[DE] Constitutional Court Rejects Landlord's Satellite Dish Ban for Infringing Freedom of Information

IRIS 2013-6:1/10

Martin Rupp
Institute of European Media Law (EMR), Saarbrücken/Brussels

In a ruling of 31 March 2013 (case no. 1 BvR 1314/11), the Third Chamber of the First Senate of the Bundesverfassungsgericht (Federal Constitutional Court - BVerfG) found a landlord's decision to ban the installation of a satellite dish incompatible with the basic right to freedom of information if it failed to take the specific situation of linguistic and cultural minorities sufficiently into account.

The appellants are Turkish nationals of Turkmen descent and mother tongue, who live in Germany. Without their landlord's permission, they brought a satellite dish to their rented flat in order to receive a channel only available via satellite that broadcasts only in the Turkish and Turkmen languages.

Referring to the cable connection provided in the flat, the landlord applied to the courts for removal of the dish and injunctive relief. This application was successful in the first instance and on appeal.

The appellants disputed these rulings of the district and regional courts, referring to their fundamental right to freedom of information under Article 5(1)(1)(2) of the Grundgesetz (Basic Law - GG). The BVerfG ruled that both these civil court judgments infringed this basic right.

It was true that the appellants' freedom of information was limited under general laws, including the provision of the Bürgerliches Gesetzbuch (Civil Code - BGB) concerning claims for removal and injunction (see IRIS 2011-1/20). In the weighing up of the conflicting interests, the specific nature of the appellants' right to information should be taken into account. Foreign nationals living in Germany could therefore not be referred to a cable connection in their rented property if it did not provide any channels from their home country that enabled them to follow events in and maintain a linguistic and cultural link with that country (see IRIS 2004-5/9).

Although the regional court had recognised the need for mother-tongue channels from the appellants' home country, it had assumed, without paying sufficient attention to their arguments, that the Turkmen language was a dialect of Turkish, which was covered by channels available via the cable network.

The BVerfG therefore referred the dispute back to the district court for a new decision, in which it would have to take into account the extent to which the

© European Audiovisual Observatory (Council of Europe) 2026

Turkmen language and traditions actually influenced the appellants' daily lives, even though they had never lived in a Turkmen-speaking territory.

Pressemitteilung des Bundesverfassungsgerichts vom 14. Mai 2013

http://www.bundesverfassungsgericht.de/pressemitteilungen/bvg13-035.html

Press release of the Federal Constitutional Court of 14 May 2013

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026