FRAMEWORK ON POLICE-MEDIA RELATIONS & SAFETY OF JOURNALISTS IN GHANA

Developed by the Ghana Police Service in collaboration with
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PREFACE

Despite Ghana’s legal guarantees to freedom of expression and its enviable record of having a good press freedom environment, journalists continue to face challenges such as physical attacks and threats in the discharge of their duties.

Ensuring that perpetrators of violations against journalists are punished remains a challenge. The police are an important agency for the fight against impunity for crimes against journalists and ensuring their safety.

For the overall wellbeing of society, it is also crucial to build and nurture a mutually respecting and re-enforcing relationship between the media and the police. This can only be attained when the two parties have a deeper understanding of how they can co-operate and collaborate to support the fundamental human right of freedom of expression.

In view of this, the Media Foundation for West Africa (MFWA), National Media Commission (NMC), Ghana Independent Broadcasters Association (GIBA), Editors Forum, Ghana (EFG), Ghana Community Radio Network (GCRN), in collaboration with the Ghana Police Service, organised a forum in July 2018 to discuss the safety of journalists and police-media relations in Ghana.

The forum offered a space for dialogue between the media and the police to foster mutual understanding of their respective roles. It also built the capacity of police officers and journalists on safety of journalists’ standards and effective media handling by the police. Some guidelines for protection of the safety of journalists were also established.

To further strengthen and guide police-media relations for improved safety of journalists, it was agreed at the forum that a “Framework on Police-Media Relations and Safety of Journalists in Ghana” should be developed to spell out modalities for greater cooperation between the two bodies, end impunity for crimes against journalists and ultimately promote the safety of journalists.


The Inspector-General of Police and members of the Police Management Board endorsed the Framework at its meeting on 22nd May, 2019.

It is aimed that this Framework will ultimately enhance police-media relations, promote and protect the safety of journalists and reduce impunity for crimes against journalists in Ghana.
INTRODUCTION: BACKGROUND AND CONTEXT

Freedom of expression, which includes press freedom, freedom of speech and the right to information, is a fundamental human right which is necessary for and beneficial to enhancing and promoting all the other freedoms of citizens and their organisations and communities in a democratic society. The work of journalists and the mass media play a critical function in promoting and protecting freedom of expression. It is a right enshrined and protected in the 1992 Constitution of the Fourth Republic and recognized by international instruments such as the ECOWAS Charter, the African Charter on Human and Peoples’ Rights and the Article 19 of the UN Declaration of Human Rights and related instruments.

But journalists and citizens can fully enjoy their right to freedom of expression, access to information and other fundamental freedoms only in conducive environments free from all forms of threats and illegal or extra-legal restraints. In a democracy, it is the duty of security forces, especially the police, to play the vital role of protecting and ensuring the existence of such a conducive environment for the exercise of this fundamental freedom.

“Without a minimum level of public order citizens and journalists cannot fully enjoy their rights to free expression. Security forces must therefore protect journalists against attacks by others who seek to prevent them from doing their work.” 1. [UNESCO, 2015 Freedom of Exp. And Public Order...]

The work of journalists and the work of the police share the common object of providing public service. The functions of the two institutions complement each other toward promoting the public interest. While the police work to keep peace and provide safety for the public, the media work to provide information to the public, including the police and security forces. The public interest, therefore, is the common concern of both the police and the media. It is therefore, in the best interest of the public and in the mutual interest of the police and the media that, the relations between the two institutions are cooperative, harmonious and devoid of tensions, mistrust and suspicion.

Some Factors Common to the Work of the Police and the Work of Journalists

- It is widely recognized that journalists and the police both play the important functions of protection of democracy and the rule of law.
- Journalists provide a link between police and citizens. The police need the media to inform the public of their work, to gain the public’s support and to enhance their legitimacy and public confidence.
- Both work to provide public service – work in the direct, and often immediate, interest of the public.
- Both are often exposed to danger.
- Both are always needed by the public; but are often loved and hated by the same public.
- Journalists and the police can never please all of the public much of the time.
- Journalists and the police are under the constant scrutiny and criticism of the public.
Due to the public nature of their functions, mistakes or misjudgments in the work of journalists and the police do carry immediate and often critical consequences for the public.

