

Selected national legal provisions on harmful content affecting children in EU Member States

This document provides an overview of key legal national provisions that regulate and define certain types of harmful content particularly affecting children online. For this purpose, it focuses on content promoting self-harm, suicide, eating disorders, body shaming, and defamation. EU Member States vary significantly in how they regulate harmful content, with some using criminal or civil law and others lacking clear definitions.

With respect to the document's content a couple of points should be noted – namely, the overview distinguishes between 'incitement to suicide' and 'general promotion of suicide.' In addition, regarding defamation, the document indicates (1) whether defamation laws explicitly protect children or treat age as a protected characteristic; (2) whether the defamation laws include sex or gender as a protected characteristic; (3) whether the laws include aggravating circumstances for online defamation. The overview excluded legal provisions that are present in some EU Member States that are not explicitly defining or clearly regulating the above types of content.

Based on desk research of legal systems across 27 EU Member States, collected by FRA's FRANET network, and last updated in March 2026, this background material was commissioned by the European Union Agency for Fundamental Rights (FRA) for the project "Safeguarding Children and Young Adults Online against illegal and harmful content online."

FRA requested its network of Member State National Liaison Officers to check the contents with respect to accuracy at Member State level; however – there may be inaccuracies that have not been identified, which FRA would welcome information on with the inclusion of reference sources [data-digital@fra.europa.eu].

The information and views contained in the document do not necessarily reflect the views of the EU Agency for Fundamental Rights. It is for transparency and information purposes and does not constitute legal advice or opinion.

Legend:

n/a – nothing was found

c.f. – compare

Contents

Table 1 – Illegal content/activity related to self-harm	4
Table 2 – Illegal content/activity related to suicide incitement (directly instructing a person) and suicide promotion (content encouraging suicide to a broad audience).....	11
Table 3 – Illegal content/activity related to eating disorder/body shaming.....	24
Table 4 – Illegal content/activity related to defamation	1

Illegal content/activity related to self-harm

Table 1 – Provisions regarding illegal content/activity related to self-harm, by EU Member State

**Belgium figures also include forthcoming provisions from the new Penal Code.*

Member State	Legal source(s)	Description	Weblink(s)
Austria	n/a	n/a	n/a
Belgium*	n/a	n/a	n/a
Bulgaria	n/a	n/a	n/a
Cyprus	n/a	n/a	n/a
Croatia	n/a	n/a	n/a
Czechia	n/a	n/a	n/a
Denmark	n/a	n/a	n/a
Estonia	n/a	n/a	n/a
Finland	n/a	n/a	n/a

Member State	Legal source(s)	Description	Weblink(s)
France	Criminal Code, Article 227-24	It prohibits the production, sending or dissemination by any means and on any medium of messages of a violent nature, inciting terrorism, pornographic messages, or messages likely to seriously undermine human dignity or incite minors to engage in games that put them in physical danger, when such messages are likely to be seen or perceived by a minor. The article specifically mentions online public communication. The offence is committed if the minor's access to such content results from a simple declaration that they are at least 18 years old. Legal entities found criminally liable may be subject to a fine of €375,000; a ban on carrying on one or more professional or social activities and exclusion from public procurement contracts; a ban on issuing cheques or using payment cards; the confiscation of property used to commit the offence and owned by the perpetrator; the publication of the decision or its dissemination in the press or online media.	https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000044394218

Member State	Legal source(s)	Description	Weblink(s)
Germany	Interstate Treaty on the Protection of Minors, Section 5(1)	Providers shall ensure that minors of the relevant age groups do not see or hear content suited to impairing their development into self-responsible and socially competent personalities. The transmitting or making accessible of content that is illegal for minors under Sec. 5 (1) without ensuring that those of the relevant age groups are not usually exposed to it, constitutes an administrative offence. It is punishable with a fine of up to €500.00 (Sec. 24 (1), (3)). It is not punishable if the age rating in accordance with Sec. 5 (3) No. 1 is negligently labelled too low. Competent authorities are the media authorities on the state (Länder) level.	https://www.gesetze-bayern.de/Content/Document/JMStV/true
Greece	n/a	n/a	n/a
Hungary	n/a	n/a	n/a

Member State	Legal source(s)	Description	Weblink(s)
Ireland	Online Safety and Media Regulation Act (OSMR), Section 139(3)(c) and (d) Online Safety Code	The OSMR does include an explicit definition for ‘self-harm’. Rather, the term ‘self-harm’ is referred to in the two categories of harmful online content set out in Section 139A(3)(c) and (d): “(c) online content by which a person promotes or encourages self-harm or suicide; (d) online content by which a person makes available knowledge of methods of self-harm or suicide;” Under Section 139K of the OSMR, Coimisiún na Meán has the power to develop and enforce robust online safety codes. Ireland’s first Online Safety Code came into full effect in July 2025, and requires that designated platforms take steps to prevent the spread of harmful content, including content that promotes self-harm. Failure to comply with an online safety code can lead to the imposition of significant financial sanctions of up to €20 million or 10% of turnover, and continued non-compliance can lead to criminal sanctions for company directors.	https://www.irishstatutebook.ie/eli/2022/act/41/enacted/en/html https://www.cnam.ie/app/uploads/2024/11/Coimisiun-na-Mean-Online-Safety-Code.pdf
Italy	n/a	n/a	n/a
Latvia	n/a	n/a	n/a

Member State	Legal source(s)	Description	Weblink(s)
Lithuania	Law on the Protection of Minors from the Negative Influence of Public Information, Article 1 and 4(2)(8)	In all outlets of the provision of information to the public, it is prohibited to spread information that encourages self-harm if that information is accessible to children. The law does not define self-harm. Such public information may only be disseminated at places where children have no access and/or at such times as children would not be able to access it, or when using technical or other means, allow those responsible for the upbringing and care of children to be able to restrict the supply of such public information to children. (Law on the Protection of Minors from the Negative Influence of Public Information, Article 7)	https://www.e-tar.lt/portal/lt/legalAct/TAR.817CC58C1A54/asr
Luxembourg	n/a	n/a	n/a
Malta	n/a	n/a	n/a
Netherlands	n/a	n/a	n/a
Poland	n/a	n/a	n/a
Portugal	n/a	n/a	n/a
Romania	n/a	n/a	n/a

Member State	Legal source(s)	Description	Weblink(s)
Slovakia		n/a; but cf.: Criminal code, Article 211 (threat to the moral upbringing of young people): “Whoever, even through negligence, exposes a person under the age of eighteen to danger by a) seducing them into a life of idleness or immorality, b) enabling them to lead a life of idleness or immorality, c) enables them to commit acts that are criminal offenses under this Act, d) enables them to commit acts that are misdemeanours under special laws, or e) prevents them from attending compulsory schooling, shall be punished by imprisonment for up to two years.”	https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2005/300/
Slovenia	n/a	n/a	n/a

