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ARTICLE 19

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Moldova: Reintroduce a Ceiling on Pecuniary Remedies for Moral Damages from Defamation

ARTICLE 19 has commented on the Moldovan President's recent proposal to abolish pecuniary remedies for moral damages from defamation. While the President's concern about excessively large damage awards which have been made in defamation cases in Moldova is noteworthy, the abolishment of pecuniary remedies for moral damages from defamation is not the appropriate response. **ARTICLE 19** calls on the Moldovan authorities to consider establishing a ceiling for pecuniary awards for moral damages to reputation and to abolish criminal defamation.

On 12 June President Vladimir Voronin, exercising his powers to initiate legislation, proposed a bill to Parliament to modify Article 16(8) of the Civil Code of the Republic of Moldova. The proposal includes the abolishment of pecuniary remedies for moral damages from defamation. The simple publication of a refutation will instead serve as a remedy for moral damages to the plaintiff. According to an official statement by the Presidency, the aim of the bill is to protect the right to freedom expression by limiting damages in defamation cases. In particular, the proposal is a response to judicial cases in which excessively large damage awards have been made.

In defending freedom of expression **ARTICLE 19** stands for an appropriate balance between this freedom and the respect for reputation. In view of this we do not believe that the President's proposal ensures an appropriate balance. On the contrary, we are concerned that it may create a backlash over time and reduce the quality of public debate in Moldova.

We note that the new Civil Code of Moldova, which entered into force on 12 June 2003, abolished the previous ceiling for damage awards for civil defamation. We recall that at that time **ARTICLE 19** expressed concern about the possibility of excessive awards, which the Civil Code provides, and criticised the abolishment of the ceiling for damages. Based on our previous position we call on the Moldovan authorities to re-establish the ceiling for pecuniary awards for moral damages from defamation and completely to abolish criminal defamation.

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- Download the comment on the Moldovan President's Proposal on Moral Damages for Defamation:
 - In English: <http://www.article19.org/pdfs/analysis/moldova-moral-damages-proposal.pdf>
 - In Romanian: <http://www.article19.org/pdfs/analysis/moldova-comentariu-asupra-inei-iativei-pre-edintelui-republicii-moldova-privi.pdf>
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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.