[SK] Supreme Court Prohibits Sensational Report About Suicide

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On 27 June 2013, the Supreme Court ("Court") confirmed the decision of the Council for Broadcasting and Retransmission of the Slovak Republic ("Council") imposing a fine of EUR 5,000 on a major Slovak commercial TV broadcaster for violating human dignity in its programme.

In March 2012, the Council received a complaint regarding reports aired within the news programme called "Crime" concerning the tragic suicide of a middle-age man from a small town in Slovakia. In their complaint, the bereaved of the deceased man stated that they explicitly asked the broadcaster not to report about the tragic death.

Nevertheless, the broadcaster issued reported about the suicide. The reporter presented the story in a popular- and scandal-oriented fashion using formulations such as

- "Thirty-nine year old man was lying in the house in a pool of blood";

- "Dead body of thirty-nine year old Dusan was found by his brother who suddenly faced a view of horror";

- "Dusan's throat was cut all along including both wrists";

- "The whole room was allegedly covered in blood".

Speculations about the motives and the cause of death (schizophrenia, suicide) were also raised by the reporter.

During the legal investigation, the broadcaster claimed that most of the statements presented by the reporter were later confirmed by competent authorities. In the case of the speculations about the motives, the broadcaster pointed out that the Council does not have the competence to verify or designate as false facts stated in the media. According to the broadcaster, the public has the right to be informed about such events and any State authority's sanction in this matter would infringe the broadcaster's freedom of speech.

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The Council, however, concluded that the question whether these statements were true or false is not essential in this case. Even correct statements may in some cases infringe an individual's right to privacy. Furthermore, at the time of airing the report, the broadcaster presented its mere speculations as facts, which is not in compliance with journalistic due diligence. Most importantly, the broadcaster failed to justify the disclosure of the information to the public with reasonable facts that prevailed over the right to privacy.

The Court fully supported the Council's reasoning and agreed that the information belonged in the private sphere of the decedent's family. Since the decedent was a private figure which did not engage in any public activities there was no public interest in the dissemination of this information. The Court also stated that even in a case where the public interest in disclosure and the right to be informed prevailed over the privacy of the persons concerned, reports based on unsupported speculations presented in such an expressive manner are not covered by the right to freedom of speech.

Najvyšší súd, 5Sž/26/2012, 27.06.2013

http://www.justice.gov.sk/Stranky/Sudne-rozhodnutia/Sudne-rozhodnutie-detail.aspx?PorCis=7DF42746-EFFD-45CE-A8C0-0D3971F2D13B&PojCislo=6661

Decision of the Supreme Court of 27 June 2013 (5Sž/26/2012)

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