Member State	Legal source(s)	Description	Weblink(s)
Spain	Criminal Code, Article 156 ter, as amended by Law 8/2021 on the comprehensive protection of children and adolescents against violence	As a crime, it consists of distributing or publicly disseminating content specifically intended to promote, encourage, or incite self-harm among children or persons with disabilities. Self-harm is understood as the impairment of one's bodily integrity or physical or mental health, with said integrity being the legal asset protected by the criminal offense. It applied the criminal definition of injury as stated under Article 147.1 of the Criminal Code. This crime is punishable by a prison sentence ranging from six months to three years.	https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444 https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444
Sweden	n/a	n/a	n/a

Illegal content/activity related to suicide incitement and promotion

Table 2 – Provisions regarding illegal content/activity related to suicide incitement (directly instructing a person) and suicide promotion (content encouraging suicide to a broad audience), by EU Member State

**Belgium figures also include forthcoming provisions from the new Penal Code.*

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Member State	Legal source	Description	Weblink(s)	Legal source	Description	Weblink(s)
Austria	Criminal Code, § 78	"(1) Anyone who induces another person to kill themselves shall be punished with imprisonment from six months to five years. (2) The same punishment shall apply to anyone who provides physical assistance to: 1. a minor, 2. a person for reprehensible reasons, or 3. a person who does not suffer from an illness within the meaning of § 6 (3) of the Federal Act on Establishing Directives for Assistance in Suicide (StVfG), Federal Law Gazette I No. 242/2021, or who has not been medically informed in accordance with § 7 StVfG, to kill themselves."	https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10002296	n/a	n/a	n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Belgium*	Forth-coming Penal Code, Article 109	Incitement to suicide is the deliberate commission of an act likely to cause a specific person to take their own life. Incitement to suicide is punishable only if it has resulted in the suicide of the victim or an attempt to do so.	https://www.ejustice.just.fgov.be/eli/loi/2024/02/29/2024002088/moniteur	n/a	n/a	n/a
Bulgaria	Criminal Code, Article 127, Paragraph (1) and (2)	Any person who, by any means, assists or incites another to commit suicide, and such suicide or attempted suicide follows, is criminally liable. When the act is committed against a child or a person who is not able to understand the essence or the meaning of their acts, it is considered an aggravated offence and is subject to more severe penalties. This provision does cover the general dissemination of suicidal content; the incitement or assistance must be directed toward a specific individual in order to trigger criminal liability.	https://lex.bg/laws/ldoc/1589654529		n/a	n/a
Cyprus	Criminal Code, Art. 218	Anyone who deliberately persuades another person to commit suicide, if this was committed or attempted, as well as anyone who assists in the act, is guilty of a felony and is subject to ten years' imprisonment	https://www.cylaw.org/nomoi/enop/index/0_154/section-7124f4e1-5446-4df3-a906-2ac149ab55d4.html		n/a	n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Croatia	Criminal Code, Article 110	It applies in cases where a person induces, encourages, or helps another person to commit suicide. This article can be applied by analogy to certain online content if a clear causal link is established between the online content and the suicide act.	https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_1_25_2498.html	n/a		n/a
Czechia	Criminal Code, § 144	Incitement of another person to attempt suicide or assisting them so that at least an attempt occurs. Age/gender reference: an offence against a child or a pregnant woman constitutes a qualified offence leading to a higher penalty	https://www.zakonyprolidi.cz/cs/2009-40	n/a		n/a
Denmark	Criminal Code, Art. 240	Anyone who contributes to someone depriving themselves of their life is punished with a fine or imprisonment of up to 3 years.	https://www.retsinformati.on.dk/eli/lta/2024/1145	n/a		n/a
Estonia		n/a		n/a		n/a
Finland		n/a		n/a		n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
France	Criminal code, Article 223-13	Inciting someone to commit suicide is a criminal offence. It is a result-based offence, the incitement must be followed by an consequence, either suicide or attempted suicide. When it is not followed by a consequence, incitement to suicide may be prosecuted on the basis of the general offence of violence.	https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000021342968/2023-12-20	Criminal Code, Article 223-14	Propaganda or advertising, in whatever form, promoting products, objects or methods recommended as means of committing suicide is also an offence. The term propaganda is broadly understood and may refer to information that is inciting or intended to influence individuals.	https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006417796
Germany	n/a	n/a	n/a	n/a	n/a	n/a
Greece	Criminal Code, Article 301, 346	Criminal Code, Article 301: Anyone who persuades another person to commit suicide, whether the suicide was committed or attempted, as well as anyone who assisted in its commission, which otherwise would not have been possible, shall be punished with imprisonment. Criminal Code, Article 346: Article 346, added by article 38 of Law 4947/2022, provides, in paragraph 4, as further distinct forms of revenge pornography committed by posting on the internet or on social media with an indefinite number of recipients (346 par. 3 subparagraph a), when the revenge pornography leads to a suicide attempt or suicide.	https://olomeleia.gr/el/content/poinikos-kodikas	n/a	n/a	n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Hungary	Criminal Code, Section 162; Criminal Code, Section 160(5)	Section 162 criminalises inducing or assisting another person to commit suicide. A person who induces or provides assistance for another person to commit suicide commits a felony punishable by imprisonment if the suicide is attempted or committed. If the perpetrator is over eighteen years of age and the victim is under eighteen, the offence is punishable more severely. Section 160(5) provides that a person who induces a child under fourteen years of age, or a person unable to express their will, to commit suicide shall be punished as homicide if the suicide is committed. The Hungarian Criminal Code therefore criminalises both incitement and assistance in relation to suicide directed at a specific person. Criminal liability requires that the suicide be attempted or completed.	https://njt.hu/jogszabaly/e/2012-100-00-00	n/a	n/a	n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Ireland	Criminal Law (Suicide) Act 1993, section 2(2)	A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years.	https://www.irishstatutebook.ie/eli/1993/act/11/enacted/en/html	Online Safety and Media Regulation Act, section 45(3)(c) and (d) Harassment, Harmful Communications and Related Offences Act 2020, section 4	The OSMR does include an explicit definition for ‘suicide promotion’. However, it noted under the two categories of harmful online content set out in Section 139A(3)(c) and (d): “(c) online content by which a person promotes or encourages self-harm or suicide; (d) online content by which a person makes available knowledge of methods of self-harm or suicide;” Under Section 139K of the OSMR, Coimisiún na Meán has the power to develop and enforce robust online safety codes. Ireland’s first Online Safety Code came into full effect in July 2025, and requires that designated platforms take steps to prevent the spread of harmful content, including content that promotes self-harm. Failure to comply with an online safety code can lead to the imposition of significant financial sanctions of up to €20 million or 10% of turnover, and continued non-compliance can lead to criminal sanctions for company directors. Suicide promotion is also addressed in Section 4 of the Harassment, Harmful Communications and Related Offences Act 2020, also referred to as Coco’s Law: “4. (1) A person who – (a) by any means—(i) distributes or publishes any threatening or grossly offensive communication about another person, or (communication about another person, or , or communication to another person, and (b) with intent by so distributing, publishing or sending to cause harm, is guilty of an offence. (2) For the purpose of subsection 1), a person intends to cause harm where he or she intentionally seriously	https://www.irishstatutebook.ie/eli/2022/act/41/enacted/en/html https://www.irishstatutebook.ie/eli/2020/act/32/enacted/en/print#sec4

