



# GUIDELINES FOR IMPROVING THE RELATIONSHIP BETWEEN THE NATIONAL POLICE AND MEDIA IN COLOMBIA





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**The Embassy of Germany is not responsible for the  
recommendations and opinions expressed in this text.**

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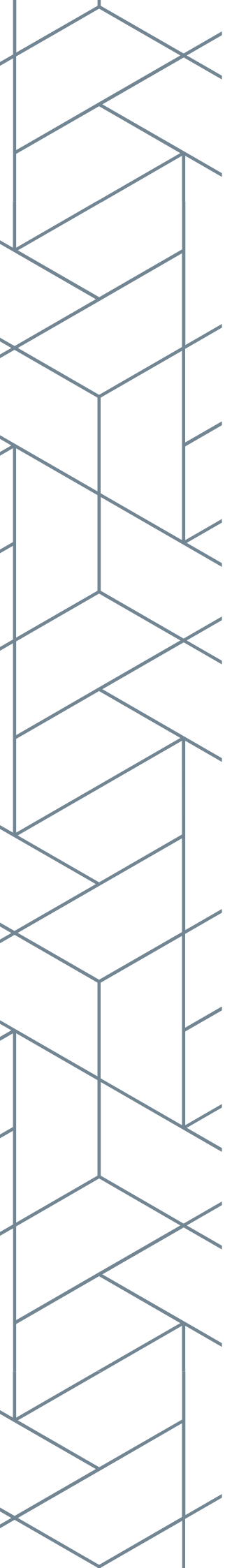
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**Glossary:** Considering the desired impact of these guidelines, it is pertinent to define some terms that will help the police and journalists in their reading, to strengthen the relationship between the parties through clear messaging. The following terms and definitions thereby follow:

- **Apprehension without warrant with judicial ends: Article 168 of Law 1801 of 2016,** through which the National Code of Police and Coexistence was issued, establishes: “The uniformed personnel of the National Police may apprehend a person in a public place or open to the public, or private place, when is the person accused of having committed a criminal offense or caught in the act of committing a crime. Or when an individual has requested assistance or has apprehended the suspect, provided that the individual attends jointly the office of the official who must formally receive the complaint. The uniformed personnel of the National Police shall immediately take the suspect to the competent judicial authority, to which the police shall inform the reasons for the arrest, drawing up a record of said proceedings.”<sup>1</sup>
- **Tense scenarios:** for the sake of these guidelines, tense scenarios shall be understood as those situations in which there historically have been frictions between members of the national police and the press, as motivated by the parties’ interest in fulfilling their work, whether that be journalistic coverage or carrying out official tasks during police operations. As such, in no way should the need to contrast or weigh rights as often happens International Humanitarian Law, be considered a tense scenario in this context.
- **Removal from site: According to article 156 of the National Code on Citizen Security and Coexistence:** “consists of removing from a public place or open to the public or that being private provides services to the public, protected area or of special ecological importance, to the person who alters coexistence and disobeys a given police order to cease their behavior, and to prevent immediate return to the place, and if necessary use other means, as well as corrective measures. Uniformed personnel of the National Police may make use of this means when necessary.”

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1. Congress of the Republic of Colombia National Code on Citizen Security and Coexistence issued through Law 1801 (2016). Available at: <https://funcionpublica.gov.co/eva/gestornormativo/norma.php?i=80538>

- **Protective transfer:** According to the provisions of **Article 155 of Law 1801 of 2016** (National Code on Citizen Security and Coexistence), modified by Article 40 of Law 2197 of 2022, corrected by Article 20 of Decree 207 Of 2022, the protective transfer measure can be applied by national police officers to protect the life and integrity of a person or that of third parties in specific circumstances. However, there are requirements for the application of this measure. These include:
  - Application of the principle of proportionality to determine that a person is transferred for objectively creating risk to himself or third parties.<sup>2</sup>
  - Performing it when it is the only means available to prevent risk mitigating the person's externalized aggressive or reckless behavior.
  - Verifying that no relative or immediate family is available to attend to the person and avoid their transfer. If not, an attempt should be made to transfer the person in question to their home.
  - In the event that it is not possible to leave the person in the custody of a trusted person, the transfer must be made to a healthcare or protection center in which state oversight bodies are present.
  - Under no circumstances may the person be transferred to the National Police facilities or places of confinement of persons detained in accordance with criminal law. Their time in police custody may not exceed 12 hours.
  - The police authority in charge of the transfer must make a written report to inform his hierarchical superior, the affected person, and a relative of the location of and grounds for the transfer.
  - The police authority shall provide the conditions for the person being transferred to communicate with a family member to inform them of the location of and grounds for the transfer. In the event that the affected party refuses to establish this communication, the official responsible for the transfer must leave record of this with state oversight bodies (the Public Ministry).<sup>3</sup>

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2. Ibid.

3. Congress of the Republic of Colombia National Code on Security and Citizen Coexistence issued through Law 1801 (2016). Available in: <https://funcionpublica.gov.co/eva/gestornormativo/norma.php?i=80538>

# 1 | Introduction: Context, Justification, and Objectives

Democratic societies are founded on the enjoyment of liberties through the fulfillment of duties and guaranteed fundamental rights. Citizen participation in state decisions is thus indispensable to strengthen public debate and respond to historic demands, such as the rights to health, housing, and education. Despite doing so in a context of risk, the Colombian people have sought democratic participation in different public spaces, demanding greater guarantees to their fundamental rights, like access to public information, freedom of expression, and the right to life and integrity.

As these activities are carried out, the police play a fundamental role as the institution responsible for guaranteeing peaceful coexistence

and citizen safety. The media has a decisive role given the intrinsic nature of journalism and its role in providing oversight, scrutinizing the work of public servants, and reporting on events that are of interest to citizens.

Under social rule of law, journalists and the police constantly interact. Nevertheless, a lack of knowledge about each party's work and the functions that each must fulfill prevent adequate communication. On the one hand, per human rights standards, the media calls for guarantees to report on the actions of state security forces and, on the other, police forces often express their disapproval of the editorial line taken when reporting on police actions. Even though tension in this relationship, provided there is mutual respect,



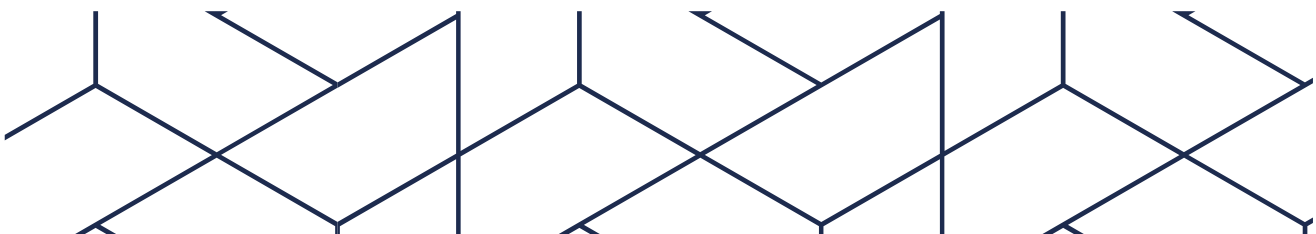
## 1. Introduction: Context, Justification, and Objectives

is constructive and necessary for democracy to function, there is often friction that instead of being addressed through democratic tools is marred by disproportionate action or disrespect for the law. This feeds distrust and biases regarding the role of each group. This rupture tends to be more evident in contexts of tension (where violent actions or the commission of crimes can occur) with a high level of public interest, such as public protests, elections, or other spaces like press conferences or police interviews. Thus, a lack of assertive communication can lead to the media obstructing police procedures or to the police limiting journalists and the media's free reporting.

In this context, the **Geneva Centre for Security Sector Governance (DCAF)**, with support from the Federal Foreign Office of the Federal Republic of Germany, has entrusted the **Foundation for Press Freedom (FLIP) and the National Police of Colombia** to implement a **project aimed at strengthening best practices and dialogue between members of the Colombian National Police and journalists** who interact in high-stress scenarios within a framework of democratic governance and respect for freedom of expression. To advance on this objective, three actions areas were prioritized: **1) trainings** offered to police and journalists; **2) dialogues** promoted between local journalists and members of the National Police

in eight regions of Colombia to exchange the concerns of each group and jointly construct proposals for improved understanding; **3) guidelines to improve mutual understanding between the parties** based on the proposals that arose out of the previous dialogues and the framework that regulates the relationship between these stakeholders.

