Implementation and Protection of the Right to Freedom of Expression in Ukrainian Civil Law: Modern Problems

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Abstract: *The article focuses on the implementation and protection of the freedom of expression in Ukraine and attempts to explore this issue not from the perspective of traditional constitutional law, but rather from that of civil law. For this purpose, constitutional rights and personal immaterial rights are compared and ways of their implementation as well as remedies of their defense are analyzed.*

To achieve the mentioned purpose of research, the notion of ‘views’ has been analyzed and compared with the notion of ‘facts’ as a subject of civil rights. This analysis helped the author to determine ways and conditions of free sharing of information, factors hindering the freedom of sharing information and remedies of defense of the right to share information freely. The functional method allowed the author to explore the implementation of the right to freedom of expression as a systemic phenomenon influenced by various aspects, such as the language used in expression, form of expression, informational sources providing public access to the shared information, and peculiarities of access to these sources for different persons. The article emphasizes the difficulties accompanying the implementation of the right to freedom of expression in various social areas, e.g., in science, politics, religious affairs, etc. The author presumes that the freedom to express one’s own opinions is comparable to the freedom of having one’s own thoughts on various issues not violated, and this should be guaranteed by the appropriate infrastructure with a simple access to it for all regardless of their beliefs, political opinions, and other factors.

Keywords: *freedom of expression, personal immaterial rights, refuting false information, share of information, value judgment*

1. Introduction

The right to freedom of expression is usually considered primarily in the context of constitutional rights—the freedom to have a view on various aspects of social life and make it known to the public in various ways, the freedom to defend one’s view, etc. The Civil Code of Ukraine does not directly regulate such a personal non-property right as the right to freedom of expression, which is why it has not been duly analyzed in civil law research. For example, a fundamental monograph by the Ukrainian civil law scholar R. O. Stefanchuk (2007) in the field of immaterial rights characterizes the right to freedom of expression as one of immaterial rights which ensure the freedom of social being, personal awareness and privacy of a natural person. Indeed, this right is related to similar rights—the right to freedom, respect of honor and dignity, protection of business reputation, individuality, private life and its secrecy, information, etc. (Art. 288, 297, 299–302 of the Civil Code of Ukraine).

In this respect, the analysis of the right to freedom of expression has become an extension of professional discussions on the remedies of defense of this right by refuting false information, seeking moral damages in defamation lawsuits, etc. There are a lot of civil law researches focusing mainly on the remedies of defense of immaterial rights (Prymak, 2014; Tserkovna, 2014). However, nowadays a major point of debate is the distinction between statements of facts and value judgements, acceptable limits of criticism, which extend to broader problems like the need to balance private and public interests, rights and interests of different persons and social groups enjoying freedom of expression.

2. Views

A view is inseparable from its holder as a social person, because views can only be considered with regard to the person and only in the aspect of his/her existence in a society. Hence, the right to express views and make them known to the public is socially significant. There are internal and external components of views. The internal component is characterized by meaningfulness, fullness, evaluation, level of intelligence, etc., whereas the external one is information.

Views may cause other persons' disagreement as to their substance, but the expresser of the views himself/herself may consider his/her rights violated as a result of his/her views being miscommunicated to the public or him/her being prevented from expressing his/her views.

Information as the object of legal relationships appears in different sources, which determines the sphere of its dissemination. Judgments, thoughts, knowledge as forms of verbal expression, and even silence can be regarded as views. The view and the position are also interrelated. Views can be expressed in images and may be contained not only in literary works, but also in music or visual art. In terms of the social life, views may relate to completely different aspects—from politics and economy to science, culture, etc.

Since the essence of the view involves other people getting to know it, being able to express and defend it is essential to a person. On the one hand, a person exercises his/her right to freedom of expression through his/her actions, which does not require any action by the obligated persons, and which is intrinsic to the absolute legal relations' model. On the other hand, in the modern world this requires appropriate communications that enable a person to exercise this right. This, in turn, depends on the availability of various means of bringing the views to public attention and equal opportunities to use the respective information infrastructure. These relationships are relative relationships by their essence as they appear between the persons who want to express their views and the media. Therefore, the European Court of Human Rights (hereafter ECtHR) has repeatedly emphasized the importance of the institution of free media, and in considering the violation of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms (hereafter the Convention), the ECHR points out that the freedom of speech "constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual's self-fulfillment" (Fuley, 2015, p. 93).

