

## FREEDOM OF THE PRESS

# Germany

[Germany](#) | [Freedom of the Press 2012](#) | 

The German constitution and basic laws guarantee freedom of expression and of the press, but there are provisions banning hate speech, Holocaust denial, and Nazi propaganda. Despite a few attempts by political and economic actors to interfere in news coverage, the media remained free and vibrant in 2011. No journalists were convicted on criminal libel charges during the year. Freedom of information legislation that took effect in 2006 established that information held by public authorities should be open and available, but it also contains numerous exceptions and requires the payment of high fees in advance of every request.

An antiterrorism law that gives authorities greater power to conduct covert surveillance took effect in 2009. It permits 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 remain concerned that the law will limit their ability to keep sources confidential, but at the end of 2011 there had been no cases of it being explicitly used against journalists.

Germany's controversial 2008 data retention law was overturned by the Federal Constitutional Court (FCC) in 2010. Based on a European Union directive, the law had required telecommunications companies and internet service providers to store data for up to six months. It also permitted the wiretapping of journalists under certain circumstances. In June 2011 the Interior Ministers' Conference called for a new law that would shorten the data retention period, but at year's end the government had not introduced a new version. Also in 2011, the FCC decided that the legislature does not have to grant journalists the same protection as persons subject to professional secrecy, such as deputies or lawyers. According to the judgment, law enforcement authorities can investigate journalists' telecommunications data, despite their right to refuse to give evidence. Separately, in January 2011 the FCC for the first time declared the search of a community radio station without an adequate proportionality test to be unconstitutional.

In a positive step, the cabinet adopted a draft law to strengthen press freedom in 2010. The planned law would give greater protection to journalists who report information leaked from government informants. It would also revise the penal code provisions used to prosecute betrayal of state secrets and tighten the circumstances in which a journalist's materials can be confiscated. The parliament had still not passed the bill at the end of 2011, but the government expected it to do so in the first half of 2012.

The German media generally enjoy editorial independence. However, in 2011 there were several cases of journalists and media outlets being intimidated by political and economic actors with the aim of interfering in news coverage. In December, President Christian Wulff pressured the country's leading tabloid, *Bild*, to block a critical story about an unusual personal loan he received, leaving editor Kai Diekmann a menacing voice-mail message in which he raised the prospect of "war" if the tabloid reported on the loan. The president also called members of the board at the Axel Springer publishing company with the

## 2012 SCORES

### PRESS STATUS

**Free**

### PRESS FREEDOM SCORE

**17**

### LEGAL ENVIRONMENT

**6**

### POLITICAL ENVIRONMENT

**7**

### ECONOMIC ENVIRONMENT

**4**

same aim. In other cases, important economic actors like the financial manager Carsten Maschmeyer and the regional bank HSH-Nordbank tried to limit critical reporting. In a series of letters and calls, Maschmeyer threatened the authors of investigative stories about his business dealings with legal retaliation. And in September it was revealed that the board of HSH-Nordbank had hired a security company to monitor editorial offices and journalists in 2009 in order to identify whistle-blowers.

There has also been rising concern about political influence on Germany's national public television network, Zweites Deutsches Fernsehen (ZDF). In 2011, politicians of the ruling party who sit on the broadcaster's program committee issued an admonition against the investigative political program *Frontal 21*, accusing the journalists of unbalanced reporting. In 2009 the board of ZDF declined to renew the contract of editor Nikolaus Brender, 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 2011.

There are almost 350 daily and more than 20 weekly newspapers in Germany. While local and regional newspapers have the greatest influence, there are 10 nationally distributed titles. Financial strains have fueled a trend of merging editorial departments, leading to diminished media plurality and 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. The typical public-service broadcaster provides a region, usually a state, with radio and television. Some are joint corporations and provide coverage to several states; for example, the company NDR serves four northern states. There are nine regional public-service broadcasters for the 16 states, plus ZDF and two national public radio stations. All are financed primarily by license fees and managed by independent bodies. In addition, a number of private broadcast outlets operate throughout the country. Germany is home to some of the world's largest media conglomerates.

Approximately 83 percent of Germans accessed the internet in 2011. There is a legal ban on accessing online child pornography and Nazi propaganda. Although there are no prepublication censorship regulations, the 2011 Google Transparency Report indicated that German authorities requested the removal of 4,127 items from the web during the year. The most common reasons included defamation, privacy or security issues, and hate speech.

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