

Case

Aubry v. Éditions Vice-Versa Inc.

[1998] 1 S.C.R. 591

Supreme Court of Canada

Pascal Claude Aubry took civil action against a photographer and the magazine that employed him. The photographer had taken a photograph of Aubry sitting on the steps of a building when she was 17 years old. The magazine then published it without her permission. Aubry claimed that her right to privacy had been invaded and that her image had been used illegally to help sell the magazine.

The defendants argued that because the photograph had been taken in a public place, Aubry could not reasonably expect privacy. Section 2(b)

of the *Charter*, they argued, guarantees freedom of expression. Taking the photo was merely using this right artistically. The trial judge ruled in favour of Aubry and ordered the defendants to pay her \$2000 in damages. The Supreme Court of Canada upheld that decision.

For Discussion

1. Identify the issues involved in this case.
2. Why did the trial judge and the Supreme Court of Canada rule in favour of Aubry?
3. What precedent has been set here?
4. What conflicting rights and freedoms are being balanced in this case?