

Independent Legal Analysis of the Amendments to the Criminal Code and Recommendations on Freedom of Expression

This independent analysis was prepared by the Center Science and Innovation for Development (SCiDEV).

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Introduction

On 25 July 2025, the Ministry of Justice presented the [draft of the new Penal Code](#), and on 27 August 2025 it was published in the [Electronic Register for Notifications and Public Consultations](#), thus officially launching the consultation process. The draft represents a major legal reform with direct consequences for the functioning of the rule of law, while at the same time raising serious concerns about its potential impact on freedom of expression, media freedom, and the role of public watchdogs – journalists, activists, human rights defenders, civil society organizations, and whistleblowers.

This document provides an independent and evidence-based analysis of the draft articles that may affect freedom of expression and the role of public watchdogs, focusing on defamation, insult, the publication of investigative acts, influence on judicial independence, and restrictions on media and free expression more broadly. The analysis builds on SCiDEV's research and reports (such as [the Shadow Report on Media Freedom 2024](#); [Annual Report Tracking Albania's Progress on Media Freedom towards EU Standards](#)), the SafeJournalists Network publications (such as [the 2020–2025 Annual indicators reports on media freedom and journalists' safety](#); [2024 report on the safety of women journalists](#)), SCiDEV's ongoing engagement with the journalistic community and civil society, European and international standards, EU integration documents, as well as SCiDEV's [long-standing advocacy](#) in cooperation with [SafeJournalists](#) and other partner organizations on media freedom and freedom of expression.

Through [focus groups with](#) journalists and [roundtables](#) organized by SCiDEV and [SafeJournalists Network](#) over the past six years, it has become evident that criminal defamation and insult remain key obstacles to investigative journalism, especially when it involves high-level corruption, abuse of power, or organized crime. Facing a criminal case brings significant financial costs, emotional strain, and often isolation, as newsrooms rarely provide legal support and professional solidarity is weak. Even when cases end without conviction, the damage is done: investigations are halted, self-censorship increases, and the public loses information vital to its interest.

One of the most pressing issues remains the lack of accurate and disaggregated data on criminal proceedings for defamation and insult. The judicial statistical system does not indicate whether the parties involved are journalists or citizens, making it difficult to assess the practical impact. For years, SCiDEV and the [SafeJournalists Network](#) have advocated for the collection and publication of detailed data, stressing its importance for transparency and evidence-based policymaking. Still, available evidence is worrying: in 2024, the Tirana Court registered 77 criminal cases for defamation and insult, but it is unclear how many involved journalists. General jurisdiction courts across the country identified 9 clear cases against journalists – most were dismissed, one resulted in a fine, and one remains pending. In the same year, the Tirana Court registered 23 civil lawsuits against journalists and media outlets for damages, retractions, or content removal.

SCiDEV's position is clear: the protection of journalism in the public interest, the integrity of public watchdogs, and the critical role of civil society cannot be ensured through criminal sanctions. These essential roles for democracy and the rule of law should be safeguarded through effective civil remedies – including retractions, the right of reply, proportionate damages, and the publication of judicial decisions – combined with transparency mechanisms, professional self-regulation, and safeguards against strategic lawsuits (SLAPPs). SCiDEV underlines that the call for decriminalizing defamation and insult is not about granting journalists

immunity, but about guaranteeing freedom of expression as a fundamental right for society as a whole. Journalists and other public watchdogs remain accountable through civil law but should not face criminal penalties for carrying out functions of public interest.

Even though decriminalization of defamation and insult is not a binding international norm, the European trend is clearly toward decriminalization or non-enforcement of criminal provisions on speech. Where such provisions still exist, they are tightly constrained by the jurisprudence of the European Court of Human Rights (ECtHR) and by strong institutional safeguards, such as independent judiciaries and professional self-regulation. Albania does not yet have these guarantees, making it even more urgent to avoid potentially penalizing free speech through the Penal Code and instead to orient toward proportionate civil measures and democratic accountability mechanisms.

