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State
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Germany

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New Proposed Law Set to Increase the Power to Surveil Foreign Journalists

SOURCE OF THREAT ▶ State

CATEGORY ⓘ ▶ Other acts having chilling effects on media freedom

PARTNER: RSF, AEJ, EFJ/IFJ, Index

A prospective draft was signed off by the Government on 28 June 2016 and will be read in Parliament on 8 July 2016. The new proposed legislation could allow the foreign intelligence service Bundesnachrichtendienst (BND) to increase their power to surveil foreign journalists abroad.

According to the German branch of Reporters without Borders (Reporter ohne Grenzen), the law makes protection from surveillance dependent upon nationality. German citizens would not be subject to surveillance, EU citizens could be to some extent, but citizens from other countries would be at risk whenever Germany's "capacity to act" needs to be safeguarded or if "insights into foreign and security policy may be of relevance".

Managing director of Reporter ohne Grenzen, Christian Mihr, said "up until now, each BND law contains an explicit exception for journalists from surveillance regulations. The new BND law, however, does not include any such provisions."

UPDATES

14 Feb 2018: Journalists, trade unions and rights groups have lodged a constitutional complaint against the BND law arguing that it is unconstitutional as it allows for the "virtually unrestricted" monitoring of foreign reporters.

➡ Article published by DW: "Journalists go to court over Germany's 'unrestrictive' surveillance laws"

21 Oct 2016: On 21 October 2016, Germany's lower house of parliament, the Bundestag, approved the reform bill on the country's main intelligence agency (BND).

- ➔ Statement from RSF: "BND law: German Bundestag ignores criticism of civil society and breaches constitution"

ADDITIONAL INFORMATION

- ➔ Statement from Deutsche Journalisten-Verband (DJV), EFJ's German affiliate (in German)
- ➔ Statement from the German branch of Reporters without Borders (Reporter ohne Grenzen), (in German)
- ➔ Report published on the Mapping Media Freedom Platform: "Germany: New law set to increase the power to surveil foreign journalists"

STATE REPLIES



10 Aug 2016 | Reply by the German authorities

- ➔ Letter by the Permanent Representation of Germany to the Council of Europe

FOLLOW-UPS

OSCE 12 Jul 2016 | Surveillance amendments in new law in Germany pose a threat to media freedom, OSCE Representative says. She asks Bundestag to reconsider bill.

- ➔ Statement of the OSCE Representative on Freedom of the Media