



## Fine for marijuana interview breached the Convention

In today's **Chamber** judgment<sup>1</sup> in the case of [Ringier Axel Springer Slovakia, a.s. v. Slovakia \(no. 4\)](#) (application no. 26826/16) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.**

The case concerned a television programme in which a famous singer allegedly expressed support for marijuana legalisation and the journalist allegedly appeared to agree with him resulting in the broadcaster being fined.

The Court found in particular that the journalist had not intended to praise marijuana or incite its use, merely to report a celebrity's views on a topic of public interest. The fine issued had thus been disproportionate and not necessary in a democratic society.

### Principal facts

The applicant, Ringier Axel Springer Slovakia, a.s., (now known as News and Media Holding, a.s.), is a Slovak company which was established in 1990 and is registered in Bratislava.

On 13 July 2012 the applicant company put a programme called "[X.] at [the music awards]: Did he want to shock when he [was thankful] for the weed?" on its streaming service. X is a popular Slovak singer. In the programme there were clips of X. smoking, along with an interview in which the journalist said: "This weed is already well known to the Slovak people, no need to introduce it."; X. replied: "I'm thankful for the magic green weed. I would exchange it. I would ban alcohol and allow marijuana."; the journalist laughed in response.

Administrative proceedings were opened against the applicant company as a result of this programme, with it being fined in 2012 for breaching a ban on promoting drug use. Following court proceedings in which the applicant company argued that it had not approved X.'s opinions, the initial decision was quashed.

A second decision against the applicant company was issued by the Broadcasting Council in 2014. The applicant company appealed. That decision was upheld with reference to the Court's case-law by the Supreme Court, which stated that the applicant company "had to bear objective (strict) liability for the manner of processing the information and its content, which should not have breached the constitutional and legal framework for the protection of society".

A subsequent constitutional complaint by the applicant company was dismissed as manifestly ill-founded.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

## Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression) of the Convention, the applicant complained that fining it for the content of one of its programmes had violated its rights.

The application was lodged with the European Court of Human Rights on 11 May 2016.

Judgment was given by a Chamber of seven judges, composed as follows:

Péter **Paczolay** (Hungary), *President*,  
Krzysztof **Wojtyczek** (Poland),  
Alena **Poláčková** (Slovakia),  
Erik **Wennerström** (Sweden),  
Raffaele **Sabato** (Italy),  
Lorraine **Schembri Orland** (Malta),  
Ioannis **Ktistakis** (Greece),

and also Renata **Degener**, *Section Registrar*.

## Decision of the Court

### Article 10

The applicant company argued that it had merely presented X.'s opinions to inform the public about a matter of public interest.

The Court accepted that there had been an interference with the applicant company's freedom of expression, and so decided to determine whether the interference had been necessary in a democratic society. The Court emphasised, in particular, the fact that the statements had not been made by the applicant company itself, but by an entertainer in an interview.

Owing to its importance to democracy, the Court reiterated that journalism is subject to Article 10 protections within limits. Punishment of a journalist for disseminating the views of another should not happen without very good reasons.

The Court noted that the programme in question had been on a topical event and had contributed to a debate of public interest. The Court did not believe that the journalist had intended to praise marijuana or incite its use. It stated that the domestic courts' interpretation of the exchange had been particularly rigid, with an absence of necessary assessment of all relevant factors. It had not been shown that the applicant company had acted in bad faith or irresponsibly.

In conclusion, the Court found that the fine had been disproportionate and not necessary in a democratic society, leading to a violation of the Convention.

### Just satisfaction (Article 41)

The Court held that Slovakia was to pay the applicant 500 euros (EUR) in respect of pecuniary damage, EUR 2,600 in respect of non-pecuniary damage and EUR 10,317 in respect of costs and expenses.

*The judgment is available only in English.*

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHR\\_CEDH](https://twitter.com/ECHR_CEDH).

**Press contacts**

[echrpress@echr.coe.int](mailto:echrpress@echr.coe.int) | tel.: +33 3 90 21 42 08

**Neil Connolly (tel : + 33 3 90 21 48 05)**

Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)

Denis Lambert (tel : + 33 3 90 21 41 09)

Inci Ertekin (tel : + 33 3 90 21 55 30)

Jane Swift (tel : + 33 3 88 41 29 04)

**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.