



*Permanent Mission of the Czech Republic  
to the United Nations, OSCE and other  
International Organizations  
in Vienna*

**Statement by Ambassador Veronika Kuchyňová Šmigolová  
Permanent Representative of the Czech Republic  
at the OSCE Permanent Council on February 3<sup>rd</sup>, 2011**

In concurrence with the joint EU position just presented by Hungarian ambassador the Czech Republic is going to provide more detailed reply as for its national case.

The Czech Republic thanks the Russian Federation for its statement on the Freedom of the Media in some EU countries where the Czech Republic was also mentioned. We welcome the Russian interest in freedom of the media and its interest to use OSCE and its Permanent Council as a forum for dialog on this topic.

The piece of legislation of the Czech Republic which was mentioned in the Russian statement is in force since April 1<sup>st</sup>, 2009 and has been already discussed in OSCE that year – both at the OSCE Parliamentary Assembly meeting and with the former RoFM Miklos Haraszti.

The Czech Republic is fully aware of the importance of freedom of speech and expression, mainly given its own historical experience. And the Czech Republic is perfectly aware of its commitments as for the freedom of the media. However, the Czech Republic is of the opinion that the discussed national legislation does not constitute a breach of these commitments.

The intention of this amendment when adopted was 1) to protect the victims of crimes from media hype and 2) not to influence the criminal proceedings by leaking confidential criminal evidence. Yet, the discussed legislation in no way impedes making taped information or other confidential data public once they have been presented as an evidence during the public proceedings before the court.

The Czech constitutional order safeguards both the right for privacy of individuals and at the same time the freedom of expression and right to information. The Czech Parliament approved the mentioned legislation as there were cases where the right for

privacy was severely harmed by publishing false, grossly distorted, out-of-context taken, forged or false materials. The idea of authors of this amendment was therefore to find a better balance between the right for privacy on one and the freedom of expression and right to information on the other side.

The application of the above mentioned legislation is nevertheless limited by a Constitutional Court's judicial precedent declaring that in cases which are of public interest, (i.e. mainly in cases where politically active persons are involved) the right for privacy is diminished in favour of the right to information. Yet, every case must be considered and evaluated individually.

For your information I would like to add that the Ministry of Justice has prepared and the lower chamber of the parliament already approved another amendment of this legislation which, among others, would transform the above mentioned Constitutional Court's precedential decision directly into the law.

The Czech Republic looks forward to more discussion on freedom of the media and expression within OSCE and welcomes the fact that the Lithuanian CiO has made this issue one of his priorities.

Thank you