3. Certain aspects of exercise of the right to freedom of expression in Ukraine

3.1 Language problems in Ukraine

Since views are usually expressed in verbal form, it is important what language they are expressed in. This aspect is not so important from the informative standpoint as it concerns cultural expressions, which follows from the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of

Cultural Expressions that puts freedom of cultural expressions on par with the freedom of thought, expression, and information. The Geneva Declaration recognizes cultural diversity to be the “common heritage of humanity” (Declaration of Principle, 2003, pp. 32, 52).

The language legislation of Ukraine¹ has not only undergone constant changes during the entire period of our country’s existence as an independent state, but also has often become the subject matter of acute social conflicts, especially in times of political crises. Considering that in different regions of Ukraine large population groups speak different languages, the language problem has been a stumbling block to the free expression of views.

3.2 Problems a person faces when trying to express his/her views in a way he/she has chosen

A person may face the problem of his/her views being twisted in the media or misrepresented in a way that distorts the person’s position through various means—wrenching statements out of their context, making comments on the person’s views so that they are perceived differently, or sometimes even putting words that the person did not say into his/her mouth. Even though there are information resources like Stop Fake and others in Ukraine, their level is criticized almost to a point that they are accused of posting fake information themselves.

Preservation of the form in which the views of a person are presented is clearly stipulated in copyright law, which grants the authors a personal non-property right of inviolability of their work (Article 438(1), para. 4, of the Civil Code of Ukraine).

In expressing his/her views, a person must respect the rights of others, but the *views* of an individual (as a manifestation of his/her inner conscious vision and evaluation of certain events and circumstances) should be distinguished from *facts* (as information about actual circumstances and events). Naturally,

¹ Since 1989 several laws on language policy have been adopted in Ukraine. The first one was adopted in 1989 (‘On languages in Ukrainian SSR’, 1989). Later in 2013, a new law outlining language policy was adopted (‘On principles of state language policy’, 2013), which repealed the previously adopted law of 1989. In 2018, the adopted Law was ruled unconstitutional by the Decision of the Constitutional Court of Ukraine (2018). Nowadays, attempts to adopt a new law on language policy are being made in the parliament. Recently the Draft Law of Ukraine on the facilitation of functioning of Ukrainian as a state language (2018) no. 5670-d was passed in its first reading by the Verkhovna Rada on 4 October 2018.

views are not subject to the same limitations as is information about facts. Thus, information about a person's income, the real estate he/she owns, the amounts he/she spends on leisure must originate from proven sources. Therefore, the claims that a person receives unlawful income or evades taxes must not be unfounded, and such claims may not be considered as views. On the other hand, the views on the person's position, the level of his/her education or intelligence, the circumstances in which he/she acted, and the consequences of his/her behavior can be in the form of inferences, speculations, assumptions, and even predictions. Therefore, a person cannot be accused of expressing his/her thoughts in this way or be prohibited from doing so, because his/her views contain a personal evaluation of the actions of individuals and social events. That is why the Law of Ukraine 'On information' (Art. 30) excludes responsibility for value judgments (in particular, criticism, evaluation of actions, and statements) that cannot be interpreted as containing actual data due to the use of linguistic means, in particular, hyperboles, allegories, satire.

The right to express views in Ukraine not only on political, but also economic, administrative, and social events has been a matter of particularly hot debate. And here it is necessary to discuss the problem of how acceptable it is to express one's position that conflicts not so much with the position of the majority or the generally accepted position as with the position of the authorities.

One thing is a person saying he/she does not like a singer and a singer's songs. A different thing is the person speaking negatively about a well-known journalist or a TV host and supporting those who cause strong resonance and are repelled by the authorities and certain social circles. This also applies to bloggers whose function is similar to that of journalists, and who, according to the UN report, may suffer persecution by public authorities for discussing issues of greatest public concern in their blogs that are beyond the control of the authorities. Therefore, the issue of protection of the freedom of expression by citizen journalists is sensitive in Ukraine (OHCHR, 2016).

In Europe, the limits of acceptable political criticism are the subject of intense debate, and the case-law shows that the ECHR supports a high level of protection of the right to freedom of expression, which enables the opposition to strongly criticize the political leaders on important social issues, and any overstatement may be permissible (Benedek *et al.*, 2013, p. 38).

