

# The Problem of Classifying Statements as Statements of Fact or Value Judgments in the Jurisprudence of the European Court of Human Rights in Strasbourg

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## ABSTRACT

The principle of different treatment of statements of fact and value judgments is one of the earliest formulated in the jurisprudence of the European Court of Human Rights in Strasbourg relating to Art. 10 of the European Convention. **Cognitive value:** Despite this, the issue of this principle has so far been extremely rarely discussed in the literature on the subject. This publication aims to fill this gap. By following the views of the Court, one can see the evolution of the views of this body as regards the meaning of the principle in question and the way in which it is implemented. The main thesis of this article is a noticeable gradual decrease in the importance of the considered division in favor of an approach emphasizing good faith and diligence of the author of the statement. **Research methods:** In order to verify this thesis, several dozen judgments of the Court were analyzed, in which the status of disputed statements and the consequences of the adopted qualification were considered most extensively and thoroughly. **Results and conclusions:** It seems that the reasons for the identified change in the jurisprudence should be seen in the impossibility of formulating a sufficiently precise (and thus devoid of discretion) criterion of the aforementioned classification.

## KEYWORDS

Convention for the Protection of Human Rights and Fundamental Freedoms, value judgments, freedom of expression, statements of fact, freedom of opinion