Illegal content/activity related to suicide incitement				Illegal content/activity related to suicide promotion		
					interferes with the other person's peace and privacy or causes alarm or distress to the other person. (3) A person who is guilty of an offence under this section is liable— (a) on summary conviction to a class A fine or imprisonment for a term not exceeding six months, or both, or (b) on conviction on indictment to a fine or imprisonment for a term not exceeding two years, or both.	
Italy	Criminal Code, Art. 580	Anyone who incites another to commit suicide or reinforces another's intention to commit suicide, or facilitates its execution in any way, is punishable, if the suicide occurs, by five to twelve years of imprisonment. If the suicide does not occur, the penalty is one to five years of imprisonment, provided that the suicide attempt results in serious or very serious personal injury. The penalties are increased if the person instigated, incited, or aided is in one of the conditions indicated in paragraphs 1 and 2 of the previous article. However, if the aforementioned person is under the age of fourteen or otherwise lacks the capacity to understand or decide, the provisions relating to homicide apply. "	https://www.brocardi.it/codice-penale/libro-secondo/titolo-xii/capolo-i/art580.html	n/a	n/a	n/a

Illegal content/activity related to suicide incitement				Illegal content/activity related to suicide promotion		
Latvia	Criminal Code, Section 124	(1) For a person who commits leading a person to commit suicide or attempt suicide by cruel treatment of the victim or systematic demeaning of his or her personal dignity, if such person has not been in financial or other dependence upon the offender, the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or probationary supervision, or community service. (2) For the commission of the same acts with regard to a person who has been in financial or other dependence upon the offender, the applicable punishment is the deprivation of liberty for a period of up to seven years or temporary deprivation of liberty, or probationary supervision, or community service.	https://legislationline.org/sites/default/files/2023-10/Criminal%20Code%20of%20Latvia.pdf	n/a	n/a	n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Lithuania	Criminal Code, Article 133; Law on the Protection of Minors from the Negative Influence of Public Information, Article 4(2)(8)	Criminal Code, Article 133: "An offender incited a person to commit suicide or led a person to commit suicide by cruel or deceitful conduct." Law on the Protection of Minors from the Negative Influence of Public Information, Article 4(2)(8): In all outlets of the provision of information to the public, it is prohibited to disseminate information that encourages suicide or details the means and circumstances of suicide if that information is accessible to children.	https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr	Law on the Protection of Minors from the Negative Influence of Public Information, Article 4(2)(8)	Law on the Protection of Minors from the Negative Influence of Public Information, Article 4(2)(8): In all outlets of the provision of information to the public, it is prohibited to disseminate information that encourages suicide or details the means and circumstances of suicide if that information is accessible to children.	https://www.e-tar.lt/portal/lt/legalAct/TAR.817CC58C1A54/asr
Luxembourg		n/a		n/a	n/a	n/a
Malta	Criminal Code, Article 213	It is a criminal offence for any person to incite or assist any other person to commit suicide if the suicide takes place. The law does not include any reference to age, gender or reference to online elements.	https://legislation.mt/eli/ca/p/9/eng/pdf	n/a	n/a	n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Netherlands	Criminal Code, Article 294, sub 1-sub 2	Criminal Code, Article 294, sub 1: Incitement to suicide is intentionally encouraging another person to commit suicide that results in the death of that person. Criminal Code, Article 294, sub 2: Assisting in suicide is intentionally helping another person to commit suicide and/or providing that person with the means to commit suicide that results in the death of that person.	https://wetten.overheid.nl/BWBR0001854/2025-07-01/#BoekTweede_Titeldeel_XIX_Artikel294	n/a	n/a	n/a
Poland	Criminal Code, Article 151	Suicide promotion - inducing another person to attempt to take their own life, either by persuasion or by providing assistance.	https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdu19970880553	n/a	n/a	n/a
Portugal	Criminal Code, Article 135	Any person who incites another to commit suicide or assists in its execution commits the crime of incitement or assistance to suicide if the suicide is actually attempted or committed. If the person incited or assisted is under 16 years old or has a significantly diminished capacity for judgment for any reason, the penalty can be aggravated.	https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1995-34437675	Criminal Code, Article 139	Criminalises the promotion of suicide, specifically through the advertising or promotion of a product, object, or method presented as a means of causing death, in a way that is likely to provoke suicide.	https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1995-34437675

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Romania	Criminal Code, Art. 191	(1) The act of determining or facilitating a person's suicide, if the suicide or attempt to suicide took place, shall be punished by strict imprisonment from 3 to 7 years. (2) When the act in para.(1) was committed against a minor aged between 13 and 18 years or against a person with diminished capacity, the punishment is imprisonment from 5 to 10 years. (3) The act of determining or facilitating suicide, committed against a minor under the age of 13 or against a person who could not understand the consequences of their actions or inactions or could not control them, if the suicide occurred, is punishable by imprisonment from 10 to 20 years and the prohibition of exercising certain rights. (4) If the acts of determining or facilitating referred to in paragraphs (1)–(3) were followed by an attempted suicide, the special limits of the punishment shall be reduced by half.	https://legislatie.just.ro/Public/DetaliuDocument/223635#id_artA1541_ttl	n/a	n/a	n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Slovakia	Criminal Code, Article 154	“Anyone who incites another person to commit suicide or assists another person in committing suicide, if at least an attempt at suicide has been made, shall be punished by imprisonment for six months to three years.” The law stipulates stricter punishment if the crime is committed against a child (protected person).	https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/Z/2005/300/	n/a	n/a	n/a
Slovenia	Criminal Code, Article 120(1)-(3)	Criminal Code, Article 120(1): 1) intentionally soliciting another person to kill him- or herself or assisting him or her in doing so and 2) that person indeed commits suicide. Criminal Code, Article 120(2): An aggravated form is committed if the victim is a minor above fourteen years. Criminal Code, Article 120(3): If a victim is a minor below fourteen years, perpetrator is punished in the same manner as for manslaughter or murder.	https://pisrs.si/pregledPredpisa?id=ZAKO5050	n/a	n/a	n/a

