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**Press release issued by the Registrar****CHAMBER JUDGMENT IN THE CASE OF VON HANNOVER v. GERMANY**

The European Court of Human Rights has today delivered at a public hearing a judgment <sup>[1]</sup> in the case of *von Hannover v. Germany* (application no. 59320/00).

The Court held unanimously:

- that there had been a **violation de Article 8** of the European Convention on Human Rights (right to respect for private life);
- that the question of the application of Article 41 of the Convention (just satisfaction) was not ready for determination. It reserved it in its entirety and invited the Government and the applicant to submit observations in writing.

The judgment is available in French (original version) and English (translation).

**1. Principal facts**

The applicant, Princess Caroline von Hannover, was born in 1957 and is the eldest daughter of Prince Rainier III of Monaco. She is a national of Monaco, where she lives.

**Summary of the facts**

Since the beginning of the 1990s Princess Caroline von Hannover has been campaigning – often through the courts – in various European countries to prevent photographs about her private life being published in the sensationalist press.

She has on several occasions unsuccessfully applied to the German courts for an injunction preventing any further publication of a series of photographs which had appeared in the 1990s in the German magazines *Bunte*, *Freizeit Revue* and *Neue Post*. She claimed that they infringed her right to protection of her private life and her right to control the use of her image.

In a landmark judgment of 15 December 1999 the Federal Constitutional Court granted the applicant's injunction regarding the photographs in which she appeared with her children on the ground that their need for protection of their intimacy was greater than that of adults.

However, the Constitutional Court considered that the applicant, who was undeniably a contemporary “public figure”, had to tolerate the publication of photographs of herself in a public place, even if they showed her in scenes from her daily life rather than engaged in her official duties. The Constitutional Court referred in that connection to the freedom of the press and to the public's legitimate interest in knowing how such a person generally behaved in public.

**2. Procedure and composition of the Court**

The application was lodged on 6 June 2000 and declared admissible on 8 July 2003.

On 16 and 26 September 2003 the President of the Chamber gave leave under Rule 61 § 3 of the Rules of Court to the Association of German Magazine Publishers (*Verband deutscher Zeitschriftenverleger*) and a company, Hubert Burda Media Holding GmbH & Co. KG, to submit written observations as third parties.

Judgment was given by a Chamber of 7 judges, composed as follows:

Ireneu **Cabral Barreto** (Portuguese), *President*,  
Georg **Ress** (German),  
Lucius **Caflich** (Swiss),<sup>[2]</sup>  
Riza **Türmen** (Turkish),  
Boštjan **Zupančič** (Slovenian),  
John **Hedigan** (Irish),  
Kristaq **Traja** (Albanian), *judges*,

and also Vincent **Berger**, *Section Registrar*.

### 3. Summary of the judgment<sup>[3]</sup>

#### Complaint

The applicant maintained that the decisions of the German courts infringed her right to respect for her private life, as guaranteed by Article 8 of the Convention, since they failed to afford her adequate protection from the publication of photographs taken without her knowledge by paparazzi on the ground that, in view of her origins, she was undeniably a contemporary “public figure”. She also complained of an infringement of her right to respect for her family life.

#### Decision of the Court

The Court noted at the outset that certain photographs of the applicant with her children or in the company of an actor at the far end of a restaurant courtyard were no longer the subject of the application, as the Federal Court of Justice had prohibited any further publication of them on the ground that they infringed the applicant’s right to respect for her private life.

There was no doubt that the publication by various German magazines of photographs of the applicant in her daily life either on her own or with other people fell within the scope of her private life. Article 8 of the Convention was accordingly applicable. It was therefore necessary to balance protection of the applicant’s private life against freedom of expression, as guaranteed by Article 10 of the Convention.

Although freedom of expression also extended to the publication of photographs, this was an area in which the protection of the rights and reputation of others took on particular importance, as it did not concern the dissemination of “ideas”, but of images containing very personal or even intimate “information” about an individual. Furthermore, photos appearing in the tabloid press were often taken in a climate of continual harassment which induced in the person concerned a very strong sense of intrusion into their private life or even of persecution.

The Court considered that the decisive factor in balancing the protection of private life against freedom of expression should lie in the contribution that the published photographs and articles made to a debate of general interest. In the case before it, the photographs showed Caroline von Hannover in scenes from her daily life, and thus engaged in activities of a purely private nature. The Court noted in that connection the circumstances in which the photographs had been taken: without the applicant’s knowledge or consent and, in some instances, in secret. It was clear that they made no contribution to a debate of public interest, since the applicant exercised no official function and the photographs and articles related exclusively to details of her private life.

Furthermore, while the general public might have a right to information, including, in special circumstances, on the private life of public figures, they did not have such a right in this instance.

The Court considered that the general public did not have a legitimate interest in knowing Caroline von Hannover's whereabouts or how she behaved generally in her private life even if she appeared in places that could not always be described as secluded and was well known to the public. Even if such a public interest existed, just as there was a commercial interest for the magazines to publish the photographs and articles, those interests had, in the Court's view, to yield to the applicant's right to the effective protection of her private life.

The Court reiterated the fundamental importance of protecting private life from the point of view of the development of every human being's personality and said that everyone, including people known to the public, had to have a "legitimate expectation" that his or her private life would be protected. The criteria that had been established by the domestic courts for distinguishing a figure of contemporary society "*par excellence*" from a relatively public figure were not sufficient to ensure the effective protection of the applicant's private life and she should, in the circumstances of the case, have had a "legitimate expectation" that her private life would be protected.

Having regard to all the foregoing factors, and despite the margin of appreciation afforded to the State in this area, the Court considered that the German courts had not struck a fair balance between the competing interests. Accordingly, it held that there had been a violation of Article 8 of the Convention and that it was not necessary to rule on the applicant's complaint relating to her right to respect for her family life.

Judges Cabral Barreto and Zupančič expressed concurring opinions, which are annexed to the judgment.

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The Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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*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. Since 1 November 1998 it has sat as a full-time Court composed of an equal number of judges to that of the States party to the Convention. The Court examines the admissibility and merits of applications submitted to it. It sits in Chambers of 7 judges or, in exceptional cases, as a Grand Chamber of 17 judges. The Committee of Ministers of the Council of Europe supervises the execution of the Court's judgments. More detailed information about the Court and its activities can be found on its Internet site.*

[1]

Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that case, the Grand Chamber considers whether the case raises a serious question affecting the interpretation or application of the Convention or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question is raised, the Chamber panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of a three-month period or earlier if the parties declare that they do not intend to make a request to refer.

[2] Judge elected in respect of Liechtenstein.

[3] This summary by the Registry does not bind the Court.