



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.

Why we created the Press Freedom Police Codex

– Editorial –

The Police and the press – the two professions are closely linked to each other. Though their professional relationship is intertwined, there is an alarmingly high number of conflicts, which threaten press freedom. To build mutual respect, to establish a relationship of trust and to protect the right to free reporting the European Centre for Press and Media Freedom (ECPMF) and its partners developed the Press Freedom Police Codex. The Codex is designed to guide individual police decisions, to raise awareness and provide a starting point for a sustainable dialogue between the police, the press and the public.

The Codex consists of eight guidelines, which address the most relevant conflicts between the two professional groups in Europe. The guidelines are the result of a long-term analysis and an investigation of the legal situation, involving six European journalists' organisations. The clauses are framed to meet the legal standards and the professional provisions of the European member states. By applying them in ongoing situations of confrontation with journalists and media workers, police officers will get a practical orientation for everyday decision-making. This will help to better safeguard journalists' rights and allow both professions to co-exist more amicably.

The development of the Press Freedom Police Codex is dedicated to improving this strained relationship on a long-term basis¹. It is also a reaction to the recent increase in the number of direct violent attacks against journalists by, for example, demonstrators, organised criminal gangs and on occasion the police itself. Established monitoring tools^{2,3} prove that this development affects many parts of Europe: police forces repeatedly apply violence against journalists, infringing their civil rights, which are enshrined in the European Convention on Human Rights.⁴ Protecting the physical and psychological integrity of every media worker is the highest priority, hence the first clause of the Codex states: **1. Any violence by police staff against journalists is unacceptable.**

Studies and reports confirm that as the number of demonstrations and reporting on these demonstrations rises, the probability of violent attacks increases.⁵ So, the journalists' right⁶ to gather information in the course of demonstrations and public gatherings is endangered. Police officers are the ones who can make a difference here: if they are properly informed about journalists' rights, their intervention can support and even facilitate the work of a free press. This leads to clause **2. Journalists have the right to gather information and police should protect them from any illegal interference, especially at demonstrations.**

The media serve as watchdogs, keeping the authorities in line – an elementary function of journalism in democracies. This includes checking and documenting police work⁷ and being able to identify the individual members of the police. By establishing individual identification of police officers, it is more likely that potential misbehaviour would be minimised, since it decreases the widespread impunity of such actions.⁸ Therefore, **3. Journalists should have the right to identify individual police staff and to document and report on the work of the police forces.**

Police frequently seize footage and journalists' equipment or prevent journalists from covering certain incidents or accessing the site of demonstrations and other events.^{9,10} This often happens due to a lack of knowledge by the police about the legal boundaries of their duties. Therefore, it is important to inform all 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 so that each individual case can be properly examined.¹¹ **4. Police are not allowed to erase footage, nor to confiscate journalists' equipment without a proper warrant.**

1 Verza, Sofia: Resetting the relationship between police and press: new guidelines, Accessed via: <https://bit.ly/3igRrhd>

2 Council of Europe: Hands off press freedom. Attacks on the media in Europe must not become the new normal. Annual report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists. p.9, 10; Accessed via: <https://bit.ly/3hcNdfH>

3 Mapping Media Freedom: Demonising the media: Threats to journalists in Europe. Accessed via: <https://bit.ly/2R8QJXs>

4 European Court of Human rights: European Convention on Human rights. Accessed via: <https://bit.ly/35lgfkn>

5 Hoffmann, Martin; Betsche, Pauline : Threats to journalists: The 'new normal' in Germany p. 10,11; Accessed via: <https://bit.ly/3h7KopK>

6 Voorhoof, Dirk; Simons, Daniel: Butkevich v. Russia: The Right of Journalistic Newsgathering During Demonstrations. Accessed via: <https://bit.ly/35wQduX>

7 Council of Europe: Hands off press freedom. Attacks on the media in Europe must not become the new normal. Annual report by the partner organisations to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists. p.22, 23; Accessed via: <https://bit.ly/3hcNdfH>

8 OSCE: Handbook on monitoring freedom of assembly. p. 27; Accessed via: <https://bit.ly/2DIqzYp>

9 Council of Europe: Threats to media freedom and journalists' security in Europe, p. 15.ff.; Accessed via: <https://bit.ly/2GK8JFG>

10 Mapping Media Freedom: Demonising the media: Threats to journalists in Europe. Accessed via: <https://bit.ly/2R8QJXs>

11 Article 19: International standards: Regulation of media workers. Accessed via: <https://bit.ly/3bEZMc5>

Media freedom is at stake if individual reporters are put on informal “watch lists” and their access to events or areas of gatherings¹² is blocked. These limitations are often based on the assumption that individual journalists or the news outlets they work for have a certain political attitude, referring to the journalists as “security risks” because of the critical nature of their reporting. This opens a window to selective information policy, delegitimation of media workers, professional harassment and chilling effects.¹³ **5. Journalists should not be criminalised, discriminated against nor watchlisted for their assumed political attitude.**

Journalists and their sources have become objects of police surveillance. Whether this happens on purpose or whilst security authorities are investigating a third party, this poses a severe threat to press freedom as it endangers the confidentiality of journalists’ sources.¹⁴ ¹⁵ Hence: **6. Journalists should not be targeted by police surveillance.**

Police forces have often been used by state authorities or politicians to intimidate journalists. This is still one of the most common forms of interference with journalists’ work.¹⁶ If such cases of (alleged) intimidation happen at a national or even an international level, independent investigations by a third authority¹⁷, an NGO or transnational organisation must follow immediately, and the investigation results must be disseminated in order to inform the public: **7. If police harm, threaten or harass journalists, these actions must be condemned, investigated and made public by independent investigators.**

Media workers can be detained or prevented from working by police forces after individuals claim that reporting on them represents an abuse of their personal rights. Substantial education about journalists’ rights can prevent such obstructions.¹⁸ As laws and regulations are constantly being revised, it is crucial that police staff have up-to-date knowledge about journalists’ rights. That is why a systematic training programme on media law and related topics is essential for the police forces. **8. Police should be trained and regularly updated on journalists’ rights.**

With the eight clauses of the Press Freedom Police Codex, we aim to provide guidelines for the police on how to react, handle and work with journalists. A continued dialogue between the two professions is necessary, in order to enhance a successful working relationship.

12 Demonising the media: Threats to journalists in Europe: <https://bit.ly/2R8QJXs>

13 Council of Europe: Recommendation CM/Rec (2016) 4[1] of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors. Accessed via: <https://bit.ly/2Zkj0tE>

14 Global Freedom of Expression, Columbia University: Big Brother Watch v. The United Kingdom. Accessed via: <https://bit.ly/3k0Kh17>

15 Committee to Protect Journalists: UK report shows surveillance efforts involving journalists <https://bit.ly/2ZLWTb5>

16 Clark, Marylin; Grech, Anna: Journalists under pressure - Unwarranted interference, fear and self-censorship in Europe. Accessed via: <https://bit.ly/3bFUA7H>

17 European Court of Human Rights: Alikaj and Others v. Italy - 47357/08. Accessed via: <https://bit.ly/35lkj4i>

18 Council of Europe: How to protect journalists and other media actors? Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of journalists and other media actors. p.20 - 23. Accessed via: <https://bit.ly/3bDbbjw>

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