	Illegal content/activity related to suicide incitement			Illegal content/activity related to suicide promotion		
Spain	Criminal Code, Article 143	Anyone who induces the suicide of another shall be punished by imprisonment for four to eight years.	https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444	Criminal Code, Article 143 bis (as amended by Law 8/2021 on the comprehensive protection of children and adolescents against violence)	The distribution or public dissemination through the Internet, telephone or any other information or communication technology of content specifically intended to promote, encourage or incite the suicide of minors or persons with disabilities in need of special protection shall be punishable by imprisonment for a term of one to four years.	https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444
Sweden	Penal Code, Chapter 4, section 7(a)	Content urging or otherwise exerting psychological influence on someone to commit suicide – if the act is likely to entail a not insignificant danger of such an act – is illegal.	https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700/	n/a	n/a	n/a

Illegal content/activity related to eating disorder/body shaming

Table 3 – Provisions regarding illegal content/activity related to eating disorder/body shaming, by EU Member State

**Belgium figures also include forthcoming provisions from the new Penal Code.*

Member State	Legal source	Description	Weblink(s)
Austria	n/a	n/a	n/a
Belgium*	n/a	n/a	n/a
Bulgaria	n/a	n/a	n/a
Cyprus	n/a	n/a	n/a
Croatia	n/a	n/a	n/a
Czechia	n/a	n/a	n/a
Denmark	n/a	n/a	n/a
Estonia	n/a	n/a	n/a
Finland	n/a	n/a	n/a
France	n/a	n/a	n/a
Germany	n/a	n/a	n/a
Greece	n/a	n/a	n/a

Member State	Legal source	Description	Weblink(s)
Hungary	n/a	n/a; but cf.: Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content, Article 14 (1): Body shaming and promotion of eating disorders is indirectly prohibited. The media service provider – who has editorial responsibility for the selection of the content of the media services and determines their composition - shall respect human dignity in the media content that it publishes. Article 14(2) provides that no wanton, gratuitous and offensive presentation of persons in humiliating, exposed or vulnerable situations shall be allowed in the media content . This is an administrative offence that applies to media content, be it online or offline. It does not include any specific reference to age or gender, but case law shows that children are considered as vulnerable group under this section.	https://nmhh.hu/dokumentum/162262/smtv_110803_en_final.pdf
Ireland	Online Safety and Media Regulation Act (OSMR), Section 139A(3)(b) Online Safety Code	The OSMR does include an explicit definitions regarding eating disorder promotion or body shaming content. However, it is noted as a category of harmful online content as set out in Section 139A(3)(b): “(b) online content by which a person promotes or encourages behaviour that characterises a feeding or eating disorder;” Under Section 139K of the OSMR, Coimisiún na Meán has the power to develop and enforce robust online safety codes. Ireland’s first Online Safety Code came into full effect in July 2025, and requires that designated platforms take steps to prevent the spread of harmful content, including content that promotes eating and feeding disorders. Failure to comply with an online safety code can lead to the imposition of significant financial sanctions of up to €20 million or 10% of turnover, and continued non-compliance can lead to criminal sanctions for company directors.	https://www.irishstatutebook.ie/eli/2022/act/41/enacted/en/html https://www.cnam.ie/app/uploads/2024/11/Coimisiun-na-Mean-Online-Safety-Code.pdf
Italy	n/a	n/a	n/a
Latvia	n/a	n/a	n/a

Member State	Legal source	Description	Weblink(s)
Lithuania	Law on the Protection of Minors from the Negative Influence of Public Information, Art. 4(2)(19), Art. 7	Law on the Protection of Minors from the Negative Influence of Public Information, Art. 4(2)(19): In all outlets of the provision of information to the public, it is prohibited to disseminate information that promotes poor dietary, hygiene and physical inactivity habits if that information is accessible to children. Law on the Protection of Minors from the Negative Influence of Public Information, Article 7: Such public information may only be disseminated at places where children have no access and/or at such times as children would not be able to access it, or when using technical or other means, allow those responsible for the upbringing and care of children to be able to restrict the supply of such public information to children.	https://www.e-tar.lt/portal/lt/legalAct/TAR.817CC58C1A54/asr
Luxembourg	n/a	n/a	n/a
Malta	n/a	n/a	n/a
Netherlands	n/a	n/a	n/a
Poland	n/a	n/a	n/a
Portugal	n/a	n/a	n/a

Member State	Legal source	Description	Weblink(s)
Romania	n/a	n/a; but cf. Decision No. 573/2025 regarding the regulatory code for audiovisual content, Art. 159 – „(2) Advertising and teleshopping for foods used in energy-restricted diets for weight reduction must not make any reference to the rate or amount of weight loss, or to the reduction of hunger sensations or the increase of satiety resulting from their use, except for claims relating to satiety permitted under Regulation (EC) No. 1924/2006 of the European Parliament and of the Council.” Art. 161 – „(1) Advertising and teleshopping for slimming products or treatments, or for maintaining body weight, must comply with the following conditions: a) they must warn the public, through a written and/or audio notice, that the product is not intended for minors; b) they must not be broadcast during children’s programs or in advertising breaks immediately before or after such programs; c) they must not directly target obese persons and must not include examples in which persons who speak or appear are presented as having been obese prior to using the advertised products or services. (2) Exceptions to the provisions of para. (1) are claims relating to satiety permitted under Regulation (EC) No. 1924/2006 of the European Parliament and of the Council. (3) The provisions of paras. (1) and (2) shall apply accordingly to on-demand audiovisual media services provided by any means.”	https://cna.ro/a-decizie-nr-573-din-25-iunie-2025-privind-codul-de-reglementare-a-continutului-audiovizual-jw3bdxt4gnjecm25skt7d6jy/
Slovakia	n/a	n/a	n/a
Slovenia	n/a	n/a	n/a

Member State	Legal source	Description	Weblink(s)
Spain	Law 8/2021 on the comprehensive protection of children and adolescents against violence, amending Law 10/1995 of the Penal Code - Article 361 bis	Art. 361 bis - "The public distribution or dissemination via the Internet, telephone, or any other information or communication technology of content specifically intended to promote or facilitate, among minors or persons with disabilities requiring special protection, the consumption of products, preparations or substances, or the use of techniques for ingesting or eliminating food products whose use may pose a risk to people's health shall be punished with a fine of six to twelve months or a prison sentence of one to three years" In the cases covered under Article 361 bis, the judicial authorities shall order the adoption of the necessary measures for the removal of the harmful content, for the interruption of the services that predominantly offer such harmful content, or for the blocking of both when they are located abroad.	https://www.boe.es/buscador/doc.php?id=BOE-A-2021-9347
Sweden	n/a	n/a	n/a

Illegal content/activity related to defamation

Table 4 – Provisions regarding content/activity related to defamation, by EU Member State

* Belgium figures include forthcoming provisions from the new Penal Code.

