ARTICLE 19 Principles also address the question of the onus of proof, often a crucial issue in defamation cases, providing that in cases involving statements on matters of public concern, the plaintiff should bear the burden of proving the falsity of any statements or imputations of fact alleged to be defamatory.<sup>32</sup> A guiding precedent can be found in the U.S. Supreme Court’s judgment in *New York Times Co. v. Sullivan* where it was held that the burden to prove the falsehood of the impugned statement, as well as its alleged publication in malice or with reckless disregard for the truth, lays on the plaintiff.<sup>33</sup> The Amendments clearly contradict this principle, as article 208d includes a defence of truth against prosecution formulated as “if the person proves the veracity of his statement”. Thus, the Amendments presume the falsehood of the statement and place the burden of proof on the accused, in violation of the presumption of innocence.

ARTICLE 19 concludes that defences and exceptions provided under article 208(d) are insufficient to tame the onerous and disproportionate character of the Amendments. The severity of sanctions is a separate concern to that effect.

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<sup>30</sup> The European Court, *Tromsø and Stensaas v. Norway*, App. No. 21980/93, 20 May 1999, para 33.

<sup>31</sup> Report of the Special Rapporteur on freedom of expression, E/CN.4/2000/63, para. 52; Inter-American Court of Human Rights, *Herrera-Ulloa v Costa Rica*, Judgment of 2 July 2004, Series C No. 107, paras. 132, 133;

<sup>32</sup> Defining Defamation, *op.cit*, Principle 7(b).

<sup>33</sup> 376 US 254, 279 (1964), pp. 279-80.

**Recommendation:** ARTICLE 19 recommends to revoke Articles 208(b) and (d) in their entirety. Any reworking of the restrictions as civil law provisions would need to address, at the minimum, the concerns enumerated above, including in relation the proportionality of any financial penalties.

## Other provisions

The Amendments also propose to penalise two privacy related offences:

- Article 156a which prohibits “**unauthorized publication and display of other people's file, portrait and recording**” without consent of the person depicted if “such publication or display had or could have harmful consequences for the personal life of that person” under the sanction of “punish[ment] by the fine or imprisonment sentence for a term of up to two years.” Additional sanctions are provided for such offences committed “against a family member or family union or against other person with the intention of causing damage to reputation of that person;” or if the publication caused serious damage to the respective person.
- Article 208v which prohibits “disclosure of personal and family circumstances” that “harms honour or reputation” with the sanction of a fine from KM 10,000 to KM 40,000. A higher fine is provided if the act had been committed through the press, radio, television, social networks, at a public meeting, or in another way that similarly enables its availability to a larger number of persons. Further sanctions are provided if the disclosure leads to serious consequences.

The material scope of these two offences is linked to defamation and protection of reputation. It is particularly concerning that defamatory actions, as defined under paras 2 and 3 of Article 156a, are punishable by imprisonment. As highlighted earlier, prison sentences are never justifiable as a proportionate sanction for defamation, regardless of the content or circumstances of the latter. The sanction prescribed under Article 156a is in direct conflict with Human Rights Council’s General Comment No.34 where the Committee unequivocally stated that imprisonment is never an appropriate measure against defamation.

Further, offenses under Article 156a are not subject to exceptions and defences provided under article 208(d). As such, the proposed Article 156a presents a particularly dangerous form of interference with freedom of expression and should be immediately revoked.

Although Article 208(v) criminalising disclosure of personal and family circumstances is subject to defences under proposed Article 208(d) (defence of truth), the latter are not a sufficient safeguard against disproportionate interference with freedom of expression, as outlined in the previous section. Article 208(v) also criminalizes defamatory actions and thus should be revoked.

**Recommendation:** ARTICLE 19 recommends to eliminate these provisions in their entirety.

## About ARTICLE 19

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ARTICLE 19 advocates for the development of progressive standards on freedom of expression and freedom of information at the international and regional levels, under implementation in domestic legal systems. The organisation has produced a number of standard setting publications which outline international and comparative law and best practice areas such as defamation law, freedom of expression and equality, access to information and broadcast regulations.

On the basis of this publications and ARTICLE 19's overall legal expertise, the organisation published a number of legal analysis each year, comment on legislative proposals as well as existing laws that affect the right to freedom of expression. This analytical work, carried out since 1998 as a means of supporting positive law reform effort worldwide, frequently leads to substantial improvements in proposed or existing domestic legislation. All of our analyses are available at <https://www.article19.org/law-and-policy/>.

If you would like discuss this analysis further, or if you a matter you would like to bring to the attention of the ARTICLE 19 Law and Policy Team, you can contact us by email at [legal@article19.org](mailto:legal@article19.org). For more information about ARTICLE 19's work in Europe, contact the Europe and Central Asia Team at [europe@article19.org](mailto:europe@article19.org).