The police fight crime and criminals; Journalists expose crime and criminal activities in all sections and levels of society.

The imperative for cooperation and mutual understanding between journalists and the police, in the interest of peace, rule of law, public safety and enjoyment of rights is beyond debate.

Some media stakeholders and Senior Police officers at the end of a Police-Media Forum at the Police Headquarters, Accra in July, 2018

Media - Police Relations: The Ghana Context

Among the many developments that have given Ghana the international recognition as a democratic society, press freedom (and freedom of expression generally) stands out as the most remarkable achievement. Yet, regrettably enough, regular monitoring of the state of this freedom throughout the Fourth Republic has shown that one of the important sources of threat to journalists’ freedom and media rights in Ghana has been the security agencies, with the police in the lead.

The work of journalists and the work of the police are activities that mostly take place in the public space. In encountering each other in this public space, relations between professionals or functionaries of the two institutions have often led to misunderstanding, mistrust, suspicion and, in many recorded cases attacks or harassments by the police. The outcomes of these regrettable encounters have, over
the years however, fostered an increasingly useful dialogues between the hierarchy of the Ghana Police Service and the leaderships of media professional associations.

The dialogue processes have often included also the unprecedented public apologies by IGPs. Indeed, the dialogue processes and the police leadership’s concern to improve relations with the media led the Ghana Police Service to issue its Service Instruction (SI) No. 7 on “Police Officers’ Public and Media Engagement: Directives”.

Why has there been such a poor state of police-media relations in the atmosphere of generalized democratic freedoms of the Fourth Republic? The situation may be explained by a number of factors among which are the following:

1. Until the coming of the Fourth Republic in 1992, governments since independence had been characterized by authoritarian or dictatorial rule. The culture and traditions of security agencies, including the police, had been consequently authoritarian and intolerant of free expression which did not exist in those conditions anyway.

2. With the coming of the Fourth Republic, whose emergence was promoted by the media, journalists and citizens virtually overnight exercised the right to freedom of expression with vibrancy and, sometimes, with understandable exuberance.

3. The processes of change in attitudes, culture and tradition of relating to the media by the police have been slow at best and unrecognizable at worst, thus the recent and current efforts by the Ghana Police Service for reforms in improving relations with the media.

**Obstacles to Fostering Freedom of Expression in Ghana**

There have been many sources of threat and obstacles to the full and unencumbered enjoyment of press freedom by journalists.

The following highlight the key factors:

1. Violence and hostility of political party activists
2. Violence and hostility of criminal elements
3. Intolerance and suspicion of security forces
4. Impunity: protection of perpetrators of attacks on journalists from prosecution by ruling political parties and security forces
5. Compromises with perpetrators of attacks and repudiation of judicial processes by journalist victims and their media houses in exchange for extra-legal financial “compensations”
6. Compromises with justice by the intervention of pleas by important and influential public personalities – chiefs, politicians and religious leaders
7. Contempt (of court and parliament) laws
Circumstances, Contexts or Situations that Generate Police-Media Tensions

Building sustainable police-media cooperation requires that either side recognize the imperative, the necessity, for such cooperation. Such recognition must be established as an institutional principle and need not the desires of individual professionals whatever their rank in the respective institutions.

To make progress, therefore, there must be initiated by the Ghana Police Service programmes to educate the rank and file of the principle of the necessity to recognize the importance of press freedom and freedom of expression in a democracy, and the imperative of media-police cooperation and to promote attitude change accordingly.

Both the police and media must accept and build on the general aims of police-media cooperation. These aims include:

1. To promote the media’s understanding and the to gain the public’s support and to enhance their legitimacy and public confidence
2. To promote the security of the police officer the integrity and reportage of the Ghana Police through professional reporting
3. To promote and protect the environment of freedom of expression for all citizens
4. To promote and protect an environment conducive for the work of journalists
5. To protect journalists from attacks by anybody in society, including first and foremost the police and other security agencies
6. To promote and protect an environment in which media can freely and safely report on and expose criminal activities and perpetrators of crime
7. To promote and protect public safety, rule of law and peace

STRENGTHENING MEDIA-POLICE RELATIONS

The Role of the Police in Communication with Journalists

For the GPS, any action to improve relations with journalists should be guided by:

(i) the Constitution of the country;
(ii) the Police Service Act, 1970 (Act 350) and
(iii) the Service service No. 7. Police Officers’ Public and Media Engagement: Directives.