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
Austria	Criminal Code §111, §115, §297; Civil Code §1330; E-Commerce Act §16	Criminal Code, § 111 StGB (Criminal Defamation): Criminal Defamation is the accusation of a despicable characteristic or disposition, of dishonourable conduct, or of conduct against common decency (“gute Sitten”) in a manner capable of decrying or degrading the other person in the public opinion. Criminal Defamation is only punishable if the accusation is perceivable by a third person. Criminal Code, § 115 (insult) : It is prohibited to publicly or in front of multiple other people (at least three people other than the perpetrator and the victim) insult, mock, do bodily harm or threaten to do bodily harm to another person. The term insult includes, among other things, swear words and ridicule in public (e.g. stupid, idiot, pig). Publicity is deemed to exist if the act can be directly perceived by a larger group of people. In forums, chats and on homepages,	No	No	No	https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10002296 ; https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001622 https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001703

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		publicity can generally be assumed. Criminal Code, § 297 (false accusation): False accusation occurs when a person falsely accuses another person of committing an offence requiring official prosecution (e.g. theft, murder, etc.) or of violating an official or professional duty, even though the accuser (perpetrator) knows that the accusation is false. The false accusation must expose the accused person (victim) to the risk of official prosecution by the authorities. If an offence according to § 111, 115 or 297 is committed by means of disseminating messages or presentations with intellectual content in words, writing, sound or images to a larger group of people by means of mass production or mass distribution (e.g. website), the person concerned is also entitled to compensation from the media owner for the personal damage suffered under certain circumstances. It is correct that none of the provisions on defamation mentioned above include an aggravating circumstance in order of the offence being committed online; however, § 111 para. 2 contains a qualification of the offence, according to which any person who				

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		through printed material, broadcasting, or in any other way makes the defamation accessible to the public at large is liable to imprisonment for up to one year or a fine not exceeding 720 penalty units. Civil Code, § 1330: „§ 1330 of the Civil Code defines the legal consequences of civil defamation and regulates the requirements for a civil action for damages and an injunction. It reads as follows in its relevant parts: “(1) Anyone who has suffered material damage or loss of profit as a result of defamation may claim compensation. (2) The same applies if anyone disseminates statements of fact which jeopardise another person’s credit, income or livelihood and if the untruth of the statement was known or must have been known to him or her. In such a case the public retraction of the statement may also be requested ...” E-Commerce Act, § 16: provides for compensation for non-pecuniary damages in cases of online hate speech: In the case of considerable defamation of character concerning a natural person in an electronic communications network, the user who provided the defaming				

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		content must also pay compensation for the personal injury suffered.				
Belgium*	Criminal Code Art. 443 (forthcoming Art. 240), Art. 448, 449 (forthcoming Art. 244)	Criminal Code, Art. 443 (forthcoming Article 240 of the new Penal Code): Defamation requires the imputation of a specific fact that harms a specific person's honour or exposes them to public contempt, in cases where the law does not admit proof of the truth of such statements (for example because the evidence is illegal or the offence time-barred). The imputation may be made orally or through means such as writings, images or emblems. Criminal Code, Art. 448, 449 (forthcoming Article 244 of the new Penal Code): Insult: Anyone who insults a person either by their actions or by writings, images or symbols "in public", including on a social network which is available for a certain audience.	Penal Code (1867), Article 453bis: Aggravating circumstances are listed by article 453bis of the 1867 Penal Code and include, amongst other, sex, gender identity, gender expression, sexual characteristics, sexual orientation.	Penal Code (1867), Article 453bis: Aggravating circumstances are listed by article 453bis of the 1867 Penal Code and include, amongst other, age.	No	https://www.ejustice.just.fgov.be/cgi_loi/article.pl?language=fr&sum_date=&pd_search=1867-06-09&numac_search=1867060850&page=1&lg_txt=F&caller=list&1867060850=6&trier=promulgation&view_numac=2022b30600fx1804032130fr&dt=CODE+PENAL&fr=f&ch oix1=ET https://www.ejustice.just.fgov.be/eli/loi/2024/02/29/2024002088/moniteur
Bulgaria	Criminal Code Art. 146–148	Criminal Code (Наказателен кодекс) makes a distinction between insult (saying or doing	No	No	Criminal Code, Art. 146-148:	https://lex.bg/laws/ldoc/1589654529

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		something degrading to another person's honour /or dignity in their presence) and defamation (spreading false information or imputing a crime to someone, thereby damaging their honour or good name/reputation). The offence is classified as crime of a private nature, meaning it is prosecuted only upon a formal complaint by the victim. In such cases, the public prosecutor does not typically participate in the proceedings, and the victim assumes the role of the prosecuting party. If a victim is unable to protect their rights and lawful interests due to, the prosecutor may intervene in the case at any stage and assume the prosecution. In such cases, the victim may continue to participate in the proceedings as a private prosecutor. Such crimes are considered to pose a lower degree of public danger, which is why the prosecution service is generally not involved in their investigation.			Aggravating circumstance if the defamatory statement is made through the media or by other public means.	
Cyprus	Law on Civil Offences Art. 17–25; Criminal Code Art. 154, 99	Defamation is a civil offence. Law on civil offences, Art. 17-25: Defamation consists of the dissemination, by any means, of content which: attributes to another person a crime, a contagious or infectious disease, or inappropriate behaviour in a public position; or	No	No	No	https://www.cylaw.org/nomoi/enop/non-ind/0_148/index.html https://www.cylaw.org/nomoi/enop/non-ind/0_154/full.html

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		attribute adultery or lewdness to a woman or girl; or Is likely to harm or adversely affect the reputation of another person in their profession, trade, work, employment, or position; or Is likely to expose another person to general hatred, contempt, or ridicule; or Is likely to cause any person to be shunned or avoided by others. Criminal Code, Art. 154, 99: Public insult - Anyone who, in a public place or in a place that is not public, in such a manner or under such circumstances that they may be heard by any person in a public place, insults another person in such a manner offensive to a person present, is guilty of a misdemeanour.				
Croatia	Criminal Code Art. 147–149	Criminal Code, Art. 147–149: Whoever knowingly presents or disseminates a falsehood about another person that can harm their honour or reputation, using offline and online means.	No	No	Criminal Code, Article 149: Aggravating circumstance if the offence is committed via media.	https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html
Czechia	Criminal Code §184	Criminal Code, § 184: Defamation is communicating a false statement about another	No	No	Criminal code, § 184:	https://www.zakonyprolidi.cz/cs/2009-40

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		person that is capable of significantly harming their reputation. The person must be identifiable, and the statement must be conveyed to others (not only to the person concerned).			Aggravating circumstance - via press/TV/radio or publicly accesible computer network.	
Denmark	Criminal Code Art. 267	Criminal Code, Art. 267: Statements or acts likely to damage another person's reputation.	No	No	No	https://www.retsinformatio.n.dk/eli/ltta/2024/1145
Estonia	Law of Obligations Act Art. 1045(1)	Defamation is a civil tort, not a criminal offence for private persons. Law of Obligations Act, Art. 1045 (1): the defamation of a person, inter alia by passing undue value judgement, by the unjustified use of the name or image of the person, or by breaching the inviolability of the private life or another personality right of the person is unlawful unless otherwise provided by law.	No	No	No	https://www.riigiteataja.ee/en/eli/528072025003/consolide
Finland	Criminal Code Chapter 24 Section 9,	Criminal Code, Chapter 24, Section 9: Key elements of the defamation offence are the act of presenting false information or false insinuation concerning a person and this act is	Criminal Code, Chapter 6, section 5: it provides for a	Criminal Code, Chapter 6, section 5: it provides for a	No	https://www.finlex.fi/fi/lainsaadanto/saadaskaannokset/1889/eng/39-001

