[CZ] Constitutional Court Rules on Youth Protection on Television

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In a decision issued at the end of 2008, the *Ústavní soud* (Constitutional Court of the Czech Republic) ruled that measures taken by the Broadcasting Council to protect young people had not limited the freedom of speech in the media.

In the past, the Broadcasting Council has frequently had to deal with the principles of youth protection on television (particularly "Big Brother"-type formats) and imposed fines on the broadcasters of such programmes. The broadcasters appealed against these fines. The *Městský soud v Praze* (Prague Municipal Court) rejected some of the complaints and upheld the fines. The broadcasters appealed against these rulings of the Prague Municipal Court. The *Nejvyšší správní soud* (Supreme Administrative Court) rejected this appeal and ruled in favour of the Broadcasting Council (see IRIS 2008-8: 8). One broadcaster appealed to the Constitutional Court against the Supreme Administrative Court's decision on the grounds that it infringed the media's freedom of speech and asked that the decision be quashed. The broadcaster also asked the Constitutional Court to annul the youth protection provisions of the Broadcasting Act because they were also contrary to freedom of speech.

The Constitutional Court rejected the broadcaster's appeal. It ruled that the application of the Broadcasting Act by the Broadcasting Council and both courts in their assessments of these cases did not represent a breach of the Constitution's provisions on freedom of speech. The Supreme Administrative Court's ruling was sufficiently well-founded and in conformity with the Constitution. Such programmes could harm the development of children and minors and the State was obliged to protect them. Annulling the youth protection provisions of the Broadcasting Act was also out of the question.

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