[BG] Constitutional Court Rules on Penal Code Provision Concerning Journalists

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A group of Parliamentarians had asked the Constitutional Court to rule on the constitutionality of several provisions of the Penal Code concerning penal responsibility for "offence and aspersion" punishable by fines or jail. The penalty is higher if the violator either acted "in his official capacity" or offended a person "in his/her official capacity". Some groups (especially journalists) fear that the provisions seriously endanger the freedom of speech in Bulgaria since they believe that the provisions aim to limit the journalists' attacks against politicians and members of the Government. Nevertheless, the Constitutional Court found the abovementioned texts of the Penal Code to be in accordance with the Constitution. The Court based its decision on the fact that the Constitution does not proclaim an absolute freedom of speech. The use of this freedom is not allowed, says the Court, if it impairs human dignity (as is the case with "offence and aspersion"). The human dignity is, by contrast, the highest value, hence its protection by the Penal Code provisions is not exaggerated.

Rule no. 20 of the Constitutional Court from 14 July 1998 (concerning the Constitutional case no 16 of 1998).

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