An analysis of these instruments, however, shows that

a) Chapter 15 of the Constitution on the Police Service makes no reference whatsoever to the police’s communication with citizens or media. But chapter 12, which deals with Freedom and Independence of the media, obliges all citizens and institutions, including the police, to respect and promote the freedom and rights of the media.

b) The Police Service Act, 1970 (Act 350) and its related amendments make no mention about relations with the media. However, Section 17 of the Act, on Misconduct and Unsatisfactory Service has implications for police communication with journalists when it states: “(i) to divulge any confidential information to a person not authorised to receive it;”.

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c) The SI No. 7 provides the framework for “coordinated communications of the service” and engagements with the media. It establishes the structures and the designated representatives of the GPS which must conduct relations with the media and journalists. It also outlines the procedures for police dealings with journalists.

The SI No. 7 is a welcome initiative for progress in the GPS’s development as a police service in a democratic society that upholds freedom of expression and citizens’ right to information. All media houses and organisations must obtain copies and study them. It is proposed that the GPS consider amending the SI No. 7 to include recommendations from the dialogue processes with the media.

Meanwhile, to strengthen the objectives of the police’s guidelines to advance the current process of strengthening relations with the media, the following comments on some sections of SI No. 7 may be considered to reflect the letter and spirit of 17a.

i) Article 9, though in accordance with a number of the GPS’s rules and regulations, appears too broad. It may be reviewed to accommodate communication between police and journalists in districts where the GPS’s official structures under SI No. 7 do not exist.

ii) Article 14b may add the word “truthful”.

iii) Article 36 should be reviewed to accommodate freelancers.

iv) Article 42 requires some elaboration and refinement.

In addition, the following points are recommended as general principles to be included in a revised SI No. 7 to enhance improved police relations with media:

1. The GPS must initiate internal processes of awareness building among personnel for service men and women to be aware of the need to involve media in their work.

2. In their relations with the media, the police must at all times recognize and respect the rights, responsibilities and independence of the media.

3. Police must recognize and uphold that relations with the media are to serve the democratic objectives of  
   (a) the citizens’ or public’s right to know and be informed, and  
   (b) the police’s obligation, as a public institution, to be accountable to the public.

4. Police must at all times be willing to be transparent and subject themselves to public scrutiny.

5. To win the public’s trust and confidence communication with or to the media – which is for public information – must be credible, honest and transparent.

6. Any information to the media must be guided by the principle of maximum disclosure

7. Police must respond to media enquiries on time as much as possible.
8. Police must recognize the Constitution’s declaration (Article 162, 2) that: “...there shall be no censorship in Ghana”.
   a) This is important because it is an act of censorship for any police officer or security operative to seize any sound recording, photographic or filming equipment; or to obstruct, delete, erase or destroy recorded, filmed or photographed material by a journalist or even by an ordinary citizen. Only the courts have power to decide and judge whether any material recorded by journalists of any object or situation amounts to an infringement of any sort.
   b) In certain exceptional and critical cases, and only in the public interest, the police may restrain journalists from photographing, sound recording or filming situations. Such situations may include matters related to terrorism, organised crime, accident and special scenes where the police may need to preserve secrecy or protect the privacy or identities of subjects. In such cases the police must inform the media adequately of the reasons for their restraining actions.

9. The work of the police (and security agencies in general) may often require strict confidentiality and secrecy. In the public interest it is not every activity of the police or information in its custody that may be made public. There are circumstances and times when it may be necessary to impose limitations or restrictions on the media’s and citizens’ right to freedom of expression.

