# [SK] Violation of human dignity in reality show - follow up

**IRIS 2014-6:1/34**

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On 27 February 2014, two decisions of the Supreme Court confirmed the decision of the Rada pre vysielanie a retransmisiu (Council for Broadcasting and Retransmission of the Slovak Republic) imposing a fine of EUR 12,000 and EUR 6,000 on a major Slovak commercial TV broadcaster for violating human dignity in TV broadcasting. Both fines were imposed with regards to episodes of the reality show “Extreme Families”; a preceding episode was already sanctioned by the Council for the same violation. This decision has also been confirmed by the Court (for more details see IRIS 2013-6/33).

The Broadcaster repeated in front of the Council and the Court the same arguments as in the previous case. Besides these arguments, the broadcaster also stressed that based on the principles of the criminal law these violations should have been sanctioned only by one fine. According to the broadcaster, due to the common characteristics of these violations - they referred to the same show (only different episodes), violated the same legal provision, had the same manner of violation (mockery of the participants of the show) - they represented only partial acts of one (continuous) transgression.

The Council contended that even though these cases did indeed show some similarities, they were different in substantial circumstances, so that in the end each case must qualify as a separate violation of law. The Council pointed out that the actual form of the defamation differed in each episode of the show. The Council also stressed that subjects whose human dignity was infringed varied in individual episodes. Whereas in one episode the Council confirmed the infringement of human dignity of a particular show participant, in the next episode the Council “dropped the charges” (stopped legal proceeding) with regard to the very same show participant.

The Council also stated that by accepting the arguments of the broadcaster (treat all cases as partial acts of one single transgression) would in fact result in generalising the individual violations. This would however be in direct contradiction of the principle of carefully and individually examining each interference with the freedom of the speech.

***Najvyšší súd, 5Sž/5/2013, 27/02/2014***

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http://www.justice.gov.sk/Stranky/Sudne-rozhodnutia/Sudne-rozhodnutie-detail.aspx?PorCis=34521E79-F704-45E1-806F-231DEE8D4F9B&PojCislo=11313

*Decision of the Supreme Court, 5Sž/5/2013, 27 February 2014*

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