[DE] Constitutional Court is Giving of Reasons to Go Live on Television

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The Federal Constitutional Court's (Bunderverfassunggericht) recent decision to allow radio and television coverage of its giving of reasons for judgments has given public and private television services something they have been asking for a long time.

The decision is particularly welcome in view of the fact that the Federal and Land justice ministers unanimously confirmed, in mid-June, the Courts Act's prohibition on the recording or filming of court proceedings for public presentation on radio or television, the aim being to protect the personal rights of parties and ensure that the proceedings themselves are neither impeded nor influenced.

In future, the giving of reasons for judgment in the Constitutional Court may be broadcast live on television and radio. A decision making the necessary change in the rules of court was adopted by the Court's sixteen judges in plenary session on Friday, 28 July 1995.

But the new rule contains one restriction, making it possible to suspend the right of transmission when this is necessary "to protect important interests of parties to the proceedings or third parties". The broadcasters may install only three cameras in the courtroom, and must supply other interested parties with film footage. This means that public and private television and radio companies must agree beforehand on who is to transmit from the courtroom.

Under Section 169 of the Courts Act, court proceedings - including the giving of judgment and taking of decisions - are public, but recording or filming is, in principle, forbidden. So far, this has meant that only the reading out of the judgment itself may be recorded.

Constitutional Court spokesmen explain that extending direct media coverage to reading out of the reasons for judgments is justified by the fact that the judges have concluded their deliberations at that stage, removing the danger of disturbance.

In the Constitutional Court, the prohibition on transmission of proceedings will in future apply without restriction only at the oral stage, when - once the parties have been declared present - photographers and cameramen will still be required to leave the courtroom.

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Änderung der Geschäftsordnung des Bundesverfassungsgerichts.

New rule of the Constitutional Court.

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