

WORLD PRESS FREEDOM INDEX 2020

Country Report: Germany

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In the global comparison, the upper positions of the Reporters Without Borders (RSF) Press Freedom Index 2020 are occupied exclusively by countries with a democratically constituted government and a functioning separation of powers. These countries have independent courts that ensure that government and parliaments respect minimum standards. This year Germany ranks 11th in the Press Freedom Index (Ranking in 2019: 13), maintaining its position in the upper middle range among EU member states.

It is vital to apply rigorous standards when assessing the situation at close range. This is why RSF is presenting a detailed analysis of the developments and structural shortcomings that threaten freedom of the press and information in Germany in this report.

This overview covers the period from early January 2019 to late March 2020.

Summary

In 2019 the number of physical attacks on journalists dropped to 13 compared with 22 in the previous year, but this is no reason for complacency. Almost half of the cases recorded in 2018 occurred on the fringes of protests by right-wing populist groups in Chemnitz between late August and early September. Far-right demonstrations and events also took place in 2019, but on a smaller scale than in 2018. RSF also registered many alarming examples of verbal abuse and attempted intimidation of journalists, but these are not included in the figures. Of particular concern here are the online hate campaigns in which victims are often left to deal with the situation on their own and legal prosecution tends to lead nowhere. The situation is similar as regards the “lists of enemies” circulating in the far-right milieu that disclose the full names and addresses of numerous journalists.

2019 also saw numerous cases of police obstructing media coverage, in particular in the context of demonstrations and events staged by far-right groups and parties as well as counter-demonstrations. RSF welcomes the fact that in 2019 the police in Saxony and other federal states undertook a transparent analysis of their mistakes and stepped up efforts to address the issue of media rights and freedom of the press in both basic and advanced police training programmes. The German Press Council has launched an initiative to revise and update as quickly as possible the “Code of Conduct for the Press/Broadcasters and Police” that has been in effect since 1993 and is aimed at avoiding the obstruction of police work while ensuring that journalists can work unimpeded.

RSF therefore welcomes in principle the federal government’s plans to amend the Network Enforcement Act (NetzDG) to make it easier to investigate online hate crimes. At the same time RSF warns that obligations to notify law enforcement agencies and the intelligence services in particular should not be carried too far, in particular as regards the obligation of social media providers and platform operators to hand over passwords.

RSF expects that the ongoing constitutional complaint against the Act on the Foreign Intelligence Service (also known as the BND law) will result in a revision of the surveillance powers of the Federal Intelligence Service (BND), enforcing media freedom for foreign journalists and journalists working abroad. In mid-January 2020 oral hearings were held before Germany’s Federal Constitutional Court in regard to this complaint.

In 2019 numerous draft laws were set in motion which, if signed into law, could enforce mass surveillance and criminalise commonly used encryption and anonymization tools. These draft laws are not specifically directed against the work of the media yet their implementation would undermine the protection of journalistic sources. The potential criminalisation of Tor anonymization technology would also have a severe impact on the work of independent media and journalists in countries and regions without press freedom. Plans to tighten the corresponding articles in Germany’s Criminal Code have been put on hold for the time being due to resistance from the Social Democratic Party (SPD).

The trend towards the use of pre-emptive strategies devised by law firms and aimed at fending off unwanted investigative research and intimidating journalists continued in 2019. For the first time companies are also trying to sue media outlets for substantial damages. In this context RSF welcomes several court rulings passed in 2019 which allowed media outlets to gain access to information about the costs of such legal services, at least in the case of public authorities.

The measures to prevent the spread of the coronavirus pandemic that were put in place in March 2020 have transformed the conditions for journalistic work on an unprecedented scale. It is almost impossible to assess the repercussions at this stage, but all media outlets, and freelance journalists in particular, have already been financially impacted.

1. Hostilities, threats and violence against journalists

In the course of 2019 RSF counted at least 13 violent attacks on journalists, a significant drop compared to the previous year (22). RSF was unable to conclusively verify two further incidents.

