[CZ] Decision of the Constitutional Court about freedom of expression

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On 17 April 2014, the wife of a former prime minister failed at the Constitutional Court with a complaint about a cartoon published in the magazine Reflex. The wife of the former prime minister demanded an apology for the illustration in the comic book Green Raoul, which she deemed inappropriate. The Constitutional Court rejected the request with reference to freedom of expression. The wife of the former prime minister previously announced that she is ready to go to the European Court of Human Rights.

According to the constitutional complaint, justice failed to protect the rights of pregnant women and their privacy. The comics are in a ridiculous way showing the wife while conceiving her baby. The Constitutional Court acknowledged that the cartoons are indeed not too kind to the two protagonists. However, the Court assessed, that the illustrations cannot be considered as being grossly pornographic or vulgarly ridiculing the beginning of the complainant's pregnancy.

According to the Court, a cartoon makes fun of someone due to its nature and purpose. "Even though cartoons certainly do not enjoy absolute constitutional protection, the constitutional limits of the genre, however, are much more extensive than the limits to be applied for example to photos, especially the various montages published in the tabloid press, often with fanciful stories, but which are disguised as real", the Court stated.

The Court stressed that the protection of privacy of public people outweighs the right to freedom of expression only in extremely serious cases.

Usnesení Ústavního soudu České republiky čj. I.US 2246/12 ze dne 17.4.2014

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Decision of the Constitutional Court of the Czech Republic of 17 April 2014

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