European Court of Human Rights: Case of Pedersen and Baadsgaard v. Denmark

IRIS 2003-9:1/2

Dirk Voorhoof
Human Rights Centre, Ghent University and Legal Human Academy

In Strasbourg, two journalists of *Danmarks Radio* (Danish national television) complained about their conviction for defamation of a Chief Superintendent. The journalists, Pedersen and Baadsgaard, had produced two programmes about a murder trial in which they criticised the police's handling of the investigation. At the end of one of the programmes, the question was raised if it was the Chief Superintendent who had decided that a report should not be included in the case or who concealed a witness's statement from the defence, the judges and the jury. Both journalists were charged with defamation and convicted. They were sentenced to 20 day-fines of DKK 400 (EUR 53) and ordered to pay DKK 100.000 (EUR 13.400) compensation.

The European Court of Human Rights has now decided that this conviction breached neither Article 6 nor Article 10 of the European Convention. In its judgment of 19 June 2003, the Court, *inter alia,* emphasized that "[p]ublic prosecutors and superior police officers are civil servants whose task it is to contribute to the proper administration of justice. In this respect they form part of the judicial machinery in the broader sense of this term. It is in the general interest that they, like judicial officers, should enjoy public confidence. It may therefore be necessary for the State to protect them from accusations that are unfounded".

The Court is of the opinion that the television programme left the viewers with the impression that the named Chief Superintendent had taken part in the suppression of a report in a murder case, and thus committed a serious criminal offence. The Court accepts that journalists divulge information on issues of general interest, provided however "that they are acting in good faith and on accurate factual basis and provide 'reliable and precise' information in accordance with the ethics of journalism". The Court is of the opinion that it is doubtful, having regard to the nature and degree of the accusation, that the applicants' research was adequate or sufficient to substantiate their concluding allegation that the Chief Superintendent had deliberately suppressed a vital fact in a murder case. The Court also takes into consideration that the programme was broadcast at peak viewing time on a national TV station devoted to objectivity and pluralism, and accordingly, was seen by a wide public. The Court reiterates that the audio-visual media often have a much more immediate and powerful effect than the print media. The Court reaches the conclusion that the interference with the

© European Audiovisual Observatory (Council of Europe) 2026

applicants' freedom of expression did not violate Article 10 of the Convention, as the conviction was necessary for the protection of the reputation and the rights of others. Three of the seven judges of the Court dissented, emphasizing the vital role of the press as public watchdog in imparting information of serious public concern.

Judgment by the European Court of Human Rights (First Section), Case of Pedersen and Baadsgaard v. Denmark, Application no. 49017/99 of 19 June 2003

https://hudoc.echr.coe.int/eng?i=001-67818

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026