European Court of Human Rights: Renaud v. France

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The European Court of Human Rights recently delivered a judgment regarding defamation and insult on the Internet. The Court was of the opinion that the sharp and polemical criticism of the public figure in question was part of an ongoing emotional political debate and that the criminal conviction for defamation and insult amounted to a violation of the freedom of expression guaranteed by Article 10 of the European Convention of Human Rights.

The applicant in the case was Patrice Renaud. He is the founder of a local association (*Comité de défense du quartier sud de Sens*) opposing a big construction project planned in the city of Sens. To this end he also initiated a website, sharply criticising the mayor of Sens, who supported and promoted the building project. In 2005, and on appeal in 2006, Renaud was convicted in criminal proceedings for defamation and for publicly insulting a citizen discharging a public mandate, on account of remarks concerning the mayor of Sens. On the website he had inter alia compared the urban policy of the mayor to the policy of the former Romanian dictator Ceaucescu. Renaud was convicted for defamation because of the specific allegation that the mayor was stimulating and encouraging delinquency in the city centre in order to legitimise her policy of security and public safety. Also the insinuation that the mayor was illegally putting public money in her own pockets was considered defamatory, while the article on the association's website in which Renaud had written that the mayor was cynical, schizophrenic and a liar was considered to be a public insult. Renaud was ordered to pay a fine of EUR 500 and civil damages to the mayor of EUR 1,000.

Relying on Article 10 (freedom of expression), Renaud complained of his conviction before the European Court of Human Rights.

The European Court recognised that the applicant, being the chairman of the local association of residents opposing the construction project and the webmaster of the Internet site of the association, was participating in a public debate when criticising public officials and politicians. The Court admitted that some of the phraseology used by Renaud was very polemic and virulent, but stated that on the other hand a mayor must tolerate such kind of criticism as part of public debate which is essential in a democracy. The Court was of the opinion that when a debate relates to an emotive subject, such as the daily life of the local residents and their housing facilities, politicians must show a special tolerance towards

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criticism and that they have to accept "*les débordements verbaux ou écrits*" (free translation: "oral or written outbursts"). The Court considered the allegations of Renaud to be value judgments with a sufficient factual basis and came to the conclusion that the French judicial authorities had neglected the interests and importance of freedom of expression in the matter at issue. The conviction of Renaud was thus an interference with his right to freedom of expression which did not meet any pressing social need, while at the same time such a conviction risks engendering a chilling effect on participation in public debates of this kind. Therefore, the European Court found a violation of Article 10 of the Convention.

Arrêt de la Cour européenne des droits de l'homme (cinquième chambre), affaire Renaud c France, requête n°13290/07 du 25 février 2010

Judgment by the European Court of Human Rights (Fifth Section), case of Renaud v. France No. 13290/07 of 25 February 2010

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