This is closely connected with the problem of legislative regulation of criminal offenses and people who express their views being accused of disseminating socially harmful and dangerous information that can violate the legitimate rights,

freedoms and interests of a person, the society or the state through psychological influence (Olishevs'kyi, 2014). Although such aspects fall beyond the scope of the civil law research, they do affect freedom of expression.

The danger of the negative impact of a person facing a threat of being prosecuted for expressing his/her views in Ukraine was pointed out in the UN report, in particular,

regarding the broad and inconsistent interpretation by various public authorities of the provisions of the criminal legislation on terrorism, treason, and violation of the territorial integrity of Ukraine in relation to journalists, bloggers and social network users for publishing, posting, or reposting information considered to be “anti-Ukrainian”. Another point of concern is the legislative initiatives to give public authorities broad freedom of action and power to block online sources, which would unjustifiably restrict the freedom of thought and expression. (OHCHR, 2016, para 20)

Therefore, the right to express political views freely should be duly ensured. Those who express their political views should not be accused and prosecuted for the opinions which are negatively estimated by certain politicians or officials. It is important to ensure access to the media for various political forces, so all political entities and social institutions are able to express their views on topical issues.

3.3 Right to scientific views

Researchers of freedom of expression point out that this freedom also includes the “freedom of science”, although it was not explicitly defined in the European Convention on Human Rights or the International Covenant on Civil and Political Rights (Benedek *et al.*, 2013, p. 38). This applies to teaching, research, and publication (*Lombardi Vallauri v. Italy* [2009], p. 30; *Wille v. Liechtenstein* [1999], pp. 8, 36; Grabenwarter *et al.*, 2012), which allows for criticism of not only scientific positions, theories, achievements, but also the flaws of the academic system. The support of academic freedom is cited in the UNESCO Recommendations, in particular, the Recommendation concerning the Status of Higher-Education Teaching Personnel (UNESCO, 1997).

A revival in the field of critical views on scientific positions and educational process can be currently observed in Ukraine. Public statements about the low quality of scientific works, negative comments on their results, and even

accusations of them being pseudoscientific have been made. As an example, we cite the “pseudoscience case” where a defamation lawsuit had been brought by Iurii Teslia, dean of the Faculty of Information Technologies of the Taras Shevchenko National University of Kyiv. The lawsuit was dismissed by the court on the grounds that the defendant’s criticism was in the form of value judgment and scientific discussion (Prokopenko, 2019).

The cases in which Ukrainian scholars are accused of plagiarism are not infrequent, although the response of the academic circles and scientific community to such accusations is diverging. A case in point is the reaction to allegations of plagiarism of Dmytro Drozdovs’kyi, doctoral candidate at the T. G. Shevchenko Institute of Literature, who in turn accused those who were trying to accuse him of plagiarism of organizing a defamation campaign (Shvadchak, 2018).

The above examples of the exercise of the freedom of expression of scientific views show that, unlike the political sphere where exercising a similar right is fraught with problems, there are practically no limits to such freedom in scientific circles. However, the reaction of the scientific community to such allegations and the adverse consequences for a person who has been proved to have committed plagiarism are ephemeral. The worst one can expect is public condemnation, and even then only in certain strata of the scientific community. The described situation has already caused a rapid decrease of the level of scientific research since the requirements to scientific research are very low, criticism is rarely expressed and usually is not effective enough, whereas the reaction to the criticism is mostly passive. However, the level of scientific research is very important for the image of a country in the world (Drahomyretska, 2016).

To overcome the mentioned difficulties, it is not enough to control plagiarism and the level of scientific research only by academic councils and state bodies responsible for the scientific development (Nikolaiev, 2016). It is not even enough to publish theses on the internet allowing public access to them to initiate critical discussion before they are officially defended. The practice proves that it is not effective. In our view, the only way which may be effective enough to improve the level of research in Ukraine is anonymous review of theses and articles and invitation of foreign scholars to take part in critical discussions on various theses prepared for public hearing and defense.

