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Freedom Of The Press - Germany (2011)

Status: Free
Legal Environment: 6
Political Environment: 7
Economic Environment: 4
Total Score: 17

The constitution guarantees freedom of expression and of the press, and the media remained free and vibrant in 2010. Hate speech, Holocaust denial, and Nazi propaganda are banned, but otherwise there is no official censorship. In 2010, a court convicted British bishop Richard Williamson for a comment that he made in 2008 denying the Holocaust, and ordered him to pay a fine of 10,000 euros (\$14,400). Criminal libel laws remain in effect, and two journalists were convicted in 2010 in a Dresden court for libeling two judges. Arndt Ginzler and Thomas Datt, who had investigated the Saxony Corruption Quagmire, a potential corruption scandal involving high ranking members of Germany's judiciary, in a series of magazine articles written for *Der Spiegel* and *Zeit Online*, were accused of making insulting allegations, defamation, and libel. Freedom of information legislation went into effect in Germany in 2006. These laws establish that information held by public authorities should be open and available, but they also contain numerous exceptions and require the payment of high fees in advance of every request.

An antiterrorism law that gave German authorities greater power to conduct covert surveillance took effect in 2009. The law permitted remote and secret searches of computers, telephone lines, and homes of suspected terrorists, and is meant to expand the investigative powers of the German Federal Criminal Police Office. Journalists are concerned that the law will limit the ability to keep their sources confidential, but at the end of 2010, there were no cases of it being explicitly used against journalists. In a positive step, a controversial data retention law that was passed in 2008 was overturned in 2010. The law had required telecommunication companies and internet-service providers to store information on citizens' e-mail and telephone contacts, as well as their internet browsing history for up to six months. It also permitted the wiretapping of lawyers, doctors, and journalists under certain circumstances. In March, the Supreme Court overruled this law on the grounds that it was unconstitutional and breached basic German privacy laws. The ruling also stated that all previously retained data must be deleted. Additionally, in April, German Justice Minister Sabine Leutheusser-Schnarrenberger reported plans to enact a law that would give greater protection to journalists who report information leaked from state government informants. The law would revise the penal code used to prosecute betrayal of state secrets and tighten the circumstances in which a journalist's materials could be confiscated. This new legislation was still up for debate at year's end.

Public broadcasting and media outlets generally enjoy editorial independence. However, in 2009, the board of Germany's national public broadcasting television network, Zweites Deutsches Fernsehen (ZDF), declined to renew the

contract of Nikolaus Brender, the network's editor, contrary to the network director's request. Media monitoring groups such as the Vienna-based International Press Institute alleged that political interference had played a significant role in the outcome. Violence against journalists is rare, and there were no reported attacks on journalists in 2010.

There are more than 300 daily newspapers and 25 non-daily newspapers in Germany. While local and regional newspapers have the greatest influence, there are some nationally distributed titles. Because of financial strains, there is a problem with media plurality in Germany due to the trend of merging editorial departments, which has led to a reduced diversity of views. Germany's television market is the most competitive in Europe, with more than 90 percent of households having cable or satellite television. There are public broadcasting systems that include radio and television outlets in each of the 16 German *Länder* (states). They are financed through a license fee and are managed by independent bodies, whose content also feeds into the national ARD channel. In addition to the national ZDF public television station and two national radio stations, a number of private broadcast outlets operate throughout the country. Germany is also home to some of the world's largest media conglomerates. Approximately 82 percent of Germans accessed the internet in 2010. There is a legal ban on accessing child pornography and Nazi propaganda.