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
	Section 10, Section 13	conducive to causing damage or suffering to the victim or subjecting him or her to contempt. The information can be presented in writing or orally to the person concerned or publicly in the media, including online media. Defamation occurs also when a person disparages another person with words, gestures or images. Criminal code, chapter 24, Section 10, aggravated defamation: If defamation referred to in section 9, subsection 1 causes considerable suffering or particularly extensive damage and the defamation is also aggravated when assessed as a whole, the perpetrator shall be sentenced for aggravated defamation to a fine or to imprisonment for at most two years. When aggravated defamation has been committed in the operations of a corporation, foundation or other legal entity and the motive for the offence was race, skin colour, birth status, national or ethnic origin, religion or belief, gender, sexual orientation or disability or other corresponding ground, the public prosecutor may request that the legal entity is sentenced to a corporate fine (Criminal Code, Section 13). An offence is committed in the operations of a legal	list of aggravating circumstances which a court shall take into account when determining a punishment and assessing the level of fines or the length of a prison sentence. Commission of the offence for a motive based on race, colour, descent, national or ethnic origin, religion or belief, gender, sexual orientation or disability or for	list of aggravating circumstances which a court shall take into account when determining a punishment and assessing the level of fines or the length of a prison sentence. Commission of the offence for a motive based on race, colour, descent, national or ethnic origin, religion or belief, gender, sexual orientation or disability or for		

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		entity, if a person who is part of its management or exercises actual decision-making authority therein has been an accomplice in the offence or allowed its commission or the legal entity has not observed the diligence necessary for the prevention of the offence.	another comparable motive provides grounds for increasing the punishment.	another comparable motive provides grounds for increasing the punishment.		
France	Law on Press Freedom Art. 29, 32; Criminal Code Art. 226-1	Law on Press Freedom, Art. 29 (criminal provision): Any allegation or allegation of a fact that damages a person's honour or reputation. Criminal Code, Art. 226-1: Offence of invasion of privacy: punishes the sending of content depicting a person not being within a private area without their consent. When it targets a minor, the consent of those with parental authority is required.	Law on press freedom, Article 32 (criminal provision): Aggravated circumstance if based on gender.	No	No	https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI00006419790 https://www.legifrance.gouv.fr/loda/article_lc/LEGIARTI00038313312 https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000049312755
Germany	Criminal Code Sec. 185, Sec. 186, Sec. 187	Criminal Code, Sec. 187: Defamation: The assertion or dissemination of untrue facts that are likely to cause contempt for the person concerned or to disparage them in public opinion. Criminal Code, Sec. 185: Insult: Written, graphic or audiovisual content is an insult if it can be classified as a derogatory value judgement that violates a person's personal honour and does not	No	No	No	https://www.gesetze-im-internet.de/stgb/ (english translation: https://www.gesetze-im-internet.de/englisch_stgb/)

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		any longer fall under the right to freedom of expression. Criminal Code, Sec. 186: Malicious gossip: Publicly asserting or disseminating facts about another person is malicious gossip if the fact is capable of making the person concerned contemptible or is disparaging them in public opinion				
Greece	Criminal Code Art. 361, 362, 363; Civil Code Art. 57, 59, 914, 932	Criminal Code, Article 361: it addresses the crime of insult, namely the act of offending the honour of another individual verbally, through an act or any other way. When this insult is perpetrated publicly through any means or online, there is a higher penalty. Criminal Code, Article 362 provides for the crime of defamation (δυσφήμιση), committed by whoever, in any way, knowingly claims or disseminates before a third party a false fact about another that may damage the honor or reputation of the other. Civil protection framework: The protection of personality rights and the right to compensation or moral satisfaction are grounded in a network of civil law provisions. Articles 57 and 59 of the Greek Civil Code establish civil liability for	No	No	Criminal Code, Article 361, 363: Aggravated circumstance if the crime committed publicly through any means or online.	https://www.lawspot.gr/no-mothesia/poinikos-kodikas-nomos-4619-2019/ https://www.lawspot.gr/no-mothesia/astikos-kodikas/

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		violations of personality rights, while Articles 914 and 932 provide for compensation when unlawful and culpable acts cause material or moral damage to another person. These articles secure the right to demand the cessation of the violation, to ensure non-repetition in the future, and to seek compensation for material or moral harm suffered due to online defamation.				
Hungary	Criminal Code §226(1), §226/A, §226/B, §227(1); Civil Code §2:45	Criminal Code, Section 226 (1): defamation is when someone in front of another person, states, disseminates a fact that is capable of harming one's reputation or uses an expression in direct reference to such a fact. In addition, Section 226/A and 226/B criminalise the act of making and disclosing false audio or image recording capable of harming the reputation of another. In addition, Section 226/A and 226/B criminalise the act of making and disclosing false audio or image recording capable of harming the reputation of another. Criminal Code, Section 227 (1): provides that a person is guilty of insult if, apart from the acts specified in section 226, uses an expression - including physical act - that is capable of harming one's reputation or commits any other such act:	No	No	Yes. According to Section 226(2): (2) The punishment shall be imprisonment for up to two years if defamation is committed a) for a base reason or purpose, b) in front of a large audience, or	https://njt.jog.gov.hu/translatiions/-:2012:100/1/10 https://njt.jog.gov.hu/translatiions/-:2013:5/1/10

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		a) with regard to the performance of the job, public mandate or public interest activity of the aggrieved party, or b) in front of a large audience. Consequently, under criminal law, defamation is accomplished by stating a fact, while insult can be committed by words or physical action. The main element of insult is committing it in front of the public, while in the case of defamation, it is important that this act takes place in front of another person; statements made in public may aggravate the offense. The victim has to be identifiable in both cases, as offences are prosecuted by private motion. Under civil law, pursuant to Section 2:45 of the Civil Code, the integrity of a person is considered violated when a false and malicious oral statement is uttered publicly to damage that person's reputation. Defamation means when false claims or true facts with misleading implications are presented to harm the victim's good reputation.			c) by causing significant harm to interests. In front of a large audience includes committing it online.	
Ireland	Defamation Act §6	Defamation law is governed by civil law and constitutional provisions within Bunreacht na hÉireann. A defamatory statement = 'tends to	No	No	n/a	https://www.irishstatutebook.ie/eli/2009/act/31/enacted/en/print.html