This text is a practical breakdown of the guidelines to strengthen the relationship between the National Police and the media. **It compiles the international standards on freedom of expression** laid out in the training for journalists and police and the most significant findings from the dialogue between the parties, turning them into practical suggestions that respond to the needs of journalists and the police in their daily work where both groups frequently coincide. Based on the information included in this document, the Foundation for Press Freedom and the National Police, with support from DCAF, will continue efforts to prepare **monitoring, coordination, and accountability mechanisms** to evaluate the implementation of the recommendations laid out in these guidelines. This work will be carried out in fulfillment of the national and international framework that regulates the relationship between the parties, which is briefly referenced in the following section.



## 2 | National and International Legal Framework Regulating the Relationship Between Police and the Media

Given the importance of police and journalistic work to democracy, it is important to note that each party's activities are governed by regulations that facilitate the recognition of guarantees, responsibilities, and restrictions in their daily interactions. To construct these guidelines international provisions were taken into account such as **Article 19 of the Universal Declaration of Human Rights**—which recognizes the right to freedom of opinion and expression and reporting and the local legal provisions such as **Statutory Law 1712 of 2014** which guarantees access to public information.<sup>4</sup>

In addition, the constitutional provisions, norms, and laws that protect the function of policing were taken into account in the police's case. Thus, **Article 218 of the Political Constitution of Colombia** establishes the national police as a permanent armed and civilian body tasked with [protecting] the nation, whose objective is to maintain the necessary conditions for exercising public rights and freedoms to allow Colombia's inhabitants to live in peace. This makes it an administrative

authority that performs preventive functions geared at the avoidance of disturbances to public order and further makes it subject to disciplinary power. Regarding the current laws, it should be noted that Law 1801 of 2016 issued the National Code on Citizen Security and Coexistence, assigning the National Police the faculty to guarantee the necessary conditions for security, tranquility, health, and a healthy environment for the population to enjoy their rights and freedoms. Additionally, **Article 21** of this code establishes that transparency on police activities must be guaranteed, thus police procedures may be recorded using information technology and communications devices.<sup>5</sup> It must be noted that the new disciplinary police statute, issued through **Law 2196 of 2022**, states that impeding the recording of police operations is a serious offense.<sup>6</sup>

**Resolution 02903 (2017)**, on the other hand, states that when resorting to the use of force when carrying out any procedure, members of the police force must comply with four principles: the first is legality, which means that force can only be used for a legitimate,

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4. Congress of the Republic of Colombia. Law 1712 or Law on Transparency and the Right to National Public Information. 2014. Available at: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=56882>

5. Congress of the Republic of Colombia. National Code on Citizen Security and Coexistence. Issued under Law 1801 (2016). Available at: <https://funcionpublica.gov.co/eva/gestornormativo/norma.php?i=80538>

6. Congress of the Republic of Colombia. Police Disciplinary Statute. Issued under Law 2196 (2022), Article 46. Available at: <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=176046>

law-protected purpose; the second is proportionality, which obliges officers to use means and methods in line with the existing danger and any resistance; the third is necessity, which assumes that force should be used only if there is no other alternative; and finally prevention, which refers to taking all possible precautions to avoid the use of force.<sup>7</sup>

On the use of force, it is important to add that through **Resolution 02903 of June 23, 2017, the Ministry of Defense issued regulations for the National Police on the use of force and weapons, ammunition, less lethal elements and devices.** In this sense, it determined that the latter are means of technical and technological support that, due to their capacity and characteristics, have the function of controlling a specific situation in which there is possible criminal conduct or behaviors that could threaten coexistence. Additionally, it established that the objective of these elements is to permit the differentiated use of force to neutralize or dissuade a

specific threat and, in this way, to avoid the deployment of lethal force.<sup>8</sup>

To construct the guidelines, provisions were taken into account from the **Inter-American system on strengthening democratic interactions between police and journalists.** For reference, the duties regarding journalists and media workers that must be fulfilled by any public employee of any state were established according to the Inter-American Commission on Human Rights (IACHR) Special Rapporteur for Freedom of Expression (SRFOE). These include the **duty to prevent, the duty to protect, and the duty to impart justice.**<sup>9</sup>

On the other hand, the importance was highlighted of National Police using constitutional tools such as rectification requests and the right to comment to establish agreements with the media. Additionally, the need for journalists and media outlets to be receptive to these requests was proposed as a way to strengthen public debate.



**7.** National Ministry of Defense Regulations for the use of force and weapons, ammunition, less lethal elements and devices, by the National Police. Resolution 02903 (2017). Available at: <https://www.policia.gov.co/sites/default/files/resolucion-02903-uso-fuerza-empleo-armas.pdf>

**8.** Ibid.

**9.** Organization of American States. Violence Against Journalists. Interamerican Commission on Human Rights (IACHR). Special Rapporteur for Freedom of Expression. Available at: <https://www.oas.org/es/cidh/expresion/pedagogicos/violencia-periodistas.asp>

## 3 | Agreements Reached

After the implementation of dialogues between police and journalists—held in eight regions of the country—dialogues were held between journalists and the police in eight regions of the country, agreements were reached on proposals and recommendations to strengthen the relationship between the parties. Although many of the recommendations were included in these guidelines, others were evaluated and refocused to ensure the fulfillment of freedom of expression standards and to be in line with institutional capacities and the fulfillment of police activities. Also, special care was taken so that the approved proposals are clear and applicable, pragmatically speaking, to the daily activities of both parties.

### **3.1. Agreements on Communication**

Communication between police and journalists is determined by two essential interests regarding information. First, it is the media's interest to access and impart information in accordance with laws on transparency and access to public information. Second, the media must

be able to access official sources to contrast information and positions in order to produce news pieces. Thus, it is important to remember that access to police sources is a recognized method within the journalistic practice for confirming information. This requires an institutional willingness on the part of the police to incentivize the media's inclusion of these declarations in their publications. Toward this aim, communication plays a definitive role, given that it is based on dialogue that conditions are established to ensure democratic interactions between the media and official sources.

Since communication is the foundation for interactions between the media and the National Police, it is important to establish responsibilities, agreements, and best practices that allow for understanding to increase between the parties. As long as commitments on communication are fulfilled, it will be possible to maintain a relationship between journalists and the police in the spaces where they often interact as a result of their work. Below are some recommendations to strengthen the relationship between the media and the National Police as concerns communication:



## Recommendations to the National Police:

### CURRENT STANDARD | NORM | LAW

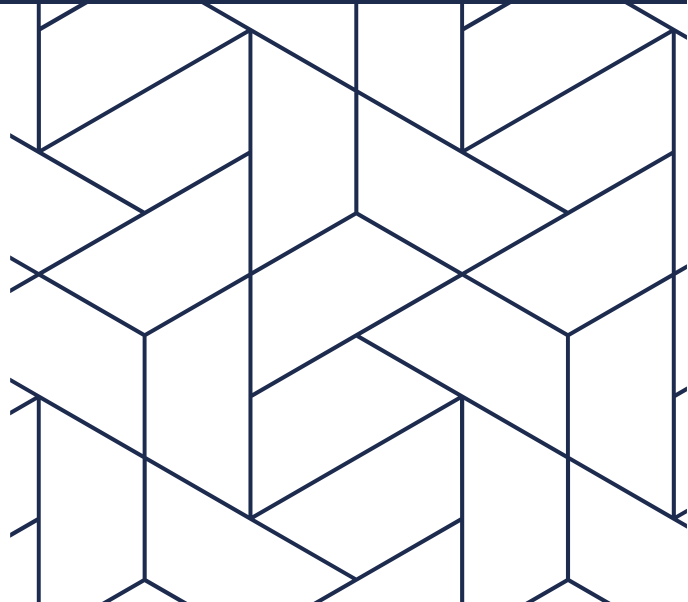
According to the **Inter-American Commission on Human Rights (IACHR)**, a fundamental requirement of the **right to freedom of expression** is access to a broad range of information. For this, public employees must guarantee that media outlets and journalists can access public information under equal conditions.

