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14 APRIL 2009

European Court of Human Rights: Right to Information Essential to Free Expression

Társaság a Szabadságjogokért v. Hungary a Landmark Decision in the Right to Know

Strasbourg, France — In a landmark decision today, the European Court of Human Rights of the Council of Europe found in favor of *Társaság a Szabadságjogokért*, the Hungarian Civil Liberties Union, in its complaint against the Hungarian government over a submission to the Hungarian Constitutional Court filed by a member of parliament concerning drug policy. This is the first time the European Court of Human Rights has unanimously recognized that freedom of expression, as mandated by Article 10 of the [European Convention of Human Rights](#), also includes the right to information from public bodies.

Like the Inter-American Court decision *Reyes v. Chile*, the European Court of Human Rights has affirmed that the right to information is essential to free expression. Because the government holds the "information monopoly," according to the Court's decision, "the law cannot allow arbitrary restrictions which may become a form of indirect censorship."

[According to its press release](#), the Hungarian Civil Liberties Union "wanted to form an opinion on the particulars of the [MP's] complaint before a decision was handed down." In denying the information, the Hungarian Government evoked the privacy rights of the MP who submitted his views of drug policy to the Hungarian Constitutional Court.

But the Court found that the private life of the MP was not relevant to the disclosure or denial of the information and proscribed a balance of personal privacy rights against the right to information. In the opinion of the Court, it "would be fatal for freedom of expression in the sphere of politics if public figures could censor the press and public debate in the name of their personality rights."

Even though the ruling is a positive step, [Executive Director of Access Info Europe Helen Darbishire](#) notes that "This ruling is a cautious confirmation that the right of access to information is a human right."

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