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		injure a person's reputation in the eyes of reasonable members of society'. Defamation Act, Section 6(2): The tort of defamation consists of the publication, by any means, of a defamatory statement concerning a person to one or more than one person (other than the first-mentioned person), and "defamation" shall be construed accordingly. Defamation Act, Section 6(3): A defamatory statement concerns a person if it could reasonably be understood as referring to him or her. If any person posts an allegation or an opinion about a person (or a corporation) on a social media platform, that person or corporation can claim defamation. The claim must be made within one year (in exceptional circumstances two years) of the statement. Where the statement is published online, the date of accrual is the date it is first accessible (Defamation Act, Section 380(3B)). Defamatory statements may be published on the 'internet' or by other 'electronic means', but no other online publication format safeguards are presented in the Act. The Act also				

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		covers offline types of publication, e.g. traditional print and broadcast.				
Italy	Criminal Code Art. 595	Anyone who, by communicating with more than one person, offends the reputation of another person shall be punished with imprisonment of up to one year or a fine of up to ten thousand lire. If the offence consists in the attribution of a specific and identifiable fact, the penalty shall be imprisonment of up to two years or a fine of up to twenty thousand lire. If the offence is committed by means of the press or any other means of publicity, or in an official public document, the penalty shall be imprisonment from six months to three years or a fine of not less than five thousand lire. If the offence is committed against a political, administrative or judicial body, or one of its representatives, or a collegial authority, the penalties shall be increased.	No	Article 61 of the Criminal Code, par.5, Common Aggravating Circumstances: Taking advantage of circumstances of time, place, or person — including those related to age — that hinder public or private defense.	Criminal Code, Article 595, par.3: Aggravated circumstance If the offense is committed through the press or any other means of publicity	https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1930-10-19:1398
Latvia	Criminal Law Art. 157;	Criminal Law, Art. 157 (1) states that for a person who knowingly commits intentional distribution of fictions, knowing them to be	No	No	Aggravating circumstance: Criminal Law,	https://likumi.lv/ta/id/88966-kriminallikums

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
	Law on Press and Other Mass Media Art. 7	untrue and defamatory of another person, in printed or otherwise reproduced material, as well as orally, if such has been committed publicly (defamation), the applicable punishment is the probationary supervision or community service, or fine. Law On the Press and Other Mass Media, Article 7: prohibits publication of information that offends the person's honour and dignity and brings them into disrepute. Furthermore, it specifically prohibits the use of mass media to interfere in a person's private life. With respect to publications falling under the Law on Information Society Services (2004) also the website owners and domain name users are required to effectively prevent infringements of personal rights caused by information published by users, if they become aware of it.			Art. 157 (2) states that for defamation in mass media, the applicable punishment is the temporary deprivation of liberty or probationary supervision, or community service, or fine.	https://likumi.lv/ta/id/64879-par-presi-un-citiem-masu-informacijas-lidzekliem
Lithuania	Criminal Code Art. 154(1), Art. 60(1)(5)(6)(12) ;	Criminal Code, Art. 154(1): A person who, through the media, disseminates information about another person that is untrue and likely to disparage or humiliate that person or undermine confidence in him or her, or who slanders a person by alleging that he or she has committed	Criminal Code, Art. 60(1) (5), (6) and (12): Aggravating circumstance if i) the act is	Criminal Code, Art. 60 (1) (5), (6) and (12): Aggravating circumstance if ii) the act is	No	https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr https://www.e-tar.lt/portal/lt/legalAct/TAR.065AB8483E1E/asr

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
	Laws on Provision of Information to the Public Art. 2(83), 2(17)	an intentional crime, shall be punished by community service or a fine, or restriction of liberty, or arrest, or imprisonment for up to one year. The concerned person should be identifiable. Criminal Code, Art. 60(1) (5), (6) and (12): An aggravating circumstance is when i) the act is committed with the intention of expressing hatred towards a person because of their age, gender or sexual orientation; ii) the act is committed against a child under the age of 14; iii) the act is committed against a child by exploiting their dependency or abusing trust, authority or influence. The statement should be made through any outlet for public information. Law on the Provision of Information to the Public, Art. 2(83): an outlet of the provision of information to the public is: a newspaper, magazine, bulletin or other publication, book, television programme, radio programme, film or other audio-visual studio production, a digital society media (social media) and other outlets by which information is publicly disseminated. Law on the Provision of Information to the Public, Art. 2(17): Digital society media is defined	committed with the intention of expressing hatred towards a person because of their age, gender or sexual orientation.	committed against a child under the age of 14; iii) the act is committed against a child by exploiting their dependency or abusing trust, authority or influence.		

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		as media that disseminate public information through the provision of online and digital services.				
Luxembourg	Criminal Code Art. 443–444, Art. 448	Criminal Code, Articles 443–444: Defamation and calumny constitutive elements: (i) articulation of a specific fact (ii) attribution of this fact to a specific person (iii) a fact that could damage a person's reputation or expose them to public contempt (iv) publicity of the attribution (notably by giving publicity to writings and images through the media, including Internet websites and social media) (v) malicious intent (vi) attribution of (a) an act in private or professional life that does not constitute an offence, and for which it is prohibited or impossible to provide evidence (for defamation) or (b) a fact which the law authorises or permits to be proven, but for which such proof has not been provided (for calumny). Criminal Code, Art. 448: Insulting constitutive elements: (i) an insult aimed, directly or indirectly, against a specific natural person (ii) expressed through acts, writings, images or emblems more or less vague which, in the common opinion, damage a person's honour and	Criminal Code, Art. 444(2) read together with art. 454: aggravating circumstance.	Criminal Code, Art. 448: Aggravating circumstance in case these offences are motivated among others by age or pregnancy of the victim.	No	https://legilux.public.lu/eli/etat/leg/code/penal/20251219

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		reputation (iii) publicity of the insult (notably using the Internet) (iv) intention to insult or hurt someone's self-esteem.				
Malta	Media and Defamation Act Art. 3	The Media and Defamation Act, Art. 3: defines defamation as the communication of a statement that seriously harms the reputation of a person and includes libel and slander. Slander is defined as defamation by spoken statements uttered with malice, whilst libel is defined as defamation by publication. Defamatory words in written media are deemed to be published and to constitute libel. Article 3(4) clarifies that statements are not defamatory unless they cause serious harm or are likely to seriously harm the reputation of the person making the claim. Civil proceedings can be filed against the author, the editor or if the editor cannot be easily identified against the publisher.	No	No	No	https://legislation.mt/eli/ca/p/579/eng
Netherlands	Criminal Code Art. 261(1), 261(2), Art. 266	There is no one dedicated law on defamation. Defamation (slander, libel, insult, sexual intimidation, group insult, incitement to hatred or discrimination, doxing, image-based sexual abuse) is made illegal under several criminal law provisions.	No	No	No	https://wetten.overheid.nl/BWBR0001854/2025-07-01/#BoekTweede_TiteldeelX_VI_Artikel261

