



Complaint about media report on wedding of well-known TV presenter: inadmissible

In its decision in the case of **Sihler-Jauch and Jauch v. Germany** (application nos. 68273/10 and 34194/11) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the publication of an article in the German weekly magazine *Bunte* about the wedding of a well-known TV presenter, and his and his wife's unsuccessful attempts before the German courts to obtain damages.

The Court rejected the applicants' complaints about the German courts' decisions as manifestly ill founded, concluding that those courts had carefully balanced the applicants' right to respect for their private life with the magazine's right to freedom of expression.

Principal facts

The applicants, Dorothea Sihler-Jauch and Günther Jauch, are German nationals who were born in 1958 and 1956 respectively and live in Potsdam (Germany). Mr Jauch is a well-known journalist, producer and TV presenter.

In July 2006, the applicants married. The ceremony and reception took place in a church and an ancient palace in Potsdam, both of them well-known tourist attractions. The wedding was attended by 180 guests, including the mayor of Berlin. Although the applicants' lawyer had informed the press beforehand that the couple did not wish for any reports about details of the wedding to be published, the magazine *Bunte* published an article after the wedding which was illustrated by several photographs, including one photograph of the bride taken shortly before the ceremony, and gave details such as the nature of the catering and quotes from the speeches.

Ms Sihler-Jauch obtained an injunction, issued by the Berlin Regional Court in August 2006, against any further publication of the photograph of her on the wedding day. She also brought proceedings against the magazine, claiming, in particular, 250,000 euros (EUR) as a notional licence fee for the report and EUR 75,000 in damages. In January 2008 the Hamburg Regional Court awarded her EUR 25,000 in damages, finding that the article had violated her personality rights, but rejected the claim for the licence fee. In October 2008 the Hamburg Court of Appeal set the judgment aside and dismissed the action, holding in particular that, owing to the influence of Mr Jauch and his role as a presenter in TV shows on political issues, the public had a legitimate interest in the wedding which could not be outweighed by the applicants' wish for privacy. In May 2010 the Federal Constitutional Court declined to admit Ms Sihler-Jauch's constitutional complaint.

In parallel proceedings, Mr Jauch also made a claim for damages, which was rejected by the courts.

Complaints, procedure and composition of the Court

The applications were lodged with the European Court of Human Rights on 16 November 2010 and 26 May 2011 respectively.

Relying on Article 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicants complained that their privacy had been insufficiently protected by the domestic courts. They further relied on Article 1 of Protocol No. 1 (protection of property) to the

Convention, complaining that they had not been paid a notional licence fee for the report of their wedding.

The decision was given by a Chamber of seven, composed as follows:

Ganna **Yudkivska** (Ukraine), *President*,
Angelika **Nußberger** (Germany),
Erik **Møse** (Norway),
Faris **Vehabović** (Bosnia and Herzegovina),
Yonko **Grozev** (Bulgaria),
Síofra **O’Leary** (Ireland),
Mārtiņš **Mits** (Latvia), *Judges*,

and also Claudia **Westerdiek**, *Section Registrar*.

Decision of the Court

The Court came to the conclusion that the German courts had carefully balanced the applicants’ right to respect for their private life under Article 8 with the magazine’s right to freedom of expression under Article 10 of the Convention. The courts had acknowledged the fundamental importance of the degree to which Mr Jauch was well-known, the level of interference with the applicants’ rights, and the general public’s interest in the wedding.

In arriving at that conclusion, the Court underlined that it was primarily for the national courts to assess how well-known a person was, especially where he or she was known principally at national level. The Court considered that there was nothing unreasonable about the findings of the German courts, which had referred in detail to the TV shows for which Mr Jauch was known and had held that the degree to which Ms Sihler-Jauch was well-known derived from her partner in the context of the special occasion of the wedding.

The Court moreover accepted the domestic courts’ assessment that there had been a general public interest in the wedding and the details of the celebration, in particular the list of attendees, which included the mayor of Berlin. Furthermore, the applicants had not challenged the veracity of most of the information given in the article, and the article did not contain anything unfavourable about them which could have damaged their reputation.

Having regard to the room for manoeuvre (“margin of appreciation”) enjoyed by the national courts, the Court concluded that there were no strong reasons to substitute its view for that of those courts. It followed that there was no appearance of a violation of Article 8. The Court therefore rejected that part of the complaint as manifestly ill founded.

The Court also rejected as manifestly ill-founded the applicants’ complaint under Article 1 of Protocol No. 1, finding that the material in its possession did not disclose any appearance of a violation of that provision.

The decision is available only in English.

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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.