   Police may, for example, refuse to let journalists enter premises where a crime is being investigated, or may refuse to provide one kind of information or another. Whenever the police must act to limit freedom of expression, that is restrain journalists from accessing information, such restrictions must be subjected to the 3-way test recommended as standards of international behavior, namely restrictions:
   a) Must be provided by law
   b) Must pursue a legitimate aim of protecting life, property, public safety, peace
   c) Such restrictions must be necessary and proportionate

JOURNALISTS’ SAFETY

Whereas the police, by their constitutional mandate, are responsible for protecting the safety of all citizens, including journalists, the journalist must take steps to enhance his/her safety and minimize risks at all times and in all circumstances. In promoting the safety of the journalist, it is important that there prevail good relations, mutual respect and understanding between the journalist and the police at all times and in all situations. The responsibility for the safety of the journalist rests with:

   a) The Journalist him/herself
   b) The police
   c) The media house or employer of the journalist
   d) Journalists’ professional associations and
c) Media development and rights advocacy organisations.

The Journalist’s Own Responsibilities

At all times the individual journalist must be conscious that, ultimately, his/her safety must be protected and that she/he must take all necessary steps to ensure safety. The journalist must always remember that the individual’s life is more important to society than anything else, including the story to be reported.

The following are proposed to guide the individual journalist in his/her efforts to promote and protect his/her own safety.

1. The journalist must be physically and mentally prepared before undertaking any assignment that involves or could involve risks to safety.

2. Every journalist, including freelance journalists, must at all times carry a valid identity card issued by the management of the media organisation he/she works for or has assigned him/her to the duty he/she is tasked to cover. Where accreditation is required, the journalists must ensure he/she is duly accredited.

3. When covering public events and situations involving security or safety risks, journalists must identify themselves and their equipment in bold and clearly visible marks or signs as such.

4. The journalist must ensure his/her management have provided all the equipment and facilities necessary for successful undertaking of assignments in risky places and is also equipped with facilities to manage risks.

5. Journalists must, as much as possible, avoid solo work in risk-prone environments. If they must ‘go it alone’ they must ensure that colleagues and management are fully aware of the ‘where’, ‘when’, and ‘what’ of their solo ventures.

6. In all circumstances journalists must make sure they are equipped with, or have access to, efficient and reliable means of communication with their offices, colleagues, family or the nearest police or security presence.

7. In going about their functions, journalists must avoid unnecessary arguments, altercation or any communication activity likely to arouse anger, unwarranted suspicion, animosity or an indication of partisan or sectional bias or taking-sides in situations of conflict, disputes or heated or violent contestations.

8. In dealings with police or security agents in high-risk operations such as demonstrations, civil unrest, disasters, terrorist attacks, accidents, violent conflict etc, journalists must obey orders or instructions first.

9. The journalist’s publication can, and sometimes do attract, reactions that may sometimes threaten the journalist’s safety, however professionally done. Therefore, as much as possible, the journalist must minimize such risks by
being ethical all the time: especially by avoiding intemperate or indecent language or expressions in their publications or broadcasts. To minimize risks journalists operating in hostile environments must wear clothes and footwear that are not restrictive in case they must move fast.

10. When they find themselves in threatening situations, journalists must try very much to be composed so as not to give impressions to reinforce stereotyped perceptions of women being weak and easily frightened. Journalists lower their authority as professionals and limit opportunities of being treated with respect if they are hysterical or frantic.

11. In risk-laden situations journalists are relatively safer if they work with others or are in groups.

12. If at all possible, journalists without reliable escort or security must avoid going into isolated places of high safety and security risks, and must insist on reliable escort if invited for exclusive interviews, etc. by or with “interesting” subjects.

Journalists are encouraged to join professional and industry associations for collective protection.

Women journalists regularly face gendered risks both in the male-dominated profession of journalism and in the wider world full of risks to the safety of women generally and specifically. Women journalists therefore, require particular security measures and enhanced safety guides.

The Responsibilities of the Journalist’s Employer or Media House

Employers or media houses must understand that they owe their employees – all staff – the responsibility to protect their safety in the course of the staff performing the functions for which they are employed. Media owners are therefore enjoined

1. Generally, provide journalists with the necessary working tools to ensure safety of journalists.

2. To conduct for their staff training in basic safety and risk awareness whenever the journalists are to be assigned on duties with potential for risks to safety. Inexperienced staff should not be assigned to such situations.

3. Before assigning journalists to situations involving risks to safety, owners must ensure the staff are properly equipped with the necessary logistics, communication, first aid or medical and other necessary equipment. In some cases, owners must insure the staff.

4. Managements should ensure that journalists are educated to be knowledgeable about the political, cultural, physical and social conditions in the areas where they will be deployed before they are sent there.