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		Criminal Code, Art. 261 sub 112: Slander (smaad) is intentionally harming a person's honour or reputation through the allegation of a particular fact (that may be true or false) with the aim of making that fact public. Criminal Code, Art. 261 sub 2: Libel (smaadsFRachrift) is intentionally harming a person's honour or reputation through the allegation of a particular fact (that may be true or false) with the aim of making that fact public by means of written material, or images, which are either distributed, publicly displayed or posted. Criminal Code, Art. 266: Simple insult (eenvoudige belediging) is any deliberate insult that is not classifiable as slander or libel. Group insult under article 137c of the Criminal Code is to deliberately insult a group of people in public, either verbally or in writing or through images, on the following non-discrimination grounds: race, religion, belief, sexual orientation and disability.				
Poland	Criminal Code, Art. 212.	Criminal Code, Art. 212: Defamation consists of accusing another person of conduct or characteristics that may humiliate them in public	no	no	Criminal Code, Article 212(2): Aggravated	https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wdm19970880553

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		opinion or undermine the trust required for a given position, profession, or type of activity.			circumstance if the offence committed through mass media.	
Portugal	Criminal Code Art. 180, Art. 183(a)	Criminal Code, Art. 180: it states that anyone who, when addressing a third party, accuses another person (even as a suspicion) of a fact or makes a judgment about them that harms their honour or reputation, or repeats such an accusation or judgment, is committing a crime of defamation. Although this refers to verbal defamation, Article 182 of the Criminal Code establishes that defamation committed in writing, through gestures, images, or any other form of expression is also treated the same as verbal defamation. Criminal Code, Art. 183 (a): it establishes that if the offence of defamation is committed through means or in circumstances that facilitate its dissemination (such as online/digital contexts), the penalty applicable can be aggravated.	No	No	Criminal Code, Article 183 (a): Aggravated circumstance if the offence committed through means or in circumstances that facilitate its dissemination.	https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/1995-34437675

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
Romania	Civil Code Art. 1349; Criminal Code Art. 226, Art. 77(h)	n/a; defamation is not specifically regulated and any defamation cases can be brought in civil cases based on torts legal provisions (Civil Code, Article 1349) and art. 70-75 of the Civil Code (the right to freedom of expression, the right to privacy, the right to dignity, the right to one's own image). See, however the criminal provision on invasion of privacy: Criminal Code, Art. 226: (2¹) The disclosure, dissemination, display, or transmission, by any means, of an intimate image of a person who is identified or identifiable based on the information provided, without the consent of the person depicted, in a manner likely to cause that person psychological distress or to damage their reputation, is punishable by imprisonment for a term of 6 months to 3 years or by a fine. Criminal Code, Art. 77 h): aggravated circumstance: committing a criminal offence on grounds of race, nationality, ethnicity, language, religion, gender, sexual orientation, political opinion or affiliation, wealth, social origin, age, disability, a chronic non-contagious illness, or HIV/AIDS, or for other similar circumstances,	n/a	n/a	n/a	https://legislatie.just.ro/Public/DetaliuDocument/109855 https://legislatie.just.ro/Public/DetaliuDocument/109884

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		which the perpetrator considers to be grounds for a person's inferiority in relation to others.,				
Slovakia	Criminal Code Art. 373	Criminal Code, Article 373: Defamation is defined as follows: "Anyone who reports false information about another person that is likely to significantly undermine their reputation among fellow citizens, harm them in their employment or business, disrupt their family relationships, or cause them other serious harm, shall be punished by imprisonment for up to two years." Civil law (misdeameanors): defamation in the form of insult or ridicule.	No	No	No	https://www.slov-lex.sk/ezbierky/pravne-predpisy/SK/ZZ/2005/300/
Slovenia	Criminal Code Art. 158–161	Criminal code, Article 158(1): Whoever insults another person shall be punished by a fine or imprisonment for up to three months. Criminal code, Article 159(1): Whoever claims or circulates false information about another person that could tarnish that person's honour or reputation and which he or she knows to be false shall be punished by a fine or imprisonment for up to six months. Criminal Code, Art. 160(1): Whoever claims or	No	No	Criminal Code, Article 158-161: Aggravated if committed through mass media.	https://pisrs.si/pregledPredpisa?id=ZAKO5050

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		circulates anything false about another person that could tarnish the honour or reputation of that person shall be punished by a fine or imprisonment of up to three months. Criminal code, Article 161(1): Whoever claims or circulates information about the personal or family affairs of another person which could tarnish that person's reputation shall be punished by a fine or imprisonment for up to three months.				
Spain	Criminal Code Art. 205–216	Criminal Code, Art. 205-216: Defamation is addressed through slander (calumnia) covered under and libel (injuria) crimes that protect the honor and reputation of people. Criminal Code, Article 208: it defines libel (injuria) and establishes that it must be serious to be considered a crime, in addition to subjective (intent to harm) and objective (actions that damage dignity) elements. Slander is defined as the false accusation of a crime made with knowledge of its falsity or with reckless disregard for the truth. The order 7/2019 on guidelines for interpreting hate crimes classified in Article 510 of the Penal	No	No	Penal Code, Article 206: publicity is an aggravating factor. Penal Code establishes that slander and defamation are punished with more severe penalties - imprisonment from six months	https://www.boe.es/buscar/act.php?id=BOE-A-1995-25444

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
		Code order addresses the application of Article 510 of the Criminal Code to crimes committed through the Internet, such as social networks or forums.			to two years or a fine from six to twenty-four months- if they are spread publicly. Internet and social media are considered means that grant this publicity. Dissemination on social media implies a greater injury to the honour of the affected party, which justifies the aggravation of the penalty.	

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
Sweden	Penal Code Chapter 5 §1–2	Penal Code, Chapter 5, section 1: content portraying another person as criminal, reprehensible or in other ways intended to subject the person to the contempt of others is considered defamation, which is a criminal offence.	Penal Code, Chapter 29, section 2, point 7: Aggravating circumstance.	Chapter 29 – On determination of penalties and remission of sanctions: Section 2: As aggravating circumstances when assessing penalty value, in addition to what applies for each specific type of offence, particular consideration is given to: (..) 8. whether the offence was liable to damage the security and trust of a child in their relationship	Possibly aggravating circumstance: in assessing whether the offence is to be considered grave - the provision on grave defamation was amended in 2018 to clarify that the way of disseminating defamatory statements affects the seriousness of the crime. The mere fact that a statement is made on the internet does not alone	https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700/

Member State	Legal Source(s)	Description	Sex/Gender as Protected Characteristic	Age/Child Protection	Aggravating Circumstance If Offence Committed Online	Weblink(s)
				with a family member.	suffice to qualify a crime as grave, however, combined with other circumstances, a statement being made on a website or a service with many users could qualify the crime as grave.	