[DE] BVerwG Considers Police Officer Photography Ban Unlawful

IRIS 2012-5:1/11

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On 28 March 2012, the Bundesverwaltungsgericht (Federal Administrative Court - BVerwG) held that a decision issued in 2008 banning two journalists from photographing on-duty police officers was unlawful.

Members of a special police task force (SEK) were accompanying a prisoner suspected of involvement in organised crime from his place of detention to a doctor's surgery when they were spotted and photographed by two journalists. The leader of the police operation ordered the journalists not to take photographs of the officers and threatened to confiscate the camera if they failed to comply. He claimed that the officers' personal wellbeing and future deployability would be jeopardised if they were identified in press photographs. The newspaper publisher concerned then asked a court to rule the photography ban unlawful. After the Verwaltungsgericht Stuttgart (Stuttgart Administrative Court) had initially rejected the complaint, the Verwaltungsgerichtshof Mannheim (Mannheim Administrative Court of Appeal) upheld the appeal and ruled the ban unlawful.

The BVerwG has now rejected an appeal against this decision lodged by the Land of Baden-Württemberg. The SEK operation was an event of contemporary history in the sense of the Kunsturhebergesetz (Artistic Works Copyright Act), so the individuals involved did not need to give their consent for photographs to be taken and published. Any public exposure of the officers' identity could have been prevented in this case by other measures that did not restrict the freedom of the press to such an extent, such as technical measures to disguise their faces. Therefore a ban on taking photographs should never have been imposed.

Pressemitteilung des BVerwG zum Urteil vom 28. März 2012 (BVerwG 6 C 12.11)

http://www.bverwg.de/enid/9f84186878f56907e09e3b7e90bcdb1f,58c5007365617263685f646973706c6179436f6e7461696e6572092d093134313339093a095f7472636964092d0931393535/Pressemitteilungen/Pressemitteilung_9d.html

Press release of the BVerwG concerning its ruling of 28 March 2012 (BVerwG 6 C 12.11)

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