### NOTEWORTHY ACTIONS AND OBSERVATIONS

The police have been continuously strengthening their communication channels to disseminate information of general interest to media outlets. To do this, the police use over 84 Twitter accounts, distributed according to the country's political-administrative divisions, in addition to instant messaging platforms, such as WhatsApp for specific groups, by means of which the police send information on its activities, as well as events of interest.

### RECOMMENDATION

**Dialogue with the media:** it is important that the National Police's Strategic Communications Office continuously share the contacts of employees and spokespeople responsible for providing interviews and receiving information requests throughout the country. This allows them to be in contact with the journalists and media outlets that cover the institution. Communication with a plurality of information outlets, including a diversity of media outlets and independent journalists, must be guaranteed.





**CURRENT STANDARD | NORM | LAW**

**The Special Rapporteur for Freedom of Expression (SRFOE)** of the IACHR has established that public employees must create an optimal climate for journalists to carry out their work. Along these lines, the international body proposed that public employees abstain from issuing statements that could put the media at risk.

**NOTEWORTHY ACTIONS AND OBSERVATIONS**

Through its Communications Strategy Office, the National Police should permanently promote encounters and meetings with journalists and media outlets to strengthen interactions between the parties. It is important for the institution to continue promoting this kind of initiative to strengthen dialogue with the media.

**Instructive Materials 005 DIPON - COEST of 4 March 2022**, which establishes parameters to create products and services within the National Police's public communications process, is worthy of mention.

**RECOMMENDATION**

**Encounters with journalists:** to establish fluid communication between the parties, the National Police should promote spaces with journalists, such as meetings, exchanges, and trainings. The willingness to generate this type of activity will contribute to recognition of the parties' efforts and help prevent tense situations.

**CURRENT STANDARD | NORM | LAW**

**Article 13 of the American Convention on Human Rights** establishes that everyone has the right to seek, receive, and impart information and ideas of all kinds. A fundamental principle of freedom of expression is the plurality of information sources, the importance of which is rooted in the state's duty to guarantee the right of the media to access public information under equal conditions.

**NOTEWORTHY ACTIONS AND OBSERVATIONS**

Currently, the Strategic Communications Office of the National Police is continuously issuing information of public interest using different formats such as video, audio, and written communications which can be used by media outlets and broadcast to their audiences. This is carried out in line with the guidelines on handling relations with media outlets, as established in **Article 28 of Resolution 05137 (2018)** of the National Police.

**RECOMMENDATION**

**Information dissemination:** the National Police should establish appropriate communication channels and formats for imparting institutional content to the media, for responding to the needs of (both national and regional) journalists and media outlets, and for the timely transmission of information to the public. If journalists and media outlets require clarification on information, it should be noted that institutional availability for these questions is fundamental for them to be able to contrast sources.

3.1. Agreements on Communication

**CURRENT STANDARD | NORM | LAW**

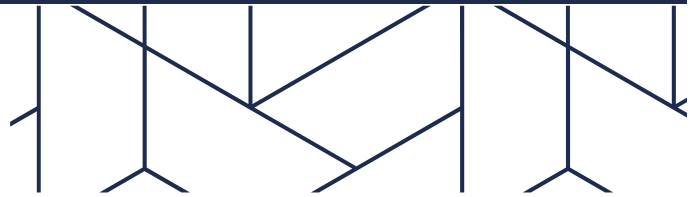
According to **Statutory Law 1712 of 2014 or the Law on Transparency and Access to Information**, public employees have the responsibility of responding to public information requests as presented by the media. As part of this mandate, the national police must establish the officials responsible for attending to these requests, and guidelines that must be verified for carrying out this activity in accordance with the respective legal provisions.

**NOTEWORTHY ACTIONS AND OBSERVATIONS**

The National Police, within the framework of its responsibilities as a state entity, constantly responds to media requests for information of public interest. The institution has hence designated directors, heads of advisory offices, and Regional, Metropolitan, Departmental, and Police School Commanders as institutional spokespersons.

**RECOMMENDATION**

**Dialogue with the media:** it is pertinent that the National Police continue training its officials on the importance of responding in a timely manner to the information requirements of the press and citizens, assigning spokespersons to offer official statements on the operations of the National Police and delegating uniformed personnel in the field to provide information to the press related to what is happening when media coverage is taking place.



**CURRENT STANDARD | NORM | LAW**

According to the principle of active transparency of **Statutory Law 1712 or the Law on Transparency and Access to information**, state institutions do not only have the responsibility of responding to citizen information requests but—of equal importance and of their own volition—publishing information of general interest on communications platforms.

**NOTEWORTHY ACTIONS AND OBSERVATIONS**

Based on the new information and communications technology tools available to the National Police, the institution has improved its dissemination of information of public interest through its platforms. This is carried out in line with the guidelines for handling relations with media outlets, as established in Article 28 of Resolution 05137 (2018) of the National Police.

At present, the National Police routinely publishes information on the police activities carried out by the uniformed personnel that make up the institution amid the country's current context. It is important that the institution continue to improve dissemination of the outcome of police actions so that the media and citizens have clarity on police actions and their impact on civil society.

**RECOMMENDATION**

**Information dissemination:** it remains relevant that police institutions continue strengthening active transparency strategies to increase the dissemination of public information through its website and other appropriate channels, so that information will be accessible to the media and, in general, to citizens interested in the institution's work. This practice will improve interactions between police, the media, and citizens, as well as regional dissemination of information to journalists and media outlets.

**RECOMMENDATION**

**Information dissemination:** concerning communication channels between the media and the National Police, members of the institution's Strategic Communications Office should continue issuing timely bulletins during operations and activities of significant public interest. The active enactment of transparency will allow the National Police to report on the outcomes of operations, advances in police actions, and the legal resolution of conduct in observance of the presumption of innocence and the required confidentiality surrounding police activity.

### 3.1. Agreements on Communication

#### CURRENT STANDARD | NORM | LAW

According to the **Inter-American Commission on Human Rights**, states and public employees have the responsibility of taking action to prevent violence against the media, of protecting at-risk journalists and media outlets and, in the case of criminal action against them, of taking action to achieve justice.

#### NOTEWORTHY ACTIONS AND OBSERVATIONS

The National Police constantly circulates instructions through institutional channels so that citizens can file complaints, requests, and grievances with police institutions, whether the offense was committed by the police or by the action of third parties.

#### RECOMMENDATION

**Information dissemination:** the National Police should produce pedagogical materials that allow journalists and media outlets to learn the requirements and adequate channels to file complaints against public officials who, while exercising their duties, [adversely] affect the work of journalists. Also, reporters should have a detailed understanding of police investigation procedures so that they understand the importance of appearing when summoned by the institution to expand their testimony during the fulfillment of disciplinary proceedings related to the denouncements or complaints they have lodged.



## Recommendations to Journalists, Media Outlets, and Press Organizations:

### CURRENT STANDARD | NORM | LAW

According to Statutory Law **1712 of 2014 or the Law on Transparency and Access to Information**, citizens—including journalists—have the right to access public information. Thus, National Police officials must respond to information requests from the media under the conditions established by the law.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

As a state institution, the National Police must continuously fulfill its duty of providing information concerning requests made by the media. Furthermore, the police must continue fulfilling this obligation independently of critique from media outlets.

Journalists and media outlets recognize the importance of official spokespeople and rely on these channels to receive information on the National Police’s actions. It is important to continue strengthening this institutional recognition so that reporters know who to contact when they require information of public interest, and so that they do so assertively.

#### RECOMMENDATION

**Assertive communication:** Communication between the parties is strengthened through best practices. Hence, it is pertinent that reporters remember simple but important habits such as assertive communication when requesting information from public employees whose job it is to respond to media requests.

#### RECOMMENDATION

**Communication with public officials:** journalists and media outlets need to understand that not all members of the National Police have the authority to provide official statements on the institution’s actions. Thus, it is important to refer to the Strategic Communications Office of the National Police to learn about internal institutional procedure and to verify fulfillment of the terms established by Statutory Law 1712 of 2014 on timely access to public information.