5. Management are to ensure that journalists are educated on police procedures and structures to enhance journalist professional understanding of the work of the police.
6. Media owners should develop clear policies to provide their staff legal assistance for work-related legal liabilities.

7. Media houses must ensure that all employees are provided with renewable photo identity cards.

Industry or owners associations such as PRINPAG, GIBA, and GCRN, must ensure their members adopt and implement these policy recommendations in their media houses.

**Journalists’ Professional Associations**

Journalists’ professional associations, such as the GJA, are usually set up to protect and promote members’ rights, welfare and professional development. Impliedly, they must of necessity be concerned about the safety of their members during the course of performing their professional duties. The professional associations must therefore:

1. At all times advocate for media owners to institute or establish policies and measures to promote the safety of journalists.

2. Without delay mobilize themselves and available resources to intervene to assist any journalist whose safety is endangered or threatened. This may be facilitated by setting up standing committees on members’ safety.

3. Must set up mechanisms for monitoring threats to or attacks on members’ safety.

4. Engage in workshops and activities to educate members on basic procedures of police and security forces in situations where journalists are likely to encounter police or other security details – such as in emergency situations.

**Media Development and Rights Advocacy Organisations**

1. Monitoring and reporting on press freedom violations

2. Disseminate knowledge of relevant good practices and encourage local adaptation.

3. Provide advice and capacity building to stakeholders on issues such as: the treatment of journalists; investigation of crimes against journalists; and prosecution and protection measures.

4. Fundraise for, specific budgets for their safety activities.

5. Provide safety training to journalists such as on reporting in conflict zones, legal rights, self-protection techniques, first aid, etc. and assist with provision of safety equipment.

6. Participate in a joint rapid response mechanism at the national level and/or international level/s.

7. Facilitate engagements between media and police and other security agencies.
ACTION POINTS FOR IMPROVED MEDIA-POLICE RELATIONS IN GHANA

The above presentation provides analysis, general principles and recommendations for promoting the safety of journalists and providing a guide for police management of relations with journalists. Below, we provide a framework for guidelines on mechanisms for institutional actions to strengthen media-police relations in Ghana. These may repeat some points already stated above.

a) Relations and Information Flow

1. The police and media professional organisations in Ghana should consider setting up a committee, ad hoc or standing, as may be considered appropriate, whose mandate will be to convene periodic dialogue sessions on issues on journalists’ safety and police-media relations generally.

This Committee shall be a national body with an odd-number membership made up of representatives from the GPS, the media professional associations, (GJA, Editors Forum Ghana), media industry associations (GIBA, PRINPAG, GCRN) and media rights advocacy organisations (MFWA).

2. Media rights organisations, specifically MFWA, must be mandated to provide regularly to the GPS, the National Media Commission and media organisations reports of monitoring attacks on press freedom and journalists’ safety.

3. Police must provide to journalists easy and open access to their press conferences and public information statements.

4. It is in the public interest, and enhances the police’s work of public safety, that the police routinely engage media leaders in special background briefings on critical public safety and security developments and issues.

5. There must be designated police-media focal person for all major public events for briefings on security procedures for media before every such major event – such as political rallies, elections, major court trials, sports events, public parades, etc.,

6. Police should ensure to respond promptly to media enquiries for information.

7. Police officers may, through on-the-spot explanation and dialogue, discourage or stop journalists from taking photographs or film situations that may amount to or lead to the breaches cited in number b) i. 3 on Journalists’ Responsibilities below, or of the law, if any.

8. Journalists must recognize the public service functions of the police, and accord them respect accordingly.

9. The media must not at any time and for any reason publish intelligence material that is in the domain of police or security agencies, the publication of which can hamper police investigations, or injurious to the security of the state (i.e. classified information by the police such as sitrep, restricted, confidential, secrets etc).

10. Materials pertaining to police must be held/reported with circumspect.
11. The police must recognize the public service functions of the media and accord journalists respect and protection accordingly.

12. The GPS and media organisations must institute periodic educational events to upgrade and update their knowledge and information on subjects of mutual interest and concern, especially topics on freedom of expression and broad security questions – such as conflicts, terrorism, etc.

b) Journalists’ Safety

i. The Journalists’ Responsibilities

1. All media houses must be provided with, and educate their staffs on, police (and security) procedures as contained in the GPS SI No. 7 and other relevant sources.

