[DE] Bundestag Approves Bill Strengthening Press Freedom

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On 29 March 2012, the German Bundestag (lower house of parliament), with the votes of the governing parties, adopted without any amendments a bill strengthening the freedom of the press (PrStG) (see IRIS 2010-9/22).

The bill is designed to strengthen the freedom of the press by offering better protection to journalists and their sources, in order to ensure that the media can fulfil their oversight function vis-à-vis State activities.

In addition, a new paragraph has been added to Article 353b of the Strafgesetzbuch (Criminal Code - StGB; breaches of official secrecy and special obligations of secrecy), under which journalists cannot be punished for aiding and abetting breaches of official secrecy if they merely “receive, analyse or publish” the secret or the information that is supposed to be kept secret.

Furthermore, an amendment to Article 97(5)(2) of the Strafprozessordnung (Code of Criminal Procedure - StPO) (concerning items that cannot be confiscated) stipulates that journalists in the sense of Article 53(1)(1)(5) StPO (concerning people entitled to refuse to give evidence) may only have their property confiscated if they are seriously suspected of involvement in the offence. Previously, any degree of suspicion was sufficient.

The opposition believes the adopted bill does not go far enough, because incitement, which in practice is often difficult to distinguish from aiding and abetting, remains a punishable offence. Industry representatives had also hoped that the right of journalists to refuse to give evidence would be strengthened.

Gesetzentwurf (Drs. 17/3355) vom 21. Oktober 2010

http://dipbt.bundestag.de/dip21/btd/17/033/1703355.pdf

Bill (document no. 17/3355) of 21 October 2010

Protokoll der Sitzung des Bundestags vom 29. März 2012

http://www.bundestag.de/dokumente/protokolle/amtlicheprotokolle/2012/ap17172.html

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