3.1. Agreements on Communication

**CURRENT STANDARD | NORM | LAW**

The **Inter-American Commission on Human Rights (IACHR)** recommends that journalists and media outlets adopt measures to guarantee the existence of mechanisms to lodge complaints about its content, that these be accessible to the public, and that they establish minimum professional standards to ensure that reporting is factual, relevant, and respectful of diversity, among other issues.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

Today, media outlets have opened different spaces to engage with their audiences, to generate critical contributions on issues, and editorial positions on the information published by the media. The challenge is to continue strengthening these spaces to ensure visibility and to promote dissent through the democratic tools provided by the media companies themselves.

**RECOMMENDATION**

**Transparency from the media:** it is recommended that media outlets establish special channels to receive and respond to rectification requests or to requests to comment in the event of disseminating information that goes against the principles of truth and impartiality laid out in the Constitution. These spaces must have broad participation from audiences and the individuals implicated by the published information. These initiatives promote and strengthen democratic debate.



**CURRENT STANDARD | NORM | LAW**

The **IACHR** recommends that journalists and media outlets reveal any conflict of interest they have as concerns the coverage of public interest issues and that they explain how the conflict could affect their journalistic approach.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

With the arrival of new journalistic platforms, thanks to advances in information and communications technologies, journalists and media outlets have taken action to promote transparency, informing audiences about their funding sources. Strengthening these practices is beneficial to the audience's awareness of the outlet's editorial approach.

**RECOMMENDATION**

**Transparency from the media:** it is recommended that journalists and media outlets inform their audiences of potential conflicts of interest that may arise when covering issues related to the National Police and how that conflict could affect the editorial approach to actions carried out by the institution. Transparency-focused practices in the media strengthen democratic debate.



### 3.2. Agreements on High-Tension Scenarios

## **3.2. Agreements on High-Tension Scenarios**

As mentioned above, one of the objectives of journalism is to provide constant oversight of the actions of public employees and to report to citizens in a timely manner. While carrying out this duty, reporters frequently approach officers while covering police operations, which by their very nature are of public interest. These high-stress settings tend to generate tension given the existence of two distinct interests in the same space: police seek to fulfill established procedure, including the preservation of order and life when citizens are at risk, and on the other hand, journalists have the mission of timely reporting on events of general interest.

High levels of tension between police and journalists can occasionally impact

the normal progression of one of the party's work. While developing these guidelines, high-tension spaces (where violent events or the commission of crimes may occur) were identified. The following scenarios are decisive to the police/journalist relationship: public protests, on-site coverage of events (specifically crime scenes), evictions, elections, police interviews, and press conferences.

Below are some general recommendations for the National Police, civil society organizations defending freedom of the press, reporters, media outlets, and journalist associations to facilitate conditions that strengthen the relationship between the police and journalists in tense scenarios:





## Recommendations to the National Police:

### CURRENT STANDARD | NORM | LAW

According to the **Inter-American Commission on Human Rights (IACHR)**, states and state employees are responsible for taking action to prevent violence against the media, protecting at-risk journalists and media outlets, and taking action to impart justice in the event of criminal action against the press.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

The National Police has reinforced its training of members of the institution concerning their responsibility to prevent, protect, and achieve justice. In recent years the institution added the online seminar “Freedom of the Press and Policing in Ibero-America” to its training program. It also participated in the creation of the “White Paper,” an initiative to strengthen the relationship between the media and members of the National Police.

The National Police has improved its training of officials on the responsibility to prevent violent actions and to strengthen dialogue for the reduction of differences among different social actors.

**RECOMMENDATION**

**Training on freedom of expression:** reinforce training of National Police officials on international standards of freedom of expression and freedom of the press. Officials should recognize that the rights of reporters and the media are broadly defined and that any limitations of these rights through their actions must be prescribed by law.

**RECOMMENDATION**

**Training on freedom of expression:** National Police members must receive constant training on managing their emotions and mitigating the stress caused by their work. Additionally, these sessions must be mandatory within the institution and carried out during work hours so that they are perceived as part of ongoing training, rather than as complementary.



### 3.2. Agreements on High-Tension Scenarios

#### CURRENT STANDARD | NORM | LAW

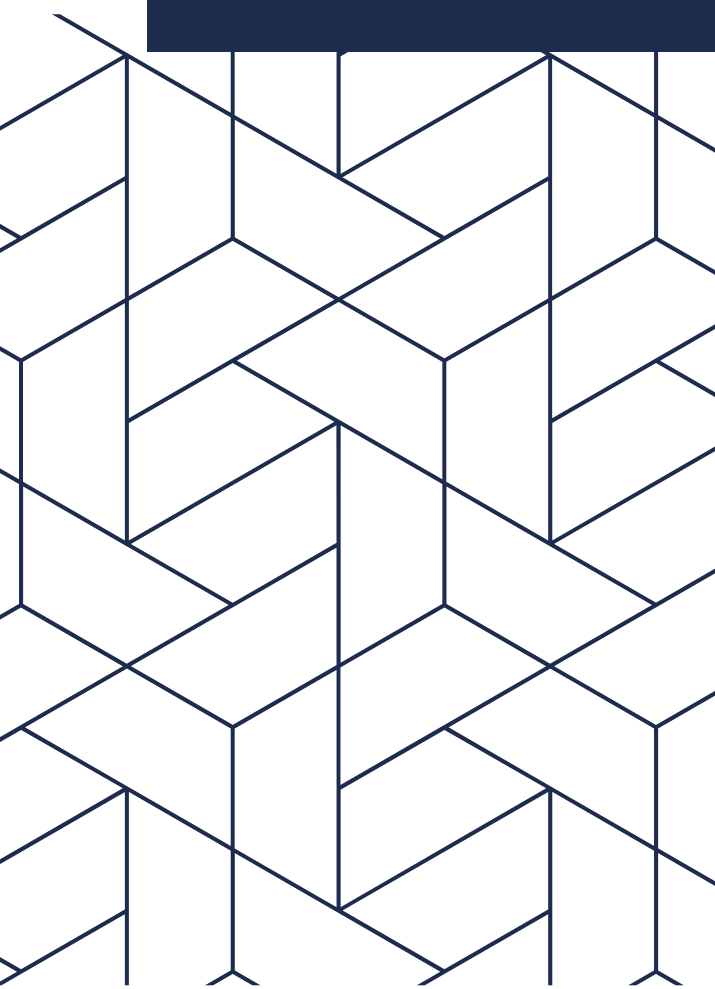
The **IACHR Special Rapporteur for Freedom of Expression** has established that public officials must generate an optimal climate for journalists to carry out their work. This obligation compounds specifically in scenarios of difficult circumstances of law and order or considerable levels of violence that could put reporters and the media at risk.

#### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

The Strategic Communications Office of the National Police has written manuals and general directives to strengthen the attention that the institution must provide to the media. It is therefore appropriate that the institution continue to strengthen regional efforts toward journalists and media outlets covering police actions.

#### RECOMMENDATION

**Relationship with the media:** the National Police must establish guidelines from the central level so that regional officials can implement strategies for strengthening their relationship with media workers and reporters, as well as implement guidelines that are adapted to regional needs.



**CURRENT STANDARD | NORM | LAW**

**Articles 149, 159, and 160 of Law 1801 (2016) and Constitutional Court Ruling C-789 of 2006** establishes that the National Police has the faculty to carry out superficial searches of individuals and vehicles as a preventive action to guarantee community safety. For that reason, this kind of procedure must not affect fundamental rights and any additional inspection requires a court order.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police has reinforced training for its officials on the responsibility of preventing violent actions and strengthening dialogue to reduce conflicts among different social actors, including the media.

**RECOMMENDATION**

**Searching individuals and vehicles:** it is recommended that members of the National Police only search journalists and their vehicles in tense situations, when necessary, in fulfillment of the safety measures according to their police functions, without allowing these procedures to prevent journalistic practices.



3.2. Agreements on High-Tension Scenarios

## Recommendations to Journalists, Media Outlets, and Press Organizations:

### CURRENT STANDARD | NORM | LAW

Based on the risks to which the media is exposed while reporting, the Inter-American Commission on Human Rights (IACHR) **Special Rapporteur for Freedom of Expression** recognizes journalists as subject to special protections, requiring that their risks be identified and that timely measures be adopted to mitigate impacts and advance toward effective actions to eradicate risk.

