

INTERESTING TIMES

World Press Freedom Committee's Interesting Times is a Knight-Foundation-funded initiative monitoring attempts throughout the world to censor and restrict free access to the Internet, and other efforts to curtail freedom of the press and freedom of expression.



A coordination group of national and international news media organizations
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Big Victory for Freedom of Information at European Court

If sunshine is the best disinfectant, a landmark decision by the European Court of Human Rights has flooded with light the hopes of freedom of information forces around the world.



The European Court of Human Rights in Strasbourg, France. (EPA photo)

In a decision announced today, the Court ruled that when public officials withhold information needed for public debate, they have the obligation to release it to those who request it, or else it would be a violation of a fundamental right.

Access-Info:

In this case the Hungarian Civil Liberties Union asked Hungary's Constitutional Court to disclose a parliamentarian's complaint questioning the legality of a new drugs policy law. The Constitutional Court refused to release the information. The European Court of Human Rights found this refusal to be a violation the European Convention on Human Rights.

The Court's decision refers to the "censorial power of an information monopoly" when public bodies refuse to release information needed by the media or civil society organisations to perform their "watchdog" function.

Ádám Földes, lawyer with Access Info, who worked previously with the Hungarian Civil Liberties Union and was deeply involved in the preparation of this case, said "this extension of freedom of expression to the right to request and receive information from public bodies is a huge step towards full recognition of the right of access to information."

Access-Info observes that the Court's ruling takes a step farther toward recognizing freedom of information as a human right. We agree. Freedom of the press and of information are intimately intertwined. Efforts to separate them work in the best interest of those trying to keep governments unaccountable.

A legal system free of insult and criminal defamation laws will remain incomplete as long as there is no freedom to access information and vice-versa.

Access-Info underlines other very positive aspects of today's ruling:

- The Court extends the traditional protection of the media as "public watchdogs" to civil society groups who it says have a "social watchdog" function;
- The Court states that use of protection of privacy to refuse to make public information relating to the opinions of public figures on matters of public interest would be "fatal for freedom of expression";
- The State now has an obligation not to impede the flow of information needed for public debate on matters of public importance. In other words, that the public has a right to ask and public bodies have an obligation to answer: to do otherwise would be a violation of freedom of expression;
- The decision refers to a parliamentarian and a constitutional court which implies that the scope of the right of access to information does only apply to the executive branch of power.

Congratulations to the Court's magistrates and to the press freedom movement around the world.

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