

Reply by the Government of the Czech Republic to the Platform alert n° 91/2021

The freedom of media in the Czech Republic is guaranteed by the Constitution (Article 17 of the Charter of Fundamental Rights and Freedoms /the Charter/, which is part of the Constitution of the Czech Republic). The freedom of expression and support of independent media are among the highest priorities of the Czech foreign policy on the field of human and citizens' rights.

The legal system of the Czech Republic guarantees everyone the right to protection against defamation of character. Article 10 paragraph 1 of the Charter of Fundamental Rights and Freedoms (the Charter), which is part of the Constitution of the Czech Republic, states that "Everybody is entitled to protection of his or her human dignity, personal integrity, good reputation, and his or her name". Article 36 paragraph 1 of the Charter then provides that "Everybody may assert in the set procedure his or her right in an independent and unbiased cerate of justice and in specified cases with another organ".

Jan Hamáček therefore demands the protection of his rights guaranteed by the Constitution of the Czech Republic in the manner prescribed by the Constitution. He demands this exclusively as a private individual. No government institution or other executive body is involved in the criminal complaint for defamation filed by J. Hamáček against the journalists and publisher of Seznam Zprávy, in which he seeks compensation in the amount of CZK 10 million.

The possibility of filing a criminal complaint for defamation in the Czech legal system is based on § 184 of the Criminal Code, which reads as follows: "Whoever makes a false statement about another capable of significantly threatening his/her reputation among fellow citizens, especially harm him/her in employment, disrupt his/her family relations or cause another serious detriment, shall be sentenced to imprisonment for up to one year" (in the case of publication in the press or another publicly accessible medium, it may be up to two years).

In the Czech legal system, a civil action for the protection of character is based on §81 and 82 of the Civil Code, which guarantee the protection of personality of an individual and the right to demand in court that the unlawful interference be refrained from and its consequence remedied. In the case of non-pecuniary damage, the elimination of the consequences usually takes the form of financial compensation.

Both legal actions of J. Hamáček against the publisher and journalists of Seznam Zprávy will ultimately be decided by independent courts. The independence of the judiciary in the Czech Republic is guaranteed by the Constitution and enforced by a system of laws adopted on the basis of the Constitution. The independence of the Czech judiciary is not in question.