### ACTIVITIES IMPLEMENTED / ACTIONS TO HIGHLIGHT

Civil society, journalist associations, and media outlets carry out self-protection activities, focused on identifying risks faced by reporters and implementing mitigation strategies. On this matter, the state must strengthen its prevention, protection, and punishment policies to guarantee the free exercise of journalistic work.

In recent years, the mental health of journalists who experience tense scenarios has become an increasingly common topic within civil society, the media, and journalist collectives. Therefore, different initiatives have been implemented to avoid the emotional toll on reporters. It is important to increase efforts to generate better working conditions for journalists.

#### RECOMMENDATION

**Training on the role of the police:** promote training spaces for journalists to generate a broader understanding of the functions and activities of the National Police, the authority of police officers in each type of high-tension scenario, and the actions that can be taken during procedures. Additionally, this type of training must seek to promote broad and rigorous documentation of these scenarios so that citizens have sufficient information to understand the role played by each actor in the reported events, including National Police officials.

#### RECOMMENDATION

**Psycho-social care for journalists:** it is recommended that media organizations, journalist associations, and media outlets create spaces for journalists to process the stress generated by their work in tense scenarios. The organization of these spaces must be agreed upon with independent reporters so that it does not interfere with their reporting, and in the case of media outlets, these spaces must be established within the entity and carried out during the workday.

**CURRENT STANDARD | NORM | LAW**

According to **Statutory Law 1712 of 2014 or the Law on Transparency and Access to Information**, citizens—including journalists—have the right to access public information. Hence, state employees must create conditions for journalists and media outlets to have timely access to information that is of interest to citizens.

**ACTIVITIES IMPLEMENTED / ACTIONS TO HIGHLIGHT**

The Strategic Communications Office of the National Police has written manuals and general directives to improve the attention that the institution must provide to the media. It is necessary to increase regional journalist participation in the creation of guidelines adapted to the needs of reporters and in line with the international standards on freedom of the press.

**RECOMMENDATION**

**Guidelines on dialogue with the press:** it is important to sustain dialogue between journalists, media outlets, journalist associations, and the National Police so that, through joint work, service guidelines can be adapted to regional information needs regarding events that occur within tense scenarios.

### 3.2.1. Agreements Regarding Public demonstrations:

This is one of the most complex scenarios for journalistic coverage and the development of police work, due to the high levels of tension that arise during demonstrations and the difficulties inherent in these types of scenarios that represent a challenge for the authorities responsible for guaranteeing the defense of the fundamental rights of citizens, which include the right to life, integrity, freedom of expression and freedom of movement. Given this context, on January 5, **2021 Decree 003** was issued, by which the Protocol of preventive, concomitant and subsequent actions

is issued, called “**Statute of Reaction, Use and Verification of the Legitimate Force of the State and Protection of the Right to Peaceful Citizen Protest**” regarding public demonstrations in which among other aspects, it contemplates the protection of journalists as a fundamental aspect of prevention to ensure media oversight of these contexts.

The Decree establishes that police authorities must guarantee the journalistic work of reporters and the media so that they can register events of general interest in a timely manner. It also establishes that citizens have the right to record and document events that take place during public protest in accordance with **Article 21 of Law**

### 3.2.1. Agreements Regarding Public demonstrations

**1801 of 2016.** In line with the Decree, below are some measures proposed by the National Police and journalists to facilitate the functions of both parties and to guarantee fundamental rights during the coverage of public protests.

## Recommendations to the National Police:

### CURRENT STANDARD | NORM | LAW

Due to **differential risks faced by female journalists**, the Inter-American Commission on Human Rights (IACHR) **Special Rapporteur for Freedom of Expression** has emphasized the need for states to incorporate a **gender perspective** to fulfill its duty to prevent, protect, and impart justice for women journalists so that they can exercise their right to freedom of expression without undue restriction.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

In recent years, the National Police has increased gender mainstreaming through different initiatives such as **gender self-assessment**. The assessment results were reflected in an action plan. This initiative seeks to increase knowledge among the police and the ability to identify differential gender risks, as well as prevention actions. It is important to continue promoting these programs to address the risks faced by women journalists.

### RECOMMENDATION

**Differential risks for women and LGBTIQ+ journalists:** together with civil society, the National Police must create guidelines for police agents to recognize and address the differential risks experienced by the media due to gender and their work in journalism. To do this, it is important to incorporate suggestions from the SRFOE report, "Women Journalists and Freedom of Expression," and to create Ministry of Defense guidelines for a gender equality policy. These provisions will facilitate protections for women and LGBTIQ+ reporters in their work.

**CURRENT STANDARD | NORM | LAW**

**Article 21 of the National Code on Citizen Security and Coexistence** (“Public nature of police activities”) establishes that police procedures may be recorded using any kind of communications technology and that any police officer who obstructs recording will have participated in police misconduct. Also, **Article 46 of Law 2196 of 2022** establishes that impeding the recording of police operations is a serious offense.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

During recent protests, the Strategic Communications Office of the National Police implemented a new transparency strategy that involves live streaming police actions during public protests using digital police platforms. This type of initiative, alongside guarantees for citizens to record, provides the public with improved information sources.

**RECOMMENDATION**

**Guarantee recording of police actions:** members of the National Police should guarantee that citizens can record operations (using any audio and/or video device) that are of a public nature, in fulfillment of **Article 21 of Law 1801 of 2016**. Among those interested in recording the operations are journalists who must receive special protections of their rights as journalists. Thus, during actions to disperse public protests, the National Police must make distinctions for journalists and guarantee the work of the media to record events, which can also be used to show that police actions are lawful.

### 3.2.1. Agreements Regarding Public demonstrations

#### CURRENT STANDARD | NORM | LAW

**Law 2196 of 2022, Article 46 - numeral 5** establishes that National Police officials who hide the identification issued by the institution are guilty of serious misconduct.

#### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

In recent years, the National Police has used different strategies to strengthen officer training on the obligation to be clearly identified during operations.

#### RECOMMENDATION

**Agent identification:** as is laid out in the institutional regulations, National Police officials must always be identified while executing their functions to facilitate citizen scrutiny of police actions during operations. This measure will also allow officials to account for their actions in the field.



**CURRENT STANDARD | NORM | LAW**

**Law 1801 of 2016** empowers police authorities to carry out arrests for judicial purposes when a person is indicated by another as responsible for a punishable conduct and there is no flagrante delicto, judicial order, or judicial investigation process for a crime. Likewise, this Law establishes the conditions of transfers for protection aimed at safeguarding the life and integrity of a person or third parties affected by their actions.

In criminal matters, deprivation of liberty is appropriate when the prosecutor conducting the investigation under the guidelines of **Law 600 of 2000** issues an order to the judicial police for the arrest of the accused. Similarly, deprivation of liberty is appropriate **under Law 906 of 2004**, when a municipal criminal judge with the function of monitoring guarantees orders the arrest of a person who has been accused of committing criminal conduct. In this case, the detained person must be brought before a judge of control of guarantees in order to legalize the capture within 36 hours, if not the capture must be declared as illegal.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police has the relevant disciplinary provisions to initiate investigations against police agents who perform irregular detentions affecting a journalist's right to report.

**RECOMMENDATION**

**Arrests without a warrant with judicial ends and protective transfers:** if members of the National Police identify that journalists are breaking the law or participating in actions that go against current regulations, they are authorized to apply the detention procedure. In the event that reporter's activity is identified that puts their integrity or the integrity of third parties at risk, police officials are authorized to carry out transfers for protection. These actions must be carried out following the parameters established by law and must be in line with officers' duty to guarantee respect for human rights. Also, National Police officials must guarantee that the media can record these events to ensure oversight of police actions and to safeguard the detained party's fundamental rights.

3.2.1. Agreements Regarding Public demonstrations

**CURRENT STANDARD | NORM | LAW**

The **IACHR Special Rapporteur for Freedom of Expression** has established that state employees must generate an optimal work climate for journalists. Along these lines, the international body proposes that these employees abstain from issuing statements that could put the media at risk.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police has strengthened the training of its officials on their responsibility to contribute to the creation of an optimal environment that allows the development of journalistic work. In recent years, the institution included the online seminar, “Freedom of the Press and Police Functions in Ibero-America,” in its training program and participated in the creation of the “White Paper,” an initiative to strengthen the relationship between the media and members of the National Police.