4. Remedies of defense of the right to freedom of expression and other persons' rights violated thereby

4.1 Choice of remedy depending on the offence

Like any right that requires defense, the right to freedom of expression is defended in the event of its violation or when another person's rights are violated as a result of exercise thereof. In the first case, we are talking about the defense of the rights of the person who is the holder of the subjective right to freedom of expression; the second case is about defending the rights of the holders of other civil rights (both personal non-property rights and property rights).

A person may choose jurisdictional or non-jurisdictional remedies, that is, applying either to the court or to state agencies, such as the National Council of Television and Radio Broadcasting of Ukraine, to seek prohibition of broadcasting of a TV channel allowing statements that violate the current laws of Ukraine, in particular those containing "pro-Kremlin propaganda".² The person may also independently defend his/her right (Art. 19 'Self-Defense' of the Civil Code of Ukraine) by using various opportunities to make a statement through the press, television, radio, or the internet about the obstacles put in his/her way when he/she was exercising or attempting to exercise his/her right to freedom of expression, about the persecution or unlawful actions taken against him/her by other persons, public entities, or state bodies. The person may also apply to international organizations.

Not infrequent are the cases of violation of the personal rights of individuals whose personal data has become publicly accessible through publication on the internet, which is considered connected with someone else's right to freedom of expression of personal views. In recent years, the website named *Myrotvorets* (lit. 'Peacemaker', n.d.), has come under strong criticism for posting personal data of certain individuals who believe that this violates their personal rights and that such actions contradict the Law 'On protection of personal data'. The ECtHR has commented in this regard that in such cases "the preservation of confidentiality in this matter could no longer constitute an overriding requirement" (*Éditions Plon v. France* [2004], p. 53), but the "the individual's right to the effective protection of his or her private life prevails over the journalist's freedom of expression" (*Ovchinnikov v. Russia* [2010], p. 51; ECtHR, 2011). The same was pointed out in a report by the Office of the UN High Commissioner for Human Rights, which mentions cases where the Ukrainian courts granted the prosecutor's office access

² See, for example, an overview of misinformation in propagandist media of 22 March 2019 in EU vs Disinfo (2019).

to the personal data of investigative journalists, in particular, about their sources of information, which is viewed as acts of intimidation, which is a concern (OHCHR, 2016, paras. 18, 19).

When considering how the right of a person to free expression of their views is violated, it should be taken into account where the person intended to express them or where he/she was unable to do so. Thus, a person may seek to express his/her views regarding the activities of a particular organization with which this person is in a legal relationship—a citizens' association, political party, religious organization, corporation (business partnership), scientific or other institution, etc.

Violations of the rights of individuals in these cases are quite diverse. These include, in particular, failure to notify the person of the general meeting (for example, of shareholders), which makes it impossible for such person to make certain statements and may become a matter of corporate dispute (Spasibo-Fateeva *et al.*, 2018); failure to provide the person with an opportunity to speak by refusing to include his/her proposals in the general meeting's agenda; failure to provide information at the request of the member/participant of the relevant organization which does not allow him/her to form an objective position on certain issues, etc.; expulsion of the person from the organization. Most often it comes as the reaction of a citizens' association or political party whose members' views either tarnish their image or contradict the principled positions of such organizations.

Particularly interesting is the reaction of a religious organization to the expression of views by the priesthood. The Law of Ukraine 'On freedom of religion and religious organizations' contains no regulations on such actions and their consequences, which are regulated by the internal documents of the churches. Thus, the best known case of this type is the defrocking by the diocesan court of Archpriest Volodymyr Holovin in February 2019.³

If the view expressed by a person has been distorted, his/her rights are to be defended in a way provided for in intellectual property laws, which is pointed out in case-law (Economic Court of Ukraine, 2012; Supreme Court of Ukraine, 2010).

³ This case has been widely discussed in Ukrainian press (see *Pravlife.org*, 2019; UOC, 2018).

4.2 Expression of views as the cause of violation of other persons' rights

Since individuals express their views in the objective form of information available for perception (directly or on certain media), it is important to determine whether the person must follow certain requirements and, if so, what they are and who sets them. Based on case-law, it is necessary to find out whether objectivity and accuracy are required from the person who expresses his/her view, and to what extent are assumptions and satirical or similar forms of expression allowed.