The ECtHR's case law is consolidated in protecting freedom of expression, as reflected also in the Council of Europe's Guidelines on ["Limiting the Use of Criminal Law to Restrict Freedom of Expression."](#) The Court has established that criminal sanctions for defamation and insult, especially imprisonment, are in principle disproportionate and constitute a violation of Article 10 of the European Convention on Human Rights, except in extremely serious cases such as incitement to violence or hate speech. Its jurisprudence stresses that even heavy fines may create a chilling effect on journalists, activists, whistleblowers, and human rights defenders, discouraging free expression and legitimate criticism. Similarly, the Court has found that even when fines are symbolic, if they result from criminal proceedings they have a long-term impact on journalists' futures—because they become part of their criminal records. Therefore, handling these cases requires consideration of numerous criteria, among other things, the clear distinction between factual statements and value judgments, emphasizing that political criticism and debate on matters of public interest enjoy the highest level of protection. Accordingly, the Court requires states to prioritize civil remedies and proportionate measures for protecting reputation, while avoiding criminal sanctions that inherently undermine free expression and democratic debate.

The Council of Europe Guide on ["Limiting the Use of Criminal Law to Restrict Freedom of Expression"](#) underlines that criminal sanctions must be a measure of last resort, reserved only for serious cases such as incitement to violence or hate speech, while less harmful forms of expression must not be criminalized. The Guidelines warn against the abusive use of criminal law to silence journalists, activists, and critical voices, which undermines pluralism and democracy. Although not legally binding, the document provides authoritative guidance rooted in Article 10 of the European Convention on Human Rights, reminding states of their duty to protect freedom of expression and to ensure that any restriction is lawful, necessary, and proportionate.

Moreover, Albania has undertaken clear commitments in the framework of EU integration to respect freedom of expression and ensure journalists' safety. The [Rule of Law Roadmap \(December 2023\)](#), the [National Reform Agenda under the EU Growth Plan](#), and the [interim benchmarks](#) for Cluster 1 ("[Fundamentals](#)") explicitly require the alignment of civil and criminal provisions on defamation and insult with European standards. Freedom of expression and journalists' safety are identified not only as key areas for accession progress, but as foundations of democratic processes in the country.

Additionally, the [recommendation](#) for decriminalization of defamation, alignment with EU law, and implementation of the Council of Europe recommendation on Strategic Lawsuits Against Public Participation (SLAPPs) has been reinforced by the [Structured Dialogue Platform on](#)

[Freedom of Expression](#), established with the support of the Council of Europe and the European Union and facilitated by the Department of Journalism at the University of Tirana. This platform has brought together public institutions (including the Ministry of Justice, the Audiovisual Media Authority, the Minister of State against Corruption, and the Public Administration), media organizations, journalists' associations, and other stakeholders. Following months of consultations, the platform produced specific recommendations for decriminalization and legal alignment with anti-SLAPP standards. Background papers and recommendations developed by the structured media platform have been made available by the Council of Europe via [this link](#).

This legal analysis is the result of SCiDEV's close monitoring of the process, its [joint statements with domestic and international partners](#), and its sustained advocacy for a fair and inclusive reform. The report is structured in sections that analyze, article by article, the problematic provisions of the draft Penal Code, comparing them with international standards and European practice, and concludes with a set of concrete recommendations to be submitted to the Public Consultation Platform on the Penal Code, with the ultimate aim of contributing positively and in the spirit of cooperation, to the process of drafting and adopting a law of major importance.

Analysis of Specific Articles that May affect Freedom of Expression and the Activity of Media Professionals and Public Watchdogs

Current Regulation	Draft Penal Code	Notes	Assessment
Article 120 – Defamation¹	Article 865 – Defamation		
Deliberate dissemination of statements, as well as any other information, knowing that they are false and that they harm the honor and dignity of a person, constitutes a criminal misdemeanor and is punishable by a fine ranging from fifty thousand (50,000) to one million five hundred thousand (1,500,000) ALL. The same act, when committed publicly, to the detriment of several people or more than once, constitutes a criminal misdemeanor and is punishable by a fine ranging from fifty thousand (50,000) to three million (3,000,000) ALL.	1. The deliberate dissemination of statements concerning a specific false and offensive fact and/or any other false information that harms the honor, self-esteem, or degrades the reputation of a person or institution constitutes a criminal misdemeanor and is punishable by a fine ranging from fifty thousand (50,000) to one million five hundred thousand (1,500,000) ALL, along with the additional sanction of retraction and public apology to the victim. 2. If the criminal offense is committed through the press or any other means of media communication, electronic communication, through social media on the internet, or through a public act, the penalty is increased up to double that provided in the first paragraph. 3. If the criminal offense is directed against a representative of a	- This article expands the definition of defamation by adding that it also covers acts that “<i>harm honor, self-esteem, or degrade the reputation of a person or institution.</i>” - It removes the requirement of “<i>knowing that the information is false,</i>” whereas Council of Europe Recommendation No. 1814 (2007) provides that in cases where statements are made in the public interest, even if they prove inaccurate, they should not be sanctioned if made without knowledge or intent to cause harm (contrary to point 7 of the article on Insult). - It introduces an additional sanction of retraction and public apology to the victim, although its repetition in paragraph 6 creates uncertainty.	- It is assessed that this article should not be adopted. - EU reports: EU Common Position (Fundamentals): “The EU underlines the importance for Albania to fully repeal criminal provisions on insult and defamation and align civil aspects of defamation with European standard”. EU Progress Report 2024: “In the coming year, Albania should in particular:[...] (ii) fully decriminalise defamation and align civil aspects of defamation with European standards, based on a structured and inclusive dialogue with media actors”. Rule of Law Report 2025: “Defamation remains a criminal offence, and the legal framework does not provide for safeguards regarding SLAPPs”.

