



Association of Journalists of Macedonia



**INTERNATIONAL CONFERENCE
“DECriminalIZATION OF DEFAMATION: SHARING BEST PRACTICES”**

Skopje, February 9 - 10, 2006

On February 9 and February 10, the conference “Decriminalization of Defamation: Sharing Best Practices” was held in Skopje. The conference was organized by the Association of Journalists of Macedonia, Macedonian Institute for Media and supported by the OSCE Spillover Monitor Mission to Skopje and the OSCE Representative on Freedom of the Media.

Governmental officials, legislators, legal experts and freedom of media activists from several OSCE participating states discussed the positive developments in some OSCE participating states, which decriminalized defamation or are taking important steps towards abolishing imprisonment.

The issues, such as legal aspects of decriminalization of defamation, the role of the civil society in promotion of legislation changes, justifications and limitations of civil code penalties, the balance between freedom of expression and protection of reputation, self-regulatory mechanisms and journalists’ ethics were highlighted. These discussions were largely based on relevant recommendations of the OSCE Representative on Freedom of the Media.

Participants expressed interest to promote and facilitate the potential changes to the criminal code regarding libel and defamation, which is in line with both the OSCE Representative on Freedom of the Media’s campaign against criminal libel laws and disproportionate civil damages and the Council of Europe’s standards reflected by the case law of the European Court of Human Rights.

Participants appreciated the assistance provided by the OSCE and encouraged the OSCE Mission to Skopje and the OSCE Representative on Freedom of the Media to continue supporting the development of media and freedom of expression in the country.

The conference ended with a Resolution, agreed by representatives of the Macedonian Institute for Media, Association of Journalists of Macedonia, government, media, civil society as well as by the OSCE Spillover Monitor Mission to Skopje and the OSCE Representative on Freedom of the Media

RESOLUTION

The conference participants:

- welcome and will support the Ministry of Justice's commitment to continue its activities in preparing changes in the Criminal code, in order the regulations for penalties of defamation to be changed, more specifically abolishing imprisonment and limiting monetary fines. The Ministry is expecting assistance to be offered by legal and other experts.
- offer assistance to the government, legal experts, and freedom of media and civil society activists in order to assess the situation and to create the working group under auspices of Ministry of Justice to draft and introduce to the Parliament concrete amendments to legislation;
- stress that it is important to transfer the issue of defamation exclusively into the civil sphere and therefore a subject to compensation of damages, proportional to the offense and adequate to the financial ability of citizens and media, under the civil code;
- call for cooperation among journalists and legal professionals, as well as among the professional associations such as the association of private electronic media and the association of publishers to continue public debate and to educate their colleagues and general public on decriminalization of defamation practices and freedom of expression principles;
- call on relevant stakeholders, including journalists, editors and media owners, to develop efficient, functioning independent media self-regulatory body(ies) and establish them as the preferable for the settlement of defamation disputes;
- will evaluate if there is an interest among legal professionals and judges to improve their knowledge of the case law and practices of the European Court of Human Rights (ECHR);
- noticed the important role of independent judiciary in proper application of all media related legislation;
- are determined to continue improving the professional standards and knowledge of journalists, other media professionals on reporting ethics and responsibilities of journalists in the society.

Skopje. February 10, 2006