[CZ] Decision of the Supreme Court concerning personality protection

IRIS 2014-9:1/12

Jan Fučík
Česká televize

The TV broadcaster “FTV Prima” was unsuccessful in a long legal dispute about the publication of photos of a thirteen year old boy, one of the supporting actors in the so-called “Kuřimská” cases. On 25 June 2014, the Supreme Court upheld a judgment that has awarded the boy compensation of 100,000 CZK. The broadcaster “FTV Prima” referred in his objections to the right to news reporting, but the Supreme Court assumed that the real goal of the publication of the photos was denigration or defamation.

The so-called “Kuřimská” case is probably the most famous case of brutal treatment of children in the country. Two maltreated boys lived with their divorced mother. According to the judgment, the mother, the sister and their friends imprisoned the boys in cages, beat them and otherwise mistreated them at various locations from summer 2006 until May 2007. A court sentenced the boys’ mother to nine years in prison and their sister to ten years. Both have since been released. The background of this case has never been satisfactorily explained or revealed.

Later, the media published pictures of the boys. With regard to the publishing the photos, the family of the boys argued that there had been an unjustified interference with the children’s right to privacy. In 2012, measures to protect the privacy rights of the boys were unsuccessful. The Supreme Court ordered the reopening of the case and the Board of the Prague High Court ruled in favour of the boys. The Court held that the publication of the photos was not necessary and that the boys’ right to privacy outweighed the public’s interest in receiving information about this case.

The broadcaster, “FTV Prima”, appealed to the fact that the photos were published in accordance with the principles of the so-called news licence. In the opinion of “FTV Prima”, the public has a right to know about the dangers of various sects. Moreover, it is important to involve the public in the process of searching for the perpetrators of a crime. The broadcaster also argued that the publication of the photos was not accompanied by any derogatory information. The advocate for the boys (both now young adults), however, argued that if juvenile offenders are protected against publication of their pictures under penal law, victims of a crime must also be protected.

© European Audiovisual Observatory (Council of Europe) 2026

In its final decision, the Supreme Court pointed out that a person's image may not be used in news coverage, if it is contrary to the legitimate interests of that person. In the opinion of the Supreme Court, the photos were not only published with the goal of informing society but with the purposes of defaming and denigrating. The Court therefore found that the privilege of the principle of the so-called news licence could not be applied in the present case.

Usnesení Nejvyššího soudu č.j. 30 Cdo 252/2014 z 25.6.2014

http://www.nsoud.cz/Judikatura/judikatura_ns.nsf/WebSearch/6C59B8F1C215D1C0C1257D2D0034D2B0?openDocument&Highlight=0

Decision of the Supreme Court, 30 Cdo 252/2014, 25 June 2014

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026