2. In all situations where there is security presence, journalists must have and show identification and contacts to their media houses.

3. Journalists must report police infractions first before publicising the incident.

4. In filming or taking photographs of police on duty, at crime scenes, public events or situations of security matters, disaster or emergencies, journalists must be guided by ethical principles of publishing pictures and images, and must:
   a) Ensure their work and output do not unnecessarily expose police officers to danger and unwarranted public disapproval;
   b) Ensure they do not compromise the police’s work to provide security to the public
   c) Take no action to undermine the police’s investigation processes to combat crime;
   d) Not take any action to jeopardise public safety and legitimate national security.

ii. The Police’s Responsibilities

1. The GPS may consider, in the light of current processes to strengthen police-media relations, to revise the SI No. 7 where necessary.

2. The GPS should include in its training programmes for police officer’s education on SI No. 7 and this guideline when adopted.

3. Police must desist from acts intended to restrict or limit journalists from doing their work. In enforcing the law in situations involving journalists at work, the police must use necessary but proportionate measures guided by respect for the journalist’s freedom to inform the public.

4. Notwithstanding item 3 (a, b, c and d) under Journalists’ Responsibilities above, police must desist from seizing, confiscating or destroying photographic, film or sound recording equipment belonging to journalists and must not delete recorded material therein.
COMPLAINTS SETTLEMENT MECHANISMS AND PROCEDURE

1. The GPS must act promptly in investigating all reported attacks on journalists, including by police officers, with the object of taking appropriate disciplinary or remedial actions.

2. The GPS must set up a complaints desk to receive all complaints of journalists’ breaches of security protocols at public functions, crime scenes and situations of public or national security concerns.

3. Any police officer who has a complaint or concern about a media publication should make a report to the Police Public Affairs Directorate.

4. The Directorate shall compile such concerns and submit to them the concerned media house for redress. These reports shall also be given to the Police-Media National Committee for necessary action.

5. All media houses must take prompt action to respond to police complaints pertaining to contents of publications on the police or matters relating to the police and their work.

6. Police Stations must at all times, and in the public interest, welcome journalists seeking information on matters within their jurisdictions.

7. An important element in promoting harmonious relations between the police and media is to establish a credible and transparent mechanism of complaints resolution. The statutory or constitutional instrument and mechanism for settling complaints by the public against the media and vice versa is to be found in Article 166 in Chapter 12 of the 1992 Constitution, Section 13 of NMC Act 449, and as elaborated in the National Media Commission’s Complaints Settlement Procedures Regulations, 1994.

   a) Complaints by Police Officers or Journalists shall first be made respectively to the GPS Complaints Desk or the National Police-Media National Committee; a complaint may be referred to the National Media Commission Complaints Settlement Committee if and when either of these two mechanisms is unable to resolve the complaint or a party is not satisfied with the final decisions of these agencies.

   b) Minor cases of misunderstanding or infringements on the other’s professional functions shall be resolved on the spot by reference to the designated focal police-media officer.

   c) Where the actions of a journalist against a police officer constitute a criminal offence, the appropriate legal redress mechanism shall be resorted.

   d) Where a complaint against a police officer constitutes a serious breach of the rules and regulations of the GPS, the NMC shall refer the matter to the authorities of the GPS for redress. The GPS shall, through the NMC, report the outcomes of its adjudication to the complaining journalist.
CONCLUSION

These guidelines shall be adopted as a memorandum of understanding. It shall then be adopted for education of police officers and journalists around the country.

The adopted document may be updated from time to time by mutual consent of leaders of the GPS and those of media professional associations.

REFERENCES

This Framework has benefitted immensely from references to the following sources:

1. The Ghana Constitution, 1992
2. Police Service Act, 1970 (ACT 350)
   As amended
4. Service Instruction No. 7
5. UNESCO. Freedom of Expression and Public Order. Fostering the Relationships Between Security Forces and Journalists
7. UNESCO. Journalists’ Safety Indicators: National Level
8. UNESCO Journalists’ Safety Indicators: National Level, July 2013
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