



CENTRE FOR LAW  
AND DEMOCRACY

19 February 2020 – for immediate release

## **Case Against Germany: No Right to Information Law in Bavaria Breaches Right to Freedom of Expression**

The Centre for Law and Democracy (CLD) has filed a human rights complaint (communication) against Germany with the United Nations Human Rights Committee. The communication alleges that Germany has failed to meet its obligations to respect freedom of expression under Article 19 of the International Covenant on Civil and Political Rights because the German state of Bavaria does not have a right to information (RTI) law. CLD's client, Mr. Walter Keim, was refused access to public interest documents related to his human rights activism. The communication has now been registered and sent to Germany, which has six months to respond.

*"This is a very important case because it tests whether, according to the UN Human Rights Committee, the right to information requires each jurisdiction to adopt a dedicated RTI law,"* said Toby Mendel, Executive Director, CLD. *"If we are successful, this will be a powerful advocacy tool for those advocating for the adoption of RTI laws."*

Bavaria does have some limited rules providing for access to information but it lacks a comprehensive RTI law. As a result, certain categories of information are not accessible and there is no procedural framework for lodging of requests or challenging refusals to disclose information. These problems are exemplified by Mr. Keim's case, in which authorities refused to grant him access to the opinions of two ministries. These opinions had informed the rejection of a petition he made to the Bavarian Parliament asking it to follow-up on the recommendations of the Council of Europe's Commissioner for Human Rights. The German courts held that he had no legal right to access that information, even though no grounds for secrecy were ever put forward by the German authorities.

Germany does have a federal RTI law but it is very weak, ranking in the bottom ten of all RTI laws globally, as assessed by the [RTI Rating](#). In any case, it only applies to federal public authorities.

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