[CZ] Constitutional Court Rules on Freedom of Expression

IRIS 2011-2:1/14

Jan Fučík
Česká televize

On 25 November 2010, the Constitutional Court of the Czech Republic ruled on a case concerning freedom of expression in caricatures and noted that the freedom of expression was not limitless and that drawings showing naked politicians carrying out sex acts exceeded the admissible limit of satire and exaggeration.

This decision represented victory for a former Czech minister in a legal dispute with the Czech magazine Reflex. The magazine's publisher, Ringier, therefore lost its appeal to the Constitutional Court, in which it had claimed that it had suffered damage as a result of the courts' order that it should apologise for the aforementioned caricatures. It had argued that its freedom of expression and artistic freedom had been violated.

The dispute over the caricatures lasted nine years. In May 2001, a caricature had been published in the satirical comic strip Green Raoul, showing the then minister naked, engaging in sex acts with colleagues. The minister sued the magazine for damaging his reputation as a citizen and a minister and exceeding the limits of freedom of speech. The municipal court in Prague, the appeal court and the Supreme Court all decided that the magazine's publisher should apologise. They rejected the defence's argument that political satire and exaggeration of this kind were acceptable. The Supreme Court in Prague ruled that the images bordered on pornography and seriously infringed the common rules of decency.

The Senate of the Constitutional Court upheld the courts' argument and rejected the magazine publisher's claims. The judges confirmed that, although politicians had to endure a high level of criticism, freedom of expression was not totally limitless. Even caricatures, which could go further than other works, had to respect certain boundaries in relation to the freedom of expression.

Nález Ústavního soudu II.ÚS 468/03 z 25.11.2010

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Constitutional Court decision of 25 November 2010

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