**RECOMMENDATION**

**Preventing violence against the media:** it is important that members of the National Police, by virtue of the duties of protection and prevention that State officials have, promote through their actions a favorable environment for journalistic coverage, including refraining from issuing statements that could put journalists at risk during the coverage of demonstrations.

**CURRENT STANDARD | NORM | LAW**

A section on prevention actions during public protest in **Decree 003 of 2021** establishes that National Police employees have the faculty to generate dialogues and discussions and to acknowledge the sectors participating in protests. The Decree recognizes the importance of the media as an essential stakeholder who records and disseminates what occurs during public protest.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police actively participated in the discussions on Decree 003, recognizing the need to strengthen regulatory provisions to improve the actions of police officials during public protests. Also, the institution recognized the importance of guaranteeing journalists' work to strengthen democracy and public debate.

**RECOMMENDATION**

**Dialogue with the media:** since protests are foreseeable scenarios, it is recommended that the National Police organize departmental meetings beforehand with a range of journalists and media outlets (commercial, community, and alternative), with participation from the Riot Police (ESMAD), Strategic Communications Office (COEST), and the human rights office to facilitate a relationship between the parties and prevention measures for the media.

**Transitory Operations Directive 020 of 24/04/2022** exists and lays out the scenarios to establish a relationship and communicate with the media.

It is important that the entity identify institutional spokespeople, the directives established by the institution, the appropriate equipment and clothing for covering the event, and the communication channels for the media and citizens to access information of general interest.

**RECOMMENDATION**

**Dialogue with the media and identification:** a best practice for the National Police during public protests is to designate employees from Strategic Communications and Human Rights to be in permanent dialogue with the media in the field to resolve concerns about institutional actions during operations and to quickly address situations where reporters require immediate protection. It is also recommended that journalists identify themselves in these scenarios to the police officers present to avoid the situation of police requesting a reporter's identification precisely when they are covering the event.



## Recommendations to Journalists, Media Outlets, and Press Organizations:

### CURRENT STANDARD | NORM | LAW

**Constitutional Court Ruling C-087 of 1998** established that journalists in Colombia are not required to have a professional license to perform their work. Nevertheless, **carrying press identification, while not a requirement for exercising the profession**, can help safeguard a reporter's life and integrity as subjects who have been granted special protections (as mentioned by the SRFOE), and who require prevention measures to mitigate risks.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

**Based on the inter-American system's mandate on the need to provide comprehensive protection to the media, civil society organizations, journalist associations, and even media outlets**, self-protection strategies have been implemented to safeguard the life and integrity of at-risk journalists. The Colombian state should strengthen its policies to guarantee that journalists and the media can work under safe conditions.

### RECOMMENDATION

**Media identification:** despite the protection measures adopted by the National Police, it is important for journalists to adopt self-protection measures with a focus on identification in these scenarios, which is an essential factor in making the journalist's role explicit and promoting their special protection, according to international standards.

Note: sometimes identifying a media outlet by name can increase a journalist's risk; in this case, it is recommended that only identifiers with the word "PRESS" be used.

**CURRENT STANDARD | NORM | LAW**

Police activities are covered by the current Colombian regulatory framework. Some provisions that regulate this work are the National Code on Coexistence and Security, **Article 218 of the Political Constitution of Colombia, and Law 62 of 1993**, which grants the National Police the faculty to take necessary action to preserve public order and guarantee citizen safety.

Based on the risks to which the media is exposed in the context of reporting, the Inter-American Commission on Human Rights (IACHR) **Special Rapporteur for Freedom of Expression** recognizes that journalists are subject to special protections and require risk-mitigating identification. It further acknowledges the need for timely measures to mitigate impacts, in addition to long-term efforts to eradicate risks.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

Civil society organizations, journalist associations, and media outlets have implemented self-protection strategies to safeguard the life and integrity of journalists who report in complex scenarios, such as public protest. Trainings have taken place on physical, digital, and legal self-protection.

RECOMMENDATION	RECOMMENDATION
<p><b>Recognition of police work:</b> although media work is protected by the Political Constitution of Colombia and by international provisions, journalists and the media must not obstruct police efforts. It is also important that reporters be more careful in their actions in complex field scenarios to avoid being caught up in events that might be unlawful or run counter to regulations.</p>	<p><b>Media placement in protests:</b> although defining an exclusive and restricted space for the media during protests could be interpreted as a restriction of independent journalism, it is recommended that journalists and media outlets attempt to position themselves strategically during protests to preserve their integrity amid potential confrontations and, at the same time, be able to report.</p>

3.2.1. Agreements Regarding Public demonstrations

**CURRENT STANDARD | NORM | LAW**

**Article 20 of the Political Constitution of Colombia** establishes that all people have the right to express themselves and freely impart their thoughts and guarantees the right to transmit and receive truthful and impartial information. The political charter establishes the independence and social responsibility of the media.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

During the last public protest that occurred in 2019, 2020, and 2021, the media provided broad coverage of situations of public interest. The documentation contributed to the identification of serious human rights violations. Media coverage should continue to be strengthened to report on these public-interest events.

**RECOMMENDATION**

**Broad journalistic coverage:** it is recommended that journalists and media outlets provide broad coverage of events during protests. In addition to reporting on clashes, disseminating information of general interest includes the journalistic practice of explaining the broader context of protests and who are participating actors, as well as state security forces' preparation for protests and operational execution. These actions should be in line with the press's responsibility to practice journalism with due diligence, verify information, and compare sources.

**3.2.2. Agreements Regarding Crime Scene Reconnaissance and Evictions**

Without a doubt, covering a crime scene and eviction requires technical and legal knowledge on the part of members of the National Police and journalists.

Each party should recognize their rights and, at the same time, identify the potential risks of failing to fulfil or obstructing procedures based on these scenarios. Below are useful indications for the work of the National Police and the media.

## Recommendations to the National Police:

### CURRENT STANDARD | NORM | LAW

According to the Inter-American Commission on Human Rights (IACHR), states and public employees have the responsibility of taking steps to prevent violence against the media, protecting at-risk journalists and media outlets, and taking action to pursue justice in the case of criminal actions. The duty to pursue justice is also connected to the faculty of state entities to perform internal disciplinary investigations of public employees who fail to fulfill their responsibility of guaranteeing the work of the media.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

The Strategic Communications Office of the National Police is continuously developing educational products for journalists that address the actions carried out by the institution and the guidelines for these operations. There should be an ongoing development of products that allow journalists and media outlets to understand the role of the police in judicial proceedings.

Through its Communications Strategy Office, the National Police should permanently promote encounters and meetings with journalists and media outlets to strengthen interactions between the parties. The institution must continue to promote these kinds of initiatives to facilitate dialogue with the media and to strengthen journalists' knowledge of which institutions are responsible for different operations, such as relates to crime scenes and evictions.

#### RECOMMENDATION

**Production of educational material for the media:** National Police officials should develop and distribute educational materials that allow reporters to learn about the Unified Manual for Judicial Police, as well as about the detailed judicial restrictions and allowances that apply to their coverage of these scenarios. The product design must fulfill international standards on freedom of expression so as to not infringe upon journalistic work. On this point, it is recommended that National Police officials abstain from using intimidating language when warning the media of the risks they face should they alter the crime scene.

#### RECOMMENDATION

**Meetings with the media:** regarding general interest events, it is recommended that the National Police organize meetings at the departmental level with the media to strengthen their relationship on two fronts: first, as concerns coordinated procedures such as evictions where the operation is scheduled by court order, and it is possible to agree upon protocols with the media to guarantee their safety and ability to cover the event.

The second type is monitoring meetings, which are useful for evaluating and training police officials and the media on the coverage of unplanned scenarios, such as crime scenes. The development of these activities provides spaces for the construction of protocols for the protection of journalistic work and guarantees the security of communications.

