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German Draft Legislation Would Enable Intelligence Agencies to Spy on Journalists

SOURCE OF THREAT ▶ State

CATEGORY  ▶ Other acts having chilling effects on media freedom

PARTNER: CPJ, AEJ, EFJ/IFJ, RSF

The German Ministry of the Interior's draft legislation would remove protections prohibiting the country's domestic and foreign intelligence services from hacking journalists' computers and smartphones during terrorism investigations.

Under current German law, journalists, along with priests, lawyers, doctors, and members of parliament, are granted special protected status to limit their surveillance by intelligence agencies. The new legislation would remove some of the protections for journalists but maintain them for the other groups. The law would also loosen the restrictions on Germany's domestic and international intelligence agencies' ability to use spyware -- software installed on a computer without the user's knowledge to transmit data about the user's activities -- to surveil targets.

The draft of the law was originally reported by German digital rights group NetzPolitik in March 2019, but Ministry of the Interior declined to propose it to the Bundestag, Germany's federal parliament, because of opposition by the Social Democratic Party, according to media reports. However, the Social Democratic Party is waning in influence in the country following the recent European elections, increasing the chances that the bill could be passed.

On 30 May 2019, the German Federation of Journalists, an independent professional association and trade union, published a statement urging the Ministry of the Interior to drop the draft legislation, which it said could violate Article 5 of the country's postwar constitution, which protects newsroom privacy.

The Ministry disputed such claims, saying that the legislation is focused on fighting extremists and is not intended to impinge on newsroom privacy.

ADDITIONAL INFORMATION



➔ Article by CPJ: "German draft legislation would enable intelligence agencies to spy on journalists"

STATE REPLIES



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➔ Letter from the Permanent Representation of Germany to the Council of Europe