

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED BY
GERMANY**

ARTICLE 13 UNCAC

PUBLICATION AND DISSEMINATION OF INFORMATION ON CORRUPTION

GERMANY (SEVENTH MEETING)

In relation to respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption (article 13 (1) (d)):

Outlines of the procedures or regulations that ensure the freedom of the public to seek and receive information concerning corruption, in particular using ICT. States parties and signatories may wish to include the following information, if applicable:

- The extent to which such information is proactively and systematically published by the Government online;
- The extent to which such information is available upon online request for access to information by a member of the public;
- Any restrictions applicable to exercise of the freedom to seek, receive, publish and disseminate such information, in particular using ICT, including:
 - Restrictions necessary for respect of the rights or reputations of others (libel and defamation laws, etc.);
 - Restrictions necessary for the protection of national security or *ordre public* or of public health or morals;
 - Description of how such restrictions are applied in practice;
 - Description of procedures that allow a member of the public to apply for review of, or appeal against, the application of such a restriction by the Government.

Restrictions applicable to exercise of the freedom to seek, receive, publish and disseminate information concerning corruption are provided for by the German Constitution. Article 5 para. 1 of the German Constitution protects the freedom of opinion and information in Germany. Pursuant to Article 5 para. 2 of the Constitution, this freedom finds its limits in the provisions of general laws, in provisions for the protection of young persons, and in the right to personal honor. The freedom of opinion and information may also find its limits in conflicting constitutional provisions.

The bodies responsible for preventing corruption are known to the wider public. For example, the fact sheet of the Federal Ministry of the Interior and the above mentioned brochure “Rules on Integrity”, which is available online, contain information on these bodies. The wider public also knows that local police offices and public prosecutors offices are responsible for prosecuting corruption offences. Anyone who is aware of a criminal offence or has reason to believe that such a crime has been committed can contact the law enforcement authorities. Reports can also be made anonymously.

Not only public service staff but also members of the public can report corruption cases online or by phone to the contact person on corruptions prevention, appointed in public authorities due to the Directive concerning the prevention of corruption. Some public authorities have commissioned ombudsmen for anonymous reporting or provide anonymous reporting online platforms such as the BKMS Compliance System.