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CRIMINAL LIABILITY FOR DEFAMATION (EUROPEAN EXPERIENCE)

The right to freedom of expression, opinion, expression of opinions and the freedom of activity of the media are among the highest priorities for the development of a free, democratic, constitutional state. European Court of Human Rights states that freedom of expression is one of the main components of a democratic society and a prerequisite for its progress and development of each individual.

Although defamation laws have legitimate purpose – to protect the reputation, in fact they often impractically and unduly restrict freedom of expression. In most cases, the problem is too widespread use of such laws, the lack of adequate protection of the defendant (when the law does not provide clear explanation of what is allowed) and excessive punishment for violations. In some countries, legislation that uses the term defamation actually serves the purpose other than the protection of reputation, bringing confusion and thus diminishing the human desire to express their opinion.

Ukraine rejected the criminal prosecution for libel and insult, which should be recognized progressive and consistent with the requirements to development and establishment of a democratic and lawful state. Despite repeated attempts to amend the criminal law, Ukraine remains a supporter of freedom of speech and media.