¹ (Amended paragraph 2 by Law no. 8733, dated 24.1.2001; amended by Law no. 23/2012, dated 1.3.2012.)

	political, administrative, or judicial body, or a member thereof functioning in a collegial manner, the penalties provided in the first or second paragraph are increased by up to one half. 4. Anyone who has committed any of the acts provided for in this article in a state of anger shall not bear criminal liability, if such state and acts were carried out immediately as a result of an unjust act of others against him/her. 5. Criminal proceedings begin upon the request of the victim or his/her legal representative and are discontinued when the victim withdraws the complaint. 6. When the criminal offense of defamation is committed or disseminated by a legal entity, the court shall also order the publication of the criminal judgment through the media or in the community, along with the retraction and public apology. 7. Criminal proceedings do not prevent the victim from also	• It adds the concept of exemption from criminal liability if the act is committed in a state of anger. • It redefines the concept of “publicly committed” by specifying means of communication (in paragraph 2), but the reference to “public act” remains unclear and as such fails to meet the standard of legal certainty. • It reinstates aggravated protection for public officials by increasing penalties under paragraph 3. The necessity of this reintroduction is questionable, since similar provisions (Articles 239–241) were repealed in 2012, and civil law already provides for rules regarding the protection of individual dignity. • Even though imprisonment is not foreseen, criminal sanctions—once entered into the criminal record—have long-term stigmatizing and	• It is not compliant with: ○ Council of Europe Recommendation. 1814 (2007) “Towards decriminalisation of defamation” ○ Council of Europe Resolution No. 1636 (2008) “Indicators for media in a democracy”³ ○ ECtHR jurisprudence⁴ ○ Council of Europe Guidelines: Limiting the Use of Criminal Law to Restrict Freedom of Expression
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³ Indicator no. 8.2: state officials shall not be protected against criticism and insult at a higher level than ordinary people, for instance through penal laws that carry a higher penalty. Journalists should not be imprisoned, or media outlets closed, for critical comment

⁴ Among others: *The Sunday Times v. the United Kingdom*, *Animal Defenders International v. the United Kingdom*, *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], *Taner Kılıç v. Turkey*, *Magyar Helsinki Bizottság v. Hungary*.

	bringing a case before the civil court.	discouraging effects on media professionals, especially journalists, even when fines are only symbolic. The mere threat of criminal prosecution can have a chilling effect on freedom of expression.²	
Article 119 Insult⁵	Article 863 Insult		
The intentional insult of a person constitutes a criminal misdemeanor and is punishable by a fine ranging from fifty thousand (50,000) to one million (1,000,000) ALL. The same act, when committed publicly, to the detriment of several persons or more than once, constitutes a criminal misdemeanor and is punishable by a fine ranging from fifty thousand (50,000) to three million (3,000,000) ALL.	- For the purpose of criminal law, insult is any act, word, or expression that violates the dignity of another person or harms the victim's self-esteem. Serious insult shall be considered an act, word, or expression which, by its nature, consequences, the circumstances under which it was made, or the good morals it offends, causes concern to public opinion. - Insult constitutes a criminal misdemeanor and is punishable by a fine.	- This article broadens the definition of insult to cover <i>"any act, word, or expression that violates the dignity of another person or harms the victim's self-esteem."</i> - It introduces the concept of "serious insult" – defined as expressions that cause "concern to public opinion." - The following expressions remain vague and unclear: "harm to the victim's self-esteem" "good morals" "concern to public opinion" - Paragraph 2 is incomplete, as it does not specify the penalty,	- It is assessed that this article should not be adopted. - The above references apply.