**CURRENT STANDARD | NORM | LAW**

According to the **IACHR Special Rapporteur for Freedom of Expression**, states have the responsibility of continuously training employees, in particular security and police forces, on the standards for freedom of expression. Part of this responsibility involves guaranteeing access to information of public interest.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police has strengthened the training of its officials on their responsibility to contribute to the creation of an optimal environment that allows the development of journalistic work. In recent years, the institution included the online seminar, “Freedom of the Press and Police Functions in Ibero-America,” in its training program and participated in the creation of the “White Paper,” an initiative to strengthen the relationship between the media and members of the National Police.

**RECOMMENDATION**

**Exchanges between police and journalists:** it is essential to facilitate knowledge exchanges between National Police officials and the media so that officers understand the needs of journalists and media outlets in their reportage. Once the type of journalistic materials sought by reporters, the publication timelines, and sources required to produce news pieces on these subjects have been identified, officials will have greater capacity to implement actions that facilitate access to public information.





**CURRENT STANDARD | NORM | LAW**

According to **Statutory Law 1712 of 2012 or the Law on Transparency and Access to Information**, journalists have the right to access public information. Hence, state employees must create timely conditions for journalists and media outlets to access information that is of interest to citizens.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police Strategic Communications Office is continuously generating bulletins to inform about its operations and the information held by the institution. It is important to continue strengthening these practices to promptly inform on police actions amid crime scenes and evictions.

**RECOMMENDATION**

**Response times with the press:** even though these scenarios require exhaustive judicial investigations, it is important that the National Police officials in charge of press communications define institutional response times and channels for communicating the outcome of police procedures, ensuring that these do not exceed what is established by **Statutory Law 1712 of 2014**. This should take place with the safeguard of presumed innocence of third parties and respect for confidential information, in the cases in which they lawfully apply.

## Recommendations to Journalists, Media Outlets, and Press Organizations:

### CURRENT STANDARD | NORM | LAW

Given the risk exposure of the media in the context of reporting, the Inter-American Commission on Human Rights (IACHR) **Special Rapporteur for Freedom of Expression recognizes journalists are subject to special protections, requiring that their risks be identified, that timely measures be adopted to mitigate impacts, and advancement on effective action for the real-time eradication of risk.** The measures must be focused, for example, on protecting the integrity of reporters and preventing them from becoming caught up in judicial processes resulting from altered evidence or a crime scene.

#### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

Civil society organizations, journalist associations, and media outlets have implemented self-protection strategies to safeguard the lives and integrity of journalists who report in complex scenarios, such as public protests. During the past few years, legal training for reporters has been strengthened.

#### RECOMMENDATION

**Training for the media on police functions:** for journalists to have the necessary tools to be prepared to cover these scenarios, civil society organizations, media outlets, and journalist associations should facilitate training spaces on technical and legal issues to increase physical and legal self-protection. This will allow reporters to recognize which authorities are responsible for operations, the procedures that ought to be implemented in the field, and the judicial decisions made before and after event coverage.

### CURRENT STANDARD | NORM | LAW

According to **Article 454-B of the Colombian Criminal Code**, the individual responsible for hiding, altering, or destroying evidence at a crime scene can be criminally tried.

#### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

Civil society organizations, journalist associations, and media outlets have implemented strategies to train journalists on judicial issues so that they have the tools to handle these scenarios.

#### RECOMMENDATION

**Recognition of police functions:** journalists and media outlets must abstain from obstructing police work while covering crime scenes, or evictions so that they do not end up caught up in judicial proceedings or situations that affect their life and integrity.

**CURRENT STANDARD | NORM | LAW**

According to **Statutory Law 1712 of 2014 or the Law on Transparency and Access to Information**, citizens—including journalists—have the right to access public information. Hence, public employees must adapt to the legally established response times for media requests.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

Civil society organizations, journalist associations, and media outlets have implemented strategies to train journalists on **Statutory Law 1712 of 2014**. Guides and manuals were also written on access to public information.

**RECOMMENDATION**

**Exchanges between police and journalists:** sessions should be held to exchange knowledge between the National Police and the media so that the reporters and media outlets that cover these scenarios are aware of response times on operations, which depend on their degree of complexity. The National Police must therefore follow internal procedures before disseminating information to the media.

## 3.2.3. Agreements Regarding Election days

### 3.2.3. Agreements Regarding Election days:

Electoral cycles can be extremely challenging for the police-journalist relationship since this scenario is marked by the tensions inherent to the fulfillment of each party's role. On the one hand, reporters covering elections seek large amounts of materials on the voting process and provide oversight on the actions of authorities, voters, and the leaders of political parties and movements. On the other hand, members of the National Police are responsible for guaranteeing the normal course of elections, maintaining order

at polling stations, and guaranteeing the citizens' right to a secret ballot, based on the framework established by the National Registrar's Office.

For this reason, there are frequently differences between the parties, given the lack of clarity on actions that could affect the citizens' right to vote. Limits are consequently placed on the right to exercise journalistic work. To strengthen the relationship between the parties and guarantee the full enjoyment of rights, below are recommendations to the police and journalists who participate in these scenarios.

## Recommendations to the National Police:

### CURRENT STANDARD | NORM | LAW

According to **Article 120 of the Political Constitution of Colombia**, the National Registrar's Office and the National Electoral Council are responsible for organizing, managing, and monitoring elections. Additionally, they are the entity responsible for verifying people's identities.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

The National Police constantly fulfills the guidelines ordered by the National Registrar's Office and the National Electoral Council for voting day. The police should continue this work and strengthen dialogue with the media on these provisions.

### RECOMMENDATION

**Meetings with the media:** since elections are planned, it is important that before elections departmental and municipal police convene journalists interested in covering the event to share information about the security provisions and actions that will be used by the National Police to guarantee citizens' ability to exercise their right to vote and for journalists to access information.

**CURRENT STANDARD | NORM | LAW**

According to Statutory **Law 1712 of 2014 or the Law on Transparency and Access to Information**, citizens—including journalists—have the right to access public information. Public employees must create conditions for journalists and media outlets to promptly access information that is of interest to citizens.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The Strategic Communications Office of the National Police is continuously generating bulletins to inform the media about the outcome of actions carried out during elections. Thus, it is important to continue strengthening these practices to report on operations in a timely manner.

**RECOMMENDATION**

**Information dissemination:** before elections it is important that the National Police Strategic Communications Office coordinate with national and regional media to disseminate official statements and news bulletins on institutional efforts during these events.

**CURRENT STANDARD | NORM | LAW**

**Article 258 of the Political Constitution of Colombia** indicates that the state will ensure that a citizen's right [to vote] is exercised confidentially and free of any kind of coercion. Also, Article 20 of the Constitution establishes that freedom of the press is a fundamental right. The Constitutional Court has established, in the face of a potential dispute of rights, that the state must deliberate to guarantee harmonic fulfillment of citizens' rights.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police constantly fulfills the guidelines ordered by the National Registrar's Office and the National Electoral Council for election day. Police officials should continue carrying out actions regarding their responsibility to guarantee the rights of the stakeholders involved in an election.

**RECOMMENDATION**

**Recording by the media:** members of the National Police must guarantee the right of reporters to enter polling stations and move freely to obtain a journalistic record with their equipment, as long as they do not affect a citizen's right to a secret ballot, as expressed by Constitutional Court case law. Officers must be aware of the need for broad guarantees for freedom of the press and restrictions must be limited and proportional, according to international standards.

## Recommendations to Journalists, Media Outlets, and Press Organizations:

### CURRENT STANDARD | NORM | LAW

According to **Article 258 of the Political Constitution of Colombia**, all people have the right to a secret ballot. **Article 20 of the Constitution establishes freedom of the press as a fundamental right.** The Constitutional Court has thereby established that in the face of a potential dispute of rights, the state must deliberate to guarantee a harmonic fulfillment of citizens' rights.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

Civil society organizations, journalist associations, and media outlets have implemented strategies to train journalists on how to cover elections and on the importance of accepting the guidelines issued by the National Registrar's Office and the National Electoral Council.

### RECOMMENDATION

**Media training for elections:** civil society organizations, media outlets, and journalist associations should train journalists on the actions that are allowed and restricted inside polling stations, and on the verification process before polls open. Even if journalists have guarantees to record events inside polling stations, they can in no way affect a citizen's right to a secret ballot. On this point, it is important to note that reporting on how somebody marked their ballot can only occur with express authorization.

## 3.2.4. Agreements and Press Interviews and Conferences on information concerning actions that are of interest to citizens.

