



**PRESS
FREEDOM**

**POLICE
CODEX**



Press Freedom Police Codex

The relationship between journalists and police has never been an easy one: when working at public events or on topics of public interest every year hundreds of European journalists suffer violent attacks, threats and arbitrary sanctions by police forces¹. Research has revealed the core areas of conflict between the two professions, which have been used as a basis for the production of these guidelines. Here are eight fundamental rules on how police should handle journalists as developed from the research analyses. These rules should guide individual police decisions and raise awareness of press freedom violations carried out by the police and law enforcement.

- 1.** Any violence by police staff against journalists is unacceptable.
- 2.** Journalists have the right to gather information and police should protect them from any illegal interference, especially at demonstrations.
- 3.** Journalists should have the right to identify individual police staff and to document and report on the work of the police forces.
- 4.** Police are not allowed to erase footage, nor to confiscate journalists' equipment without a proper warrant.
- 5.** Journalists should not be criminalised, discriminated against nor blacklisted for their assumed political attitude.
- 6.** Journalists should not be targeted by police surveillance.
- 7.** If police harm, threaten or harass journalists, these actions must be condemned, investigated and made public by independent investigators.
- 8.** Police should be trained and regularly updated on journalists' rights.

¹ The term police refers to all police officers in Europe.

Summary of areas of conflict in Europe

1. Any violence by police staff against journalists is unacceptable.

The reports are numerous. This is a selection of current cases: in August 2018, several journalists were injured by police in Romania; e.g. a [correspondent from Deutsche Welle was attacked](#) with batons and shields in demonstrations against the government. A camera team from Austrian TV channel ORF was [violently and intentionally attacked](#). This year [in France](#), several journalists and photographers were attacked in anti-government protests. Two of them were left with severe injuries including a broken collarbone after a baton attack or second-degree burns caused by tear gas. In December 2018, a reporter in Bosnia and Herzegovina [was assaulted while](#) covering a demonstration. In recent years, violent police attacks against journalists have occurred in all corners of Europe, from [Spain](#) to [Greece](#), from [Sweden](#) to the UK.

2. Journalists have the right to gather information and police should protect them from any illegal interference, especially at demonstrations.

Lack of police protection left dozens of journalists injured and severely threatened by political extremists. A recent example can be found in the right-wing demonstrations in the German city of Chemnitz in September 2018, where [ECPMF registered](#) nine physical attacks on journalists at one demonstration site. These attacks are an indication of the failure of police protection. The severity of the incidence was reiterated by the Chair of the joint conference of the federal Interior Ministers of Germany, who emphasised the need for police to respect and protect the [rights of journalists](#). Politically motivated attacks are not limited to Germany, they also occur away from demonstration sites, e.g. such attacks have been observed in Greece, where affiliates of the [Golden Dawn-movement attacked journalists repeatedly](#). The [European Convention on Human Rights](#) accords journalists the right to gather information and thereby protects them.

3. Journalists should have the right to identify individual police staff and to document and report on the work of the police forces.

In the case of police attacks or threats against journalists, the person who is being attacked regularly fails to identify the attackers since police forces often refrain from wearing individual IDs. Combined with the low level of motivation on the side of police staff to testify against their own colleagues, the fact that police [in many countries](#) cannot be identified hampers a thorough investigation of such incidents. State authorities must accept that journalists have the right to document and report on police conduct. A new security law in Spain puts this right in danger: with the implementation of the so called "[gag laws](#)," individuals can be sanctioned for taking pictures and identifying police officers without judicial permission.

4. Police are not allowed to erase footage, nor to confiscate journalists' equipment without a proper warrant.

Police frequently seize footage and journalists' equipment or prevent journalists from covering certain incidents or gaining access to the site of demonstrations and other events. This often happens due to a lack of knowledge by the police about the legal boundaries of their duties. This is how it happened in a recent case when the equipment of an [investigative journalist in Essex, UK](#) was seized, and in Munich, Germany, a journalist's footage was arbitrarily [erased](#). [In some cases it is also](#) an act of political intimidation. Therefore, it is important to keep informing police forces about the fact that they do not have any legitimate power to decide on the lawfulness of any recorded material, nor to search editorial offices without a proper warrant. Such actions always need a court decision to examine each individual case.

5. Journalists should not be criminalised, discriminated against nor black-listed for their assumed political attitude.

32 [journalists having their accreditations withdrawn at the G20 summit in Hamburg in July 2017](#) - for “[safety concerns](#)” - exposed professional harassment, which was obviously based on the assumption that individual journalists had a certain political attitude. Those “safety concerns” were established on the grounds of journalists’ coverage, including investigations which had long been closed and not been erased as they should have been.

6. Journalists should not be targeted by police surveillance.

Journalists and their sources have become objects of surveillance measures by police. Whether this happens [on purpose](#) or while security authorities are investigating a third party as in [Ireland](#) or in [Germany](#), this means a severe threat to press freedom as it endangers the confidentiality of journalists’ sources and may have a chilling effect.

7. If police harm, threaten or harass journalists, these actions must be condemned, investigated and made public by independent investigators.

Police forces have often been used to intimidate journalists by state authorities or politicians who reported critically on them. Recent cases have been reported from [Serbia](#), [Bulgaria](#) and the [Czech Republic](#), where journalists have been taken into custody or been interrogated without any official legitimacy, denying them their basic rights of defence. A [2016 Council of Europe \(CoE\) Report](#) indicated that intimidation by police is among the most common forms of interference with journalists’ work. If such cases of intimidation happen on a national or even an [international level](#), independent investigations by a third authority, an NGO or transnational organisation must follow immediately, and the investigation results must be published widely to inform the public.

A role model for respectful collaboration may be the Dutch [Agreement of the Steering Group on Aggression and violence against journalists](#). As a result of dialogue between the public prosecution service, the police, the Dutch Society of Editors-in-Chief and the Dutch Association of Journalists, the importance of protecting journalists’ sources was underscored and it was concluded that public prosecution will actively develop trainings and guidelines to raise this awareness in their offices.

8. Police should be trained and regularly updated on journalists’ rights.

Recently, journalists have been detained or prevented from working by police forces after individuals claimed [an abuse of their personal rights](#) or [of the General Data Protection Regulation](#), in an obvious attempt to interfere with the reporting. As laws and regulations are constantly being revised, it is crucial for the protection of the freedom of the press that police staff have up-to-date knowledge of journalists’ rights. That is why a systematic educational process on media law and related topics is essential for the police forces.

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