

CONCLUSIONS AND PROPOSALS FROM THE CONFERENCE “HOW MUCH FREEDOM WE’LL BE LEFT WITH?”

In order to improve the situation in terms of freedom of expression, opinion and assembly, media freedom and human rights in general, to prevent the abuse of the judiciary, all in regard to the announced enactment of laws and amendments to existing laws, it is necessary to:

- **Stop the process regarding the prescription of criminal offenses of defamation and insult** within the *Criminal Code of Republika Srpska*;
- **Stop the process regarding the “fast-tracked” adoption of a law that would define and punish fake news** until in-depth consultations with representatives of all media groups in Republika Srpska are held, especially with independent media, along with public and expert discussions, and until the necessity for the adoption of such a law is explained;
- **Stop the process regarding the expansion of criminal offenses against the constitutional order** within the *Criminal Code of Republika Srpska*, as there is currently no need for the same;
- **Better regulate the protection within civil law mechanisms**, which would create a proper balance between freedom of expression and protection of the reputation and honour of individuals;
- **Reform the Law on Protection Against Defamation of Republika Srpska**, by moving towards an even clearer protection of the defamed, but also by **specifying compensation for defamation** in such a way as to establish proportionate and reasonable limits on the maximum amount of compensation directed so as to not jeopardize the survival of the media, as well as to introduce appropriate **guarantees against awarding compensations disproportionate to the actual injury**, but also to **legally specifically set higher standards of acceptability and tolerance** in cases of alleged defamation against public figures relating to persons who are not directly in the public eye, while continuing to refer to the judicial practice of the European Court for Human Rights;
- Amend the *Law on Protection Against Defamation* by expanding the provisions on exemption from liability from alleged defamation, **by introducing “Anti-SLAPP” provisions and criteria into the law (SLAPP: Strategic Litigation Against Public Participation)**, i.e. provisions on the primary protection of freedom of expression from judicial abuse by allowing the rejection or dismissal of manifestly baseless (SLAPP) claims;
- Have multiple mechanisms, aside from the legal ones, from **specifically educating citizens in media literacy to regulating the media and the media space** in terms of protection of journalists and freedom of expression, as well as having timely and truthful information;
- **Direct resources towards strengthening and supporting independent and primarily responsible journalism**, and promoting **proactive and timely publication of information** by authorities and institutions with the introduction of progressive media policies, going as far as supporting independent media without political pressure and funding based on legitimate criteria and expert commissions;
- **Adopt laws that would define the transparency of ownership in the media**;
- **Fully align the application of the Law on Protection Against Defamation of Republika Srpska with the practice of the European Court of Human Rights and fully harmonise the courts’ practice** in the same or similar cases;
- **Adequately process threats and attacks on journalists.**