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FREEDOM OF THE PRESS

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Germany

[Germany](#)[Freedom of the Press 2013](#)

The German constitution and basic laws guarantee freedoms of expression and the press, but there are provisions banning hate speech, Holocaust denial, and Nazi propaganda. The media in Germany remained free and vibrant in 2012. No journalists were convicted on criminal libel charges during the year, and in a positive step, journalists Arndt Ginzel and Thomas Datt, who were convicted in 2010 in a Dresden court for libeling two judges, were acquitted on appeal in December 2012. Ginzel and Datt had been investigating a corruption scandal involving high-ranking members of the judiciary in Saxony.

An antiterrorism law that gives the police 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. Journalists remain concerned that the law will limit their ability to keep sources confidential, but it was not known to have been used against the media as of the end of 2012. Separately, the parliament in 2012 finally passed legislation introduced in 2010 that prohibits the prosecution of journalists for reporting classified information

obtained from government informants. It also tightens the circumstances in which a journalist's materials can be confiscated.

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 user data for up to six months. It also permitted the wiretapping of journalists under certain conditions. Despite rising pressure from the European Commission, the Ministry of Justice declared in 2012 that a new law would only be introduced after the revision of the European Union directive, which was expected in 2013.

Freedom of information legislation that took effect in 2006 established that information held by public authorities should be open and available, but it contains numerous exceptions and requires the payment of high fees for every request.

There is a legal ban on accessing online child pornography and Nazi propaganda. Although there are no prepublication censorship regulations, the German courts and other authorities have sought the removal of specific web content for reasons including defamation, privacy or security issues, and hate speech, according to Google's Transparency Report.

The German media generally enjoy editorial independence. In 2012 there were few public cases of journalists and media outlets being intimidated by political or economic actors with the aim of interfering in news coverage. In October, Christian Social Union (CSU) party spokesperson Michael Strepp called the editorial office of the national public television network Zweites Deutsches Fernsehen (ZDF) in an attempt to stop it from airing a report on a gathering of the rival Social Democratic Party (SPD). Strepp later resigned over the incident. Violence against journalists is rare, and there were no reported attacks in 2012.

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. In 2012, several German media companies announced cost-saving measures, and important outlets like the newspaper *Frankfurter Rundschau* and the news agency dapd became insolvent. The financial newspaper *Financial Times Deutschland* was closed in December. Meanwhile, in October, the

parliament passed an amendment to the Act against Restraints on Competition that facilitates the merger of print outlets. Advocacy groups argue that the new rules could harm media diversity. However, other provisions of the law are designed to strengthen diversity at the wholesale level, ensuring that a range of newspapers are distributed to retailers.

Germany's television market is among the most competitive in Europe, and more than 90 percent of households have cable or satellite television. There are nine regional public-service broadcasters for the country's 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 84 percent of Germans accessed the internet in 2012.

2013 SCORES

PRESS STATUS

Free

PRESS FREEDOM SCORE

17

LEGAL ENVIRONMENT

6

POLITICAL ENVIRONMENT

7

ECONOMIC ENVIRONMENT

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