

GERMANY

**Supplementary Human Dimension Meeting „Freedom of the Media: Protection of Journalists and Access to Information“, 13-14 July 2006 –
Working session 1: Access to information**

Let me begin by expressing, like others before me, our thanks to the conveners, speakers, moderators and everybody else who has a part in the preparation and holding of this meeting. In particular, I would like to thank the speakers we have heard so far for their insightful and inspiring presentations.

We fully concur with those who spoke before not on the *desirability*, but on the *necessity* of unhindered and full access to information by any ordinary citizen, and in particular by representatives of the media. The right to access to information is a central element of democracy and a basic, inalienable right of any citizen. And as there is a *right to know*, there is also a *right to inform*, through the media, based on research and information which must be complete, unregulated, and unrestricted by state monopolies on certain information.

The term „Republic“ that many participating States including my own have added to their countries' names, literally means „public matter“, in other words, a public space or discourse where voices from all segments of society and political life blend into a free and pluralistic intercourse of opinions, positions, tenets and so on. In the political domain, next to elections, freedom of expression - whether exercised individually, through the media or through parties, unions or other organisations - is the most immediate articulation of the political will of the people and therefore the most authentic expression of a functioning, pluralistic democracy.

It is obvious that media reporting and commenting has a crucial, indispensable role to play in this regard. But in order to be able to play this role as the „Fourth Power“ in the political fabric of a country, journalists and the media in general must be allowed access to complete and accurate information in a full and comprehensive way - also when it lies in sensitive areas, and also in the age of terrorism and counter-terrorism.

Yes, there must be oversight over the work of the media, and mechanisms that work against abuses of and by the media. But we strongly believe that regulation must to the greatest extent possible not be exercised or imposed by the state, but through self-regulatory mechanisms that come from the media themselves. In this respect, we thank the Representative on Freedom of the Media for the efforts he has undertaken to promote the establishment of such mechanisms, and we gladly offer interested states any information they might seek on the self-regulatory mechanisms created by the media in my country.

Let me conclude by illustrating the case with one example of legislation adopted recently in my country. On 1 January this year, the Freedom of Information Act went into force on federal level which entitles any individual to unconditional access to and knowledge of state files and documents. The only limits set by the law are the protection of personal data and the personal sphere of individuals as well as information which has been explicitly classified, for which specific rules apply.

From the perspective of an administration and a bureaucrat, let me confess that it is not a particularly attractive perspective to know that someone may pry into your cupboard at any moment to see what lies hidden between the bedsheets. But, as a matter of accountability, we firmly believe that it is the duty of the state to grant its citizens, including the media, full transparency with regard to its own dealings. The benefit, as the representative of “Article 19” has pointed out before, is not only to the citizen and the general public, it is also better acceptance and better legitimacy for the state and its institutions, and thereby the strengthening of democracy and society as a whole.