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# Claim for withdrawal of news that insults one's honour and respect: an overview of legal aspects and experience of journalists (summary)

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In practice, the terms “honour” and “respect” are used as a whole. “Honour is a public assessment of a person, how society perceives the person, what society thinks of that person, but respect means how this assessment of society is reflected in the individual's own consciousness. If society, for example, considers a person a criminal, a fraudster, it can lead to anxiety. This forms the common background as to why a person may feel abused, offended and would like to submit a claim to the court because of a publication,” explains sworn attorney Linda Bīriņa.

Lawyers point out that a person has the same rights regarding privacy, honour and respect from the point of view of both basic laws and human rights, but the court must give preference to something in the judgment. Criteria to be taken into account for balancing interests - whether the matter is in the public interest or a simple satisfaction of curiosity; status of the victim - public or private; how widely the information was disseminated; what the goals were; whether the journalist relied on verified information; what the conse-

quences for the victim are, etc. For example, the specific nature of the activity requires public persons to accept a higher level of criticism or evaluation.

Lawyers advise journalists to consider all submissions, regardless of their format, as this increases trust in the media and does not act as an irritant in cases where the author of the claim is ignored. In addition, it is an opportunity to smooth out the situation so that it does not develop further, and the actions of the media can also be taken into account by the court. If claimants prove that they were ignored, it could turn out worse for journalists. At the same time, it is difficult for lawyers to correct situations where inaccurate answers have been given in pre-trial contacts with the claimant. Therefore, early consultation with a lawyer would be useful and advisable.

The experience of the media shows that some have not encountered claims to withdraw insulting information in recent years, but others have to deal with it very often. Moreover, in these cases it

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is not a question of media professionalism, but of the claimants' understanding of the freedom of speech.

Lawyers point out that the truth is the main criterion for assessing cases and not restricting freedom of speech, but there are several nuances that need to be taken into account. One of them is the separation of news and opinion. If this is news in which something is not true, you must take responsibility for it. While opinions are not restricted unless they are manifestly rude, offensive and without any factual basis.

The interviewed journalists repeatedly highlight an important nuance: to separate the correction of an error from false information, which the court does not always take into account. For example, the wrong date is a mistake, not false information, but often in the public fight against the media, 'victims' use an aspect of untruth which does not correspond to reality.

The experience of different media allows one to group situations into three sections: large media groups with their own legal service; smaller companies with knowledge or opportunities to attract legal services; and small media, whose encounters with court proceedings and subsequent expenses can put an end to their existence. Moreover, until recently, the protection in court of journalists of major media, including the public broadcasters, was not guaranteed.

The situation is different in the regional media, where legal advice is not always available. There are also specific cases, for example, sometimes it is difficult to get legal advice due to media activity - journalists of "Kurzemnieks" often write about criminal news, where many lawyers represent one of the parties, and they often do not like what the journalists do.

Some journalists have encountered intimidation tactics when influential people threaten to sue. Because of this, smaller media and editorials, that are not backed by extensive financial resources and strong legal support, can carry out excessive self-censorship and avoid mentioning specific individuals or organisations. Those journalists, who have faced litigation, call the process tedious, horrible, time-consuming, and a "case that drags you along for years."

Journalists and editors acknowledge that when faced with claims to the court about insulting news, the goal is often not to defend honour and dignity, but to teach a lesson or influence the work of journalists.

There have been situations, where the threat was put into practice. There was a case where a man accused of fighting and drink driving walked into the regional media and threatened that, if they did not stop writing about him, it would turn out worse. After a while, the car of the journalist who wrote about it, was burnt down. The police did not find the cause.

Some of the interviewed editors note that about six months before the elections, political, political business and economic groups are becoming more active.

At the end of 2020, the Latvian Association of Journalists, thanks to the support of UNESCO, established the Centre for Legal Aid. Its main purpose is to provide free legal aid to journalists and the media, who need legal aid in the course of their professional duties. The centre has come to an agreement with a number of law firms specialising in media law. Both consultations and representation in legal proceedings are available. 

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