

## CONCLUSIONS

Defamation laws in some of the countries of the Western Balkans still do not ensure implementation of standards determined by the European Court of Human Rights (ECtHR) in its well established practice. Specification of laws that would assist judges and journalists, as well as other citizens, to comprehend European standards is advisable.

The courts do not always apply the standards established in the case-law of the ECtHR because all judges are not yet fully aware that it is necessary and the states have not undertaken enough effort to provide for translation of all relevant ECtHR judgments for interpretation of freedom of expression.

The opinion on whether the obligatory continuous training of judges on human rights standards would be necessary, in terms of determined number of working days, has been divided. However, all speakers agreed that judges need to continuously invest in their education even without seminars, but with use of appropriate literature and translations of ECtHR judgements. The positive examples of the Macedonian Judicial Academy and joint initiatives of judges and journalists in Macedonia and Bosnia and Herzegovina have been emphasized.

It was recommended that judges, apart from the ECtHR case-law, consider the case-law of the Supreme Courts and Constitutional Courts from the region, especially those that refer to the judgments of the Strasbourg Court in their practice. (To that end, we propose here useful internet pages containing translated judgments of the ECtHR and the case-law of the courts from the region.)

The majority of speakers emphasized that crimes of defamation and insult should be abolished, or, at least, that the states should adopt the minimal European standard and prevent that those criminal acts lead to imprisonment or disproportional fines. Also, the speakers highlighted the obligation to respect the proportionality principle with regard to civil damages by considering the amounts of average monthly salaries in the state or monthly salary of the defendant and in case of media outlets, the amounts that should not jeopardize their existence.

It was also emphasized that the media do not always report responsibly, that they often do not respect the presumption of innocence and promote sensationalism rather than balanced reporting. The importance of media self-regulation for promotion of professional standards in media and prevention of court proceedings has been emphasized in that context. The publication of the correction and reply, as well as criticism of the media by journalists' self-regulatory bodies were highlighted as methods that might liberate the courts from excessive civil proceedings for violation of honor and reputation.