In this regard, it should be pointed out that it is necessary to consider the legal status of the person expressing his/her views and the person in respect of whom it is expressed. Thus, if a person performs his/her professional functions, such as those of a journalist, expert, lawyer, then his/her statements should be based on verified and truthful information. And in the case where someone is accused of an offense, then necessary law provisions must be complied with, in particular those related to the presumption of innocence. This is the most frequent complaint from the persons who have been directly or indirectly accused of committing a crime (for example, “corrupt”, “traitor”, etc.). However, according to Article 59 of the Law ‘On television and radio broadcasting’, “broadcasting organizations are obliged not to disseminate materials violating the presumption of innocence of the suspect or the accused, or being prejudicial to the court decision. Ukrainian courts pass judgments in favor of the persons who seek to protect their rights violated by false information”.⁴

By contrast, where such statements are made by persons who are not information or law enforcement professionals, the Ukrainian courts do not consider such statements to violate anyone's rights by their groundlessness.

Relevant to the Ukrainian politics is the correlation between Article 301 of the Civil Code, which regulates the right of an individual to privacy, including the right to confidentiality of private life circumstances, and Article 302 of the Civil Code under which an individual has the right to freely collect, store, use and disseminate information, but not without the consent of the individual to whose personal life this information pertains, except in the cases prescribed by law, and exclusively in the interests of national security, economic welfare, and human rights. Meanwhile, in considering the claims for the protection of personal non-proprietary rights, the Ukrainian courts proceed from the premise

⁴ In particular, the lawsuits of A. Portnov against the Petro Poroshenko Bloc, Security Service of Ukraine, Ministry of Foreign Affairs, Ukrainian Embassy in Canada were fully satisfied by the court (see *Strana*, 2019).

that the bounds of the information on public persons are broader, and the society should be more informed about them.

This is beyond dispute, but it does not mean that dissemination of unconfirmed data, false information, or slander is permissible. In this context, a number of questions arise: (a) whether dissemination of this information in full or in part was necessary; (b) whether the journalists who published the materials had correctly weighed the competing interests—the right of an individual to private life and the right of the public to receive publicly significant information; (c) what criteria should be followed in deciding whether or not personal data should be disclosed and to what extent; (d) whether the fact that the personal data was disclosed by a public authority is a legitimate basis for the further dissemination of such data by journalists. A study notes that “maintaining this balance (between a person’s right to private life and the right to freedom of expression) is one of the key issues in deciding whether or not to disclose particular information, including personal data, in the context of the events related to the conflict in eastern Ukraine”. The researchers point out that in the absence of stipulations in the Ukrainian legislation regarding the said balance, this issue should be resolved on the basis of the ECtHR decisions, which single out two most widespread violations: (1) publication by the journalists of materials containing judgments and views that could damage a person’s reputation (*Lyashko v. Ukraine* [2006], *Ukrainian Media Group v. Ukraine* [2005], *Gazeta Ukraina-Tsentr v. Ukraine* [2010], *Editorial Board of Pravoye Delo and Shtetel v. Ukraine* [2011], *Salov v. Ukraine* [2005], *Marchenko v. Ukraine* [2009], *Myrskyy v. Ukraine* [2010]); (2) disclosure by the journalists of personal data, that is, disclosure of actual and reliable information about the person. The ECtHR points out that certain rules must be complied with at that: there must be a public interest in the disclosure of such information, the journalists must act in good faith when disclosing it, and there must be situational necessity to disclose the personal data (*Bem et al.*, 2016).

4.3 Comments about politicians and other public figures

Inextricably linked to the above is the question of whether baseless allegations made on TV shows in respect of public figures should be considered as not violating their rights because they (their activities) are of high interest to the public and should therefore face the related consequences of more rigorous criticism.

Thus, the court dismissed a person’s defamation lawsuit and refused to evaluate the allegations that the said person had committed criminal offenses on the

grounds that that person “was a public figure and thereby had laid himself open to a public political discussion and was therefore subject to thorough public control and could potentially face strong public criticism in the media about how he had performed or performed his functions” (High Specialized Court of Ukraine, 2017).

One cannot but agree with this, but such allegations are not critical judgments and are not based on a thorough analysis. Just the opposite—they are unfounded and remain unpunished because of such judicial positions. Often the arguments in the court decisions are not convincing and not in harmony with the position of the ECtHR. One cannot but take into consideration the fact that the essence of self-expression is to make one’s position known, but the way it is done must be decent, without offences and baseless allegations.