In large part, direct dialogue between police and journalists occurs in the daily context of interviews and press conferences. In these scenarios, journalists have the opportunity to carry out oversight and ask questions about National Police activities and the outcome of police procedures. These spaces also provide the institution with an opportunity to clarify and expand

In light of this, the main challenge concerning the police-journalist relationship is that these spaces must guarantee a broad range of information and access to information for the press and citizens. Below are some guidelines for members of the National Police, journalists, and media outlets to fulfill each party's responsibilities and to guarantee their rights in interviews and press conferences.

## Recommendations to the National Police:

### CURRENT STANDARD | NORM | LAW

According to **Statutory Law 1712 of 2014 or the Law on Transparency and Access to Information**, state employees are subjects who must offer public information and must be committed to active transparency at the institution they represent.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

The National Police must respond to media requests for information of public interest. Police work should continue to generate space to respond to the media’s questions.

The National Police has internal directives on providing timely attention to journalists and media outlets. In fulfillment of its transparency responsibilities, the institution must strengthen its capacities to fulfill this objective on a regional level.

The Strategic Communications Office of the National Police has established directives to continuously respond to questions from the press. Thus, the institution should strengthen its capacities to fulfill this objective permanently and from the regions.

#### RECOMMENDATION

**Attention to the media:** an important transparency practice is the availability of National Police officials who are responsible for making statements to the media. They must give interviews or offer press conferences, in a timely manner, for journalists and media outlets interested in reporting on the institution’s actions. Additionally, there must be provisions during press conferences to facilitate recording and verification by new media outlets, thus guaranteeing diverse reporting and information access for the public.

#### RECOMMENDATION

**Information dissemination to the media:** the National Police must avoid unjustified delays when responding to media questions, due to the personal interests of High Commanders—such as the possibility of appearing in a headline or desiring to be the spokesperson to break a story. At the same time, the institution must respond with the same diligence to questioning as when responding to issues of interest to the police.

#### RECOMMENDATION

**Transparency on public information:** considering that journalists will ask questions on issues outside the focus of a specific interview or press conference, it is recommended that the National Police save time at the end to answer questions from reporters on other subjects.

3.2.4. Agreements Regarding Interviews and Press Conferences

**CURRENT STANDARD | NORM | LAW**

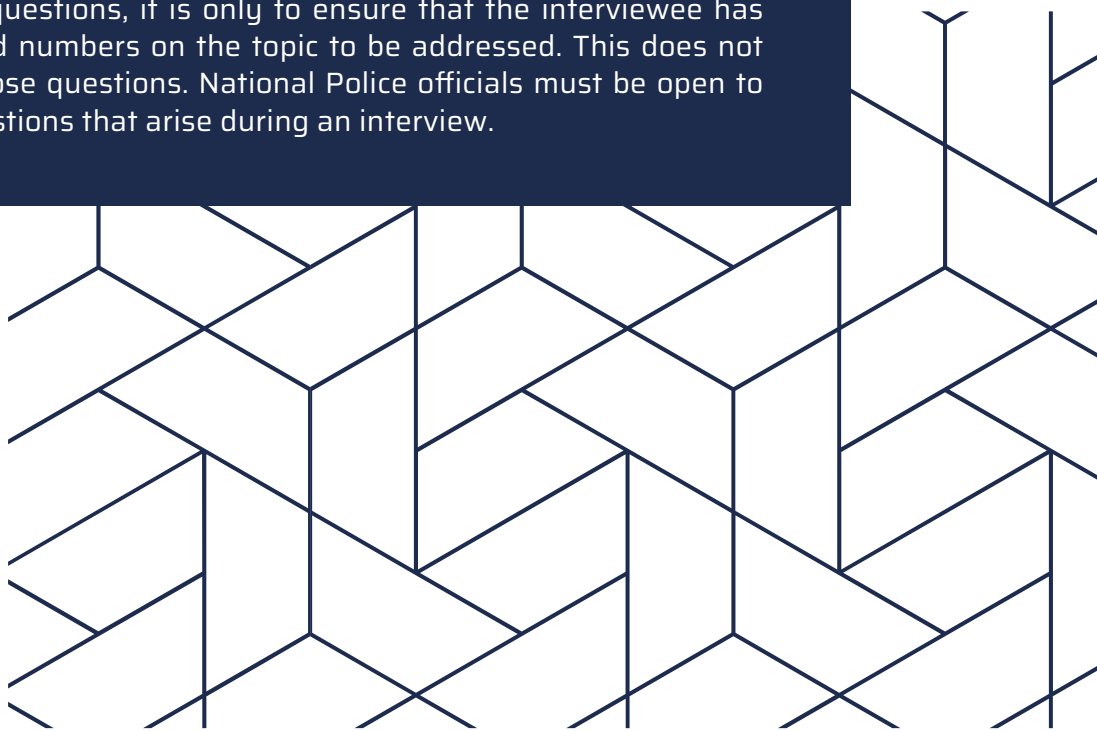
According to **Article 13 of the American Convention on Human Rights, everyone has the right to freedom of opinion and expression and the exercise of this right shall not be subject to prior censorship** but shall be subject to a subsequent imposition of liability by those who exercise this right.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police has strengthened employee training on the responsibility to respond to questions from the media. For example, in recent years the institution included in its training program the online seminar, “Freedom of the Press and Police Function in Ibero-America,” and participated in the creation of the “White Paper,” an initiative to strengthen the relationship between the media and members of the National Police.

**RECOMMENDATION**

**Questionnaires for interviews:** members of the National Police officials responsible for giving official statements to the media must know that journalists and media outlets are not required to send a list of questions before an interview. If reporters do provide questions, it is only to ensure that the interviewee has updated information and numbers on the topic to be addressed. This does not limit the interview to those questions. National Police officials must be open to responding to press questions that arise during an interview.





**CURRENT STANDARD | NORM | LAW**

According to Statutory **Law 1712 of 2014 or the Law on Transparency and Access to Information**, public employees have the responsibility of **responding to public information requests presented by citizens, including the media**. As a part of this mandate, the institution is required to establish who is responsible for attending to these requests, nationally and regionally, as prescribed by law.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

The National Police constantly responds to media requests for public-interest information. It is important that, in strengthening its interactions with journalists and media outlets, efforts continue to be made toward the timely transmission of information to journalists who cover police management in the region.

**RECOMMENDATION**

**Dissemination of public information:** so that journalists and their audiences can access timely information on general interest events, the National Police should supervise the issuance of statements by regional commanders. Although there are issues of national importance that must be addressed at the national level, most of the journalistic coverage in the departments has a regional perspective.

## Recommendations to Journalists, Media Outlets, and Press Organizations:

### CURRENT STANDARD | NORM | LAW

**Article 13 of the American Convention on Human Rights establishes that everyone has the right to seek, receive, and impart information and ideas of all kinds.** Also, one of the fundamental principles of freedom of expression is a diversity of information sources, the importance of which is rooted in the fact that states must guarantee the media's right to access public information under equal conditions.

### IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS

Civil society organizations, journalist associations, and media outlets have reflected on the importance of journalists' contributions during press conferences and interviews, and of allowing them to be optimal spaces for obtaining information of public interest.

### RECOMMENDATION

**Recognition of police functions:** journalists and media outlets must respect the National Police's efforts to organize press conferences and to assign turns to respond to reporter questions.



**CURRENT STANDARD | NORM | LAW**

**According to Statutory Law 1712 of 2014 or the Law on Transparency and Access to Information**, public employees are subjects who must offer public information and must be committed to active transparency at the institution they represent.

**IMPLEMENTED ACTIVITIES/ NOTEWORTHY ACTIONS**

Civil society organizations, journalist associations, and media outlets have reflected on the importance of journalists' contributions during press conferences and interviews, and of allowing them to be optimal spaces for obtaining information of public interest.

**RECOMMENDATION**

**Recognition of police functions:** during press conferences, journalists and media outlets must understand that the institution's officials need to prioritize its response to questions related to the issue for which the space was convened, which does not mean that the institution should ignore questions on other subjects.



# GUIDELINES FOR IMPROVING THE RELATIONSHIP BETWEEN THE NATIONAL POLICE AND MEDIA IN COLOMBIA



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