

FREEDOM OF THE PRESS

Austria

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The federal constitution and the Media Law of 1981 provide the basis for free media in Austria. Freedom of information legislation is in place, and in practice the government generally respects the law's provisions. Many press freedom advocates urge the Austrian government to revise its stringent civil and criminal libel laws, which currently serve to protect politicians and government officials. There is no official censorship, although any form of Nazi propaganda and anti-Semitism is prohibited by law. After a regional court ordered the Austrian Public Broadcasting Corporation (ORF) to release all tapes of a documentary in 2010, the Supreme Court reversed the decision in early 2011 and declared the journalistic material protected by editorial confidentiality. The tapes became controversial because Heinz-Christian Strache, leader of the Austrian Freedom Party, accused an ORF journalist, Ed Moschitz, of having encouraged two men to give a Nazi salute, illegal under Austrian law, at a rally. When there was no evidence found on the tape, the politician claimed that Moschitz had manipulated it. The case remained unsolved at year's end. In 2010, the government passed a Terrorism Prevention Law that penalized the preparation and organization of terrorist acts as well as training for terrorist purposes. Many critics argued that the law impinged on freedom of expression because it stipulates that individuals who incite hate speech or contempt against any group will face up to two years in prison.

There were both positive and negative legislative developments concerning press freedom in 2011. An amendment to the Security Police Act, which was still being reviewed at the end of the year, enables state authorities to monitor, tap, film, and locate individuals. Many press freedom advocates believe that the change could potentially limit journalistic work and intimidate investigative journalists. In a positive step, in December 2011 the National Council passed a Media Transparency Law, which for the first time forces public offices, like governmental departments, to disclose their media advertisements. Further, the ownership structure of all media outlets must be revealed in detail.

After its breakup in 2002, the Austrian Press Council was reestablished in 2010 and resumed work in 2011. Political influence in the ORF remained an important topic in 2011. At the end of the year, there was a controversial debate about a politician who held a high position in the ORF. Physical attacks or harassment of journalists are rare.

While daily national newspapers are fiercely competitive, the press is characterized by strong regional newspapers, dominating up to 90 percent of each regional market. According to the European Journalism Centre, typically one regional publisher dominates the newspaper market in almost every province (with the exception of two provinces) of Austria. Following amendments to the Broadcasting Law in 2004, Austria's public broadcasting network has faced growing competition for audiences from private outlets. Cable and satellite are widely available and provide both Austrian and German stations, with some of the latter tailoring programming for an Austrian audience. Media ownership is highly concentrated. The largest newspaper also owns the only radio station available in many regions of Austria, despite the

2012 SCORES

PRESS STATUS

Free

PRESS FREEDOM SCORE

21

LEGAL ENVIRONMENT

8

POLITICAL ENVIRONMENT

8

ECONOMIC ENVIRONMENT

5

fact that the Cartel Court has the authority to monitor the media environment to ensure media diversity.

Beginning in 1974, the Austrian government has provided all daily and weekly newspapers with annual direct payments, with larger amounts of money going to newspapers considered especially important contributors to the diversity of opinions. A 2003 law reformed this press subsidy scheme in order to promote regional diversity, professional development of journalists, and special projects. In recent times, these economic subsidies have helped newspapers to survive and to contribute to media pluralism. Receiving these subsidies does not require any obligation regarding content.

Internet access is unrestricted, and 80 percent of the population accessed the internet in 2011. In April, the National Council passed a controversial data retention law, which will take effect in April 2012. Based on a European Union Directive, the law requires telecommunication companies and internet service providers to store telecommunications data for up to six months.

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