



Vilnius Dialogue

Fostering the Culture of Public Debate in Europe:

Implementing requirements of Article 10 of the ECHR. Strengthening judicial capacity to protect freedom of expression and counter SLAPPs.

24 October 2024

Seimas Palace, Gedimino ave. 53, Vilnius

Background and context

The European Court of Human Rights (the Court) has developed rich case-law on Article 10 of the European Convention of Human Rights (ECHR) in defamation cases concerning public officials and the right to express criticism in the public domain of those engaged in exercise of official functions in the executive and judiciary. Moreover, there is a rising number of the Court's judgments on allegations of defamation and the protection of reputation of public officials as well as on the use of Strategic lawsuits against public participation (SLAPPs), which are pending implementation before the Committee of Ministers of the Council of Europe. The case-law of the Court and the Committee of Ministers *acquis* underline the standards relating to the judicial evaluation of criticism of public officials and judges through the prism of "statements of fact" or "value judgments", via the protection of reputation of public officials and their privacy. They suggest a methodology and an international legal framework, based on the European Convention on Human Rights, as to the States' obligations in protecting media and other public watchdogs against SLAPPs, counteracting the growing information disorder, ensuring access to public information, and protecting journalistic sources, as well as the duties of media actors as regards ethical journalism and fact-checking, and. Such methodology and legal framework serve as guidance for the development of domestic legal and judicial practices.

The "Vilnius Dialogue" will enable high-level representatives of the judiciary, ministries of justice, offices of the governments' agents before the Court and the national audiovisual regulatory authorities from Lithuania, Latvia, Estonia, Ukraine, and other Council of Europe member States to exchange experience and good practices. The exchange will focus on the judgments and cases pending execution related to the issue of domestic practices of judicial review of defamation claims, primarily based on the need to protect right to privacy or to protect reputation. It will further address issues of domestic implementation of the case-law of the Court by the national judiciary and other public authorities, and implementation of Court's judgments regarding the limits of permissible criticism of public officials, judges, prosecutors, and law enforcement officers. The context of information disorder, current national security threats, wartime in Europe and public emergencies will also be addressed.

This international exchange, organised by the Council of Europe jointly with the Supreme Court of Lithuania, under the auspices of the Lithuanian Presidency of the Committee of Ministers of the Council of Europe, can also serve as a platform and a starting point for launching of a new thematic Council of Europe project.



PROGRAMME

08.30 – 09:30	Registration of participants
09:30 - 10:15	<p>Opening remarks:</p> <ul style="list-style-type: none"> ⇒ Danguolė Bublienė, President of the Supreme Court of Lithuania ⇒ Julius Sabatauskas, Deputy Speaker of the Seimas ⇒ Egidijus Meilūnas, Vice-Minister, Ministry of Foreign Affairs of the Republic of Lithuania ⇒ Arnfinn Bårdsen, Vice President of the European Court of Human Rights ⇒ Stanislav Kravchenko, President of the Supreme Court of Ukraine ⇒ Aigars Strupiņš, President of the Supreme Court of Latvia ⇒ Barbara Ubowska, Chief Specialist at the Department of International Cooperation and Human Rights of the Ministry of Justice, Poland ⇒ Marja Ruotanen, Director General for Democracy and Human Dignity, Council of Europe <p>Moderator: Dalia Vasarienė, Judge of the Supreme Court of Lithuania</p>
10:15-11:30	<p>PANEL 1: How the case-law of the European Court of Human Rights contributes to protection of freedom of expression and role of judiciary in this process</p> <ul style="list-style-type: none"> ⇒ Arnfinn Bårdsen, Vice President of the European Court of Human Rights ⇒ Egidijus Kūris, President of the Constitutional Court of Lithuania (2002–2008) and the Judge of the European Court of Human Rights (2013-2024) ⇒ Mykola Gnatovskyy, Judge, European Court of Human Rights ⇒ Artūrs Kučs, Judge of the European Court of Human Rights, former justice of the Constitutional Court of the Republic of Latvia ⇒ Hasan Bakirci, Section Registrar, European Court of Human Rights <p>Q&A session</p> <p>Moderator: Danutė Jočienė, Judge of the Supreme Court of Lithuania, President of the Constitutional Court (2021-2023), Judge of the European Court of Human Rights (2004-2013)</p>
11:30 – 11:45	Coffee break
11:45 – 13:00	<p>PANEL 2: Defamation and limits of permissible criticism of public officials, judges, prosecutors and law enforcement officers</p> <ul style="list-style-type: none"> ⇒ Indrė Isokaitė-Valužė, Vilnius University, Law Faculty, Associated Professor ⇒ Vytautas Mizaras, Justice, Constitutional Court of Lithuania ⇒ Paweł Wiliński, Judge of the Supreme Court of Poland ⇒ Sanita Osipova, Judge of the Supreme Court of Latvia, former President of the Constitutional Court of Latvia <p>Q&A session</p> <p>Moderator: Gediminas Sagatys, Judge, European Court of Human Rights</p>



13:00 - 14:00	Lunch break
14:00 - 15:15	<p>PANEL 3: SLAPPs and the judicial protection to counter SLAPPs and to protect freedom of expression and access to information</p> <p>⇒ Flutura Kusari, Council of Europe expert, Senior Legal Advisor at the European Centre for Press & Media Freedom (ECPMF) ⇒ Dominika Bychawska-Siniarska, Council of Europe expert, Advisor at Central Europe Programme, Prague Civil Society Centre ⇒ Burkhard Hess, University of Vienna, member of the Committee of Experts on Strategic Lawsuits Against Public Participation (MSI-SLP)</p> <p>Q&A session</p> <p>Moderator: Ričard Dzikovič, Head of the Legal Representation Group of the Ministry of Justice, Agent of the Republic of Lithuania before the European Court of Human Rights</p>
15:15 – 15:30	Coffee break
15:30 - 16:45	<p>PANEL 4: Freedom of expression in times of war and emergency; propaganda and disinformation vs. freedom of expression: how to ensure a fair balance in judicial proceedings</p> <p>⇒ Myroslava Bilak, Judge of the Supreme Court of Ukraine ⇒ Liepa Želnienė, Journalist, Lithuanian National Radio and Television ⇒ Dainius Radzevičius, Chair of the Lithuanian Journalists Union ⇒ Olga Yurkova, Ph.D, media expert, co-founder of StopFake.org, Ukraine ⇒ Saulius Verseckas, Deputy Prosecutor General of Lithuania</p> <p>Q&A session</p> <p>Moderator: Gabrielė Juodkaitė-Granskienė, Chair of the Criminal Cases Division of the Supreme Court of Lithuania</p>
17:00 - 17:30	<p>CLOSING PANEL: Main Takeaways & Steps Forward</p> <p>⇒ Danguolė Bublienė, President of the Supreme Court of Lithuania ⇒ Pavlo Pushkar, Head of Division, Department of Execution of the ECtHR Judgments, Council of Europe ⇒ Alina Tatarenko, Head of Division for Cooperation on Freedom of Expression, Council of Europe</p>
17:30	Reception at the Seimas