4.4 Inaccuracy of the disseminated information; value judgments

Often the courts dismiss claims to refute inaccurate information due to the fact that the judgments contained in the relevant statements are of evaluative nature. This happens in various kinds of debates and discussions with the participation of politicians, experts, etc.

Thus, Person 1 filed a claim against Person 2 and ICTV Television and Radio Broadcasting Company for refutation of false information and moral damages arguing that Person 2 had said, while live on *Svoboda Slova* TV show, that Person 1 had become a top corruptionist, had put his man at the head of the State Service of Ukraine on Medicines and Drugs Control, had been involved in the illegal takeover of “Indar” insulin plant, etc. The court dismissed the claim on the grounds that the defendant’s controversial statements had been his value judgment that can be neither verified nor refuted. Furthermore, Person 1 had had the right to reply and refute the defendant’s information live on the same TV show. The plaintiff had exercised the said right to reply and argued that the information provided by the defendant had been incorrect. Based on the ECtHR judgment dated 2 June 2016 in the case no. 61561/08 (*Instytut Ekonomichnykh Reform, TOV v. Ukraine* [2016]), which concerned the balance between the freedom of expression and the protection of a person’s reputation, the Supreme Court dismissed the cassation appeal of Person 1 and pointed out that “the possibilities to restrict political statements or debates on the matters of public interest are scarce”. It was also noted that “there is a difference between statements of facts that can be proved and value judgments that are not subject to proof” (Supreme Court of Ukraine, 2018b).

This position can hardly be disputed, but there appears to be no reason to believe that the statements about a person's involvement in an illegal takeover of a plant or about a connection with the person appointed to a certain office are value judgments. These appear to be facts that are either true or false. The argument that during the TV show the person was given the opportunity to respond to the allegations made against him, which he did, can hardly be considered an adequate response to the violation of his rights. If a person believes that it is the court that can evaluate whether the allegations are true or false, then it is exactly the way that his right must be protected.

Also, we cannot agree that such statements are of public interest or are political. Undoubtedly, the public is interested not in groundless accusations, but in sensibility and observance of the rights of all people.

4.5 Offensive expressions

Most of the statements that are of evaluative nature offend the person. Nevertheless, some of these statements violate the rights of individuals and therefore grant them the right to protection, while others should not be considered as grounds for judicial protection. In such cases, the Ukrainian courts are guided by the ECtHR judgment of 8 July 1986 in the case of *Lingens v. Austria* [1986] where the court held that the freedom of expression

is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society" (Lingens v. Austria [1986], p. 41).

Meanwhile, this position cannot serve as the basis for the court's refusal to protect the rights of a person where the statements about him/her are shameful or are expressed in a form that is unacceptable for the given social and cultural environment. One thing is when a person takes offense at being called ignorant, low-minded, untalented, or sneaky. A different thing is when the person is accused of being involved in a "group of gangsters and thieves". The court of trial held those statements to be "not value judgments but negative factual data that defamed the plaintiff". The court also noted that "this information had been disseminated not in the exercise of the constitutional right to appeal and was not an appeal to public authorities, local self-government bodies, or their officials since the information had been initially disclosed at a press conference and subsequently disseminated in the media." However, the court of appeal reversed

the trial court's decision on the grounds that such statements contain a conviction and a critical assessment of certain facts and flaws, which, as an expression of the subjective opinion and views of the defendant, "cannot be verified as to whether or not they are true. The Supreme Court of Ukraine supported the latter position" (Supreme Court of Ukraine, 2018a).

At the same time, one can hardly consider an allegation that a person is a member of a gang to be a value judgment or a critical, allegorical, or satirical statement permitted by Article 30 of the Law of Ukraine 'On information'. Such court decisions in cases like these cannot be supported because they contribute to the increasing number of shameful and dirty statements in the information-oriented society from individuals who have a negative impact on the public opinion. All this neither contributes to the objective understanding of the various circumstances under discussion nor helps step up the requirements to the expression of views.

Therefore, a person's right to express his/her views is multifaceted and should be characterized as a personal non-property right that is exercised in both absolute and relative legal relations. It directly correlates with the right to information, which enables the person to exercise his/her right to express his/her views. Courts should not refrain from protecting the honor and dignity of the individuals whose rights have been violated not by the information itself but by the form (primarily verbal) of the statement.

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