² See further: [Limiting the Use of Criminal Law to Restrict Freedom of Expression a Guide to Council of Europe Standards](#)

⁵ (Amended by Law no. 8733, dated 24.1.2001; amended by law no. 23/2012, dated 1.3.2012)

	3. When the criminal misdemeanor is committed publicly, through any means of disseminating information, the penalty is increased by one third. 4. Criminal proceedings commence upon the request of the victim and are discontinued when the victim or his/her legal representative withdraws the complaint. 5. Serious insult constitutes a criminal misdemeanor and is punishable by a fine or imprisonment of up to two months. 6. Serious insult committed publicly, when disseminated through the press, radio broadcasts, or any other similar means, constitutes a criminal misdemeanor and increases the penalty by up to one third. 7. A person accused of insult is exempt from liability if he/she proves the truth of the acts or expressions	which fails to meet the requirements of legal certainty. • It revises the concept of the act committed “publicly.” • Paragraph 5 foresees imprisonment for serious insult, which is not consistent with the principle of proportionality (particularly since the penalty is further increased under paragraph 6) and with ECtHR jurisprudence, which requires that prison sentences for expression be entirely eliminated. • Paragraph 7 is unclear, as it relates to public officials without sufficient precision.	
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	directed against public officials, for facts related to the exercise of their duties or the commission of administrative offenses.		
--	Article 536 – Influence on the Independence of the Judiciary		
--	The making or publication of comments that openly aim to exert influence on the ability of the court to take decisions, by creating oppressive circumstances against its independence, by deliberately distorting the quality of evidence or presenting it contrary to its true content, by imposing disbelief in the public as to the ability of the court to be independent, carried out for any interest or benefit, in order to harm or favor specific persons, and committed prior to the delivery of a judicial decision, shall be punishable by a fine or by imprisonment of up to three years.	• This article introduces a positive novelty in aiming to protect the integrity and independence of the judiciary. • It contains vague expressions such as “oppressive circumstances” and “openly aims”, which are not standard legal terms and would be better linked to intent. • There is no safeguard for journalists – the article could be misused to restrict freedom of expression and legitimate commentary on judicial proceedings of high public interest, which are recognized as legitimate critical speech. • In other countries, similar provisions are generally limited to the unlawful disclosure of evidence or investigative	- This article needs to be revised, aligned with Rec(2003)13 - Recommendation of the Committee of Ministers to member states on the provision of information through the media in relation to criminal proceedings (Adopted by the Committee of Ministers on 10 July 2003 at the 848th meeting of the Ministers' Deputies). - Suggested rephrasing: <i>“The publication of materials or factual statements which, with intent or with awareness of their consequences, create a serious and immediate risk to the justice of a pending criminal/judicial case, constitutes a criminal misdemeanor</i>

		material (regulated by other articles of the Penal Code). • The inclusion of imprisonment as a penalty may be disproportionate. • In comparative practice, this type of offence is known as “<i>scandalizing the judiciary</i>”, originating from English Common Law, and was repealed in the United Kingdom in 2013 due to the risks it posed to freedom of expression.	<i>and is punishable by a fine ranging from [...] to [...].”</i> <i>The following shall not constitute a criminal offense:</i> <i>(a) accurate and fair reporting of proceedings;</i> <i>(b) expressions of opinion or critical evaluation;</i> <i>(c) publications made in good faith in the public interest;</i> <i>(d) comments that do not intend to, and do not, create a serious and immediate risk.</i> <i>This article does not replace or preclude the application of other criminal offenses such as threats, corruption, unlawful influence, disclosure of investigative data, or obstruction of justice.</i>
Article 261 Obstruction in the Exercise of the Right to Expression, Assembly, or Demonstration	Article 852 Shkelje e lirisë së mendimit dhe shprehjes		
The commission of acts intended to obstruct citizens from exercising their freedom of expression, assembly, or demonstration constitutes a	1. The unjust denial or restriction of freedom of speech and expression in public, freedom of the press, or communication by other means constitutes a criminal	• This article expands the protection of freedom of expression by explicitly including “freedom of the press” in the Penal Code.	• It is assessed that this article requires further improvements. • Suggested wording: 1. <i>The unjust denial or restriction of freedom of</i>

