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## FREEDOM OF THE PRESS

# Austria

[Austria](#) | [Freedom of the Press 2013](#)


The federal constitution and the Media Law of 1981 provide the basis for free media in Austria. Many press freedom advocates urge the Austrian government to revise its stringent civil and criminal libel laws, which serve to protect politicians and government officials. 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. Critics argued that the law impinges on freedom of expression by stipulating that individuals who incite hatred or contempt against any group will face up to two years in prison.

A contentious amendment to the Security Police Act, which enables state authorities to monitor, wiretap, film, and locate individuals, was passed by the upper house of parliament in February 2012. Press freedom advocates argued that the new law could deter journalistic work and intimidate investigative reporters. An amendment to the code of criminal procedure that would have undermined the protection of journalistic sources was blocked in March. However, a much-debated data retention law took effect in April. Based on a European Union directive, the law requires telecommunications companies and internet service providers to store user data for up to six months. Due to numerous constitutional complaints at the end of the year, the Austrian Constitutional Court decided to ask for the opinion of the European Court of Justice.

There is no official censorship, although any form of Nazi propaganda or anti-Semitism is prohibited by law. The controversial case of Ed Moschitz, a journalist working for the Austrian Public Broadcasting Corporation (ORF), continued throughout the year. Moschitz was accused by Heinz-Christian Strache, leader of the right-wing Austrian Freedom Party, of encouraging two men to give a Nazi salute during the filming of a documentary in 2010. A regional court, seeking evidence of such incitement, ordered ORF to release all recordings for the documentary in 2010, but this decision was reversed by the Supreme Court in early 2011. As the legal proceedings against Moschitz wore on, he filed a complaint with the European Court of Human Rights in April 2012, alleging a violation of his right to a fair trial.

Freedom of information legislation is in place. However, the constitution includes a provision on official secrecy, and the country's legal framework on access to information has been rated the worst among 93 countries evaluated in a study by Access Info Europe and the Centre for Law and Democracy. In 2012, an online campaign started by journalist and transparency activist Josef Barth was collecting signatures to support passage of a new law on the issue.

The Austrian Communications Authority (KommAustria) regulates broadcast licenses and manages frequencies. Since 2010 it has also been responsible for the legal supervision of audiovisual services and the public broadcaster. Its five members are appointed for six years by the head of state on the recommendation of the federal government. After its breakup in 2002, the self-regulatory Austrian Press Council was reestablished in 2010 and resumed work in 2011. Its responsibilities include handling complaints regarding content in newspapers, magazines, and their websites. However, membership in the council is not obligatory for such outlets.

Political influence at the ORF remained an important topic in 2012. At the end of the year, a controversy arose about staff decisions at ORF Radio that critics said were influenced by the ruling Social Democratic Party (SPÖ). Physical attacks against or harassment of journalists are rare.

While daily national newspapers are fiercely competitive, the print sector is characterized by single regional newspapers that dominate up to 90 percent of their respective markets. Following amendments to the Broadcasting Law in 2004, Austria's public broadcasting network has faced growing competition from private outlets. Cable and satellite services are widely available and offer content from both Austrian and German stations, with some of the latter tailoring programming for the Austrian audience. Media ownership is highly concentrated. The largest newspaper also owns the only private radio station available in many regions of Austria, despite the fact that the Cartel Court has the authority to monitor the media environment to ensure media diversity.

A new Media Transparency Law, which took effect in July 2012, forces public offices, like governmental departments, to disclose their media advertisements for the first time. In June the upper house of parliament

## 2013 SCORES

PRESS STATUS

**Free**

PRESS FREEDOM SCORE

**21**

LEGAL ENVIRONMENT

**8**

POLITICAL ENVIRONMENT

**8**

ECONOMIC ENVIRONMENT

**5**

approved a new law on corruption that will take effect in January 2013. It defines ORF journalists as public-service employees and sets strict rules regarding the acceptance of benefits.

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

Internet access is unrestricted, and 81 percent of the population accessed the internet in 2012.

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