

[CZ] Constitutional Court Rules on Reality Show Fine

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The Czech Constitutional Court has heard a complaint from a broadcaster about a fine imposed on it for broadcasting a “Big Brother”-type reality show.

The Broadcasting Council had decided that the broadcaster should pay a fine of CZK 200,000 for violating Article 32 of Law no. 231/2001, which prohibits broadcasters from broadcasting TV programmes that endanger the physical, spiritual or moral development of children, between 6 a.m. and 10 p.m. Some parts of the programme had contained scenes that harmed human dignity and interpersonal relations, as well as vulgar and bad language (see IRIS 2005-10/13, IRIS 2008-8/21 and IRIS 2009-3/8).

After appeals against the Broadcasting Council’s decision had been rejected by the Prague Municipal Court and the Supreme Administrative Court, the broadcaster lodged an appeal with the Constitutional Court because it thought the decisions of the Broadcasting Council and the courts had infringed its fundamental rights.

The Constitutional Court agreed with the administrative courts’ interpretation of the law. It also explained that the appellant had not been prosecuted for broadcasting the show, but because of the timing of the broadcast. The fact that the appellant disagreed with the courts’ conclusions did not mean that the complaint about infringement of the Constitution was well-founded and, in any case, did not represent a violation of its fundamental rights. Since the decisions of the law courts could not be described as arbitrary, they did not infringe the appellant’s fundamental rights. The Constitutional Court therefore rejected the complaint that the Constitution had been infringed.

Usnesení Ústavního soudu České republiky č.j. I.US 1110/2009 ze dne 23. září 2010

<http://kraken.slv.cz/l.%C3%9AS1110/09>

Decision of the Czech Constitutional Court, 23 September 2010