criminal misdemeanor and is punishable by a fine or imprisonment of up to six months. When such acts are accompanied by the use of physical violence, they are punishable by a fine or imprisonment of up to three years.	misdemeanor and is punishable by a fine or imprisonment of up to one year. 2. The penalty is increased by up to one third when the criminal misdemeanor under paragraph 1 is committed by anyone who orders, coerces, restricts, or unjustly denies a journalist the free professional will to record or report real events and facts, or analyses and opinions based thereon. 3. The same penalty under paragraph 2 applies to anyone who unjustly obstructs the publication, sale, or distribution of books, magazines, newspapers, or any other type of press, or the production and distribution of radio and television programs, news agency reports, or the release of other media content.	• The reference to “freedom of the press” could be revised and broadened to “freedom of the media,” in order to ensure consistency with paragraph 3, which already covers other forms (radio and television programs). • The article should be systematically linked with Anti-SLAPP measures that are expected to be introduced (albeit outside the Penal Code). • Consider the possibility that individuals whose rights are violated under this provision should be able to request expedited review through interim measures.	<i>speech, public expression, freedom of the press and media, or communication by other means constitutes a criminal misdemeanor and is punishable by a fine or imprisonment of up to one year.</i> 2. <i>The penalty is increased by up to one third when the misdemeanor under paragraph 1 is committed by anyone who orders, coerces, restricts, or unjustly denies a journalist [or media professional] the free professional will to collect news, record, publish, and disseminate real events and facts, or analyses and opinions based thereon.</i> 3. <i>The same penalty under paragraph 2 applies to anyone who unjustly obstructs the publication, sale, or distribution of books, magazines, newspapers, or any other type of press, or the production and distribution of radio and television programs, news agency</i>
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			<i>reports, or the release of other media content.</i> To provide special protection for journalists/media professionals, the following options are suggested: Option 1: In Article 852, following the above proposal, add paragraph 4: 4. <i>Journalists/media professionals, in cases of threats, assaults, or other acts committed against them with the purpose of preventing them from carrying out their duties or services in the public interest according to the law, when their capacity is visible or known, shall be punished by a fine or imprisonment from six months up to five years.</i> OR <i>Journalists/media professionals, in cases of threats, assaults, or other acts committed against them with the purpose of preventing them from carrying out their duties or services in the public interest according to the law, when their capacity is visible or</i>
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			<i>known, shall enjoy the same protection as provided under Article 338 of this Code.</i> Option 2: Article 338 of the draft Penal Code should be revised to explicitly include journalists/media professionals: Article 338 – Threat, Resistance, and Assault against an Employee Performing a State Duty or a Service in the Public Interest <i>Threats, violent resistance, assaults, or other acts committed against an employee performing a state duty or a service in the public interest, with the purpose of preventing him/her from fulfilling such duty or service under the law, when his/her capacity is visible or known, shall be punishable by a fine or imprisonment from six months up to five years.</i> <i>When the victim under paragraph 1 is a professional in the fields of education, health, or media (public or private), the term of imprisonment shall be increased by up to one third.</i> <i>If the resistance under paragraphs 1 or 2 occurs in the workplace, in public premises, with objects dangerous to life or health, with items</i>
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			<i>prohibited in public places due to the nature of the activity, or is committed by a large number of people, the punishment shall be increased by up to one half.</i>
	Article 515 – Disclosure of Secret Acts or Data of Criminal Proceedings		
	1. The disclosure of secret acts or data containing secret acts, by the prosecutor or the judicial police officer, the judge or the judicial secretary, the lawyer, or any subject who becomes aware of them due to judicial duty, as well as failure to comply with the obligations provided in Article 103 of the Criminal Procedure Code, is punishable by imprisonment from one to five years. 2. The disclosure of secret acts or data containing secret acts, by anyone who has been warned by the prosecutor or the judicial police officer not to	• Paragraph 2 is unclear as to whether the subjects are limited only to those listed in paragraph 1 – individuals who become aware of secret acts and data due to judicial duty. • Paragraph 2 refers broadly to “anyone,” and increases the penalty when the offense is committed by legal entities, even though none of the subjects listed in paragraph 1 are legal entities. • This paragraph, when read together with paragraph 3 (concerning the publication of acts), may create obstacles for media professionals who report on investigative proceedings.	- It is assessed that this article requires revision to provide clarity on paragraph 2, by eliminating the possibility of its application against media professionals/public watchdogs.

	disclose them, increases the penalty provided in paragraph 1 by up to one third. If this offense is committed by legal entities, it is punishable by a fine or by one of the other penalties provided in Article 123 of this Code. 3. The publication of acts referred to in paragraph 1 of this article, when obtained from officials or official sources with the intent of exploiting them for any interest of the publisher and thereby causing harm to public interests related to the investigation or trial of cases, is punishable by a fine or imprisonment of up to four years. If this offense is committed by legal entities, it is punishable by a fine or by one of the penalties provided in Article 123 of this Code.		
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Article 268 - Desecration of the Republic and Its Symbols ⁶	Article 235 - Desecration of the Republic and Its Symbols		
The intentional damaging of the flag or the emblem of the Republic, when displayed in state institutions, constitutes a criminal misdemeanor and is punishable by a fine or imprisonment of up to three months. Public desecration of the flag or the national anthem, during an event organized by state authorities, constitutes a criminal misdemeanor and is punishable by a fine or imprisonment of up to three months.	1. The desecration of the National Anthem, the flag, or the emblem of the Republic, when displayed in state institutions, constitutes a criminal misdemeanor and is punishable by a fine or imprisonment of up to six months, or by no fewer than two supplementary penalties if it is deemed that the purpose of the criminal sanction can be achieved through them. 2. The desecration of the Republic, the President, the Parliament, the Council of Ministers, the Constitutional Court or the judicial system, the armed forces, or the martyrs of the Nation, shall be punishable by imprisonment of up to three years. 3. The public desecration of the Albanian Nation shall be punishable by imprisonment of one to four years.	• Paragraph 2 of this article expands the scope of the criminal offense of desecration (replacing “insult”) to include the Republic, the President, the Parliament, the Council of Ministers, the Constitutional Court, the judiciary, the armed forces, and the martyrs of the Nation, introducing harsher prison sentences that increase further when the acts are committed during public holidays or official ceremonies. • The inclusion of these figures and institutions may restrict freedom of expression in the context of public/political discourse, humor/satire, and criticism. • The origin of such provisions lies in <i>lèse-majesté</i> laws. • Specifically, regarding the above figures, the European trend has been towards repealing such provisions, as	• It is assessed that this article should be revised by removing paragraph 2.

⁶ (Amended by law no. 23/2012, dated 1.3.2012)

	4. If the desecration under the above paragraphs is committed during a public holiday or official ceremony, it shall be punishable by imprisonment of up to four years. 5. For the purpose of this law, desecration shall mean the violation of something sacred, of high moral qualities or universally honored values; humiliation, rendering useless, contempt, mockery, staining, or scorn of the institutions mentioned in this provision.	they unduly restrict freedom of expression. For example, France abolished the offense of “insulting the President” following the ECtHR judgment in <i>Eon v. France</i>. Similarly, in 2021, the Belgian Constitutional Court undertook a comparable reform.	
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General Recommendations

1. Decriminalization of defamation and insult

- Repeal of criminal provisions on defamation and insult, in line with the standards of the European Union, the Council of Europe, and the jurisprudence of the European Court of Human Rights.
- Addressing issues that aim to protect reputation and dignity through proportionate civil remedies, such as retraction, the right of reply, civil compensation, and publication of court rulings.

2. Strengthening the protection of journalists and public watchdogs

- Recognition of journalists and media professionals as a protected category while performing their duties, by including them in provisions that foresee protection against threats, violence, and obstacles to their work.
- Alignment of legislation with anti-SLAPP measures, preventing the use of strategic lawsuits aimed at silencing criticism and public debate.

3. Revision of provisions that potentially restrict expression

- Review the criminal sanctions for desecrating the state figures, since they undermine political discourse, satire, and legitimate criticism.
- Clarification of provisions regarding influence on courts and publication of investigative acts, in order to avoid arbitrary interpretation and the undermining of reporting in public interest.

4. Harmonization with European and international commitments

- Full alignment of Penal Code provisions with the commitments of the Rule of Law Roadmap (December 2023), the National Reform Agenda, and interim benchmarks for the “Fundamentals” chapter.
- Implementation of the recommendations of the Structured Dialogue Platform on Freedom of Expression and Safety of Journalists, supported by the EU and the Council of Europe, especially regarding the decriminalization of defamation and alignment with anti-SLAPP measures ([EU Directive](#), [Council of Europe Recommendation](#)).

5. Ensuring proportionality and legal clarity

- Elimination of vague and subjective language in legal provisions (e.g., “good morals,” “disturbance of public opinion,” “public acts”), in line with the principle of the quality of law and clarity of norms, with the aim of guaranteeing legal certainty.
- Establishment of clear and procedural mechanisms to protect journalists and civil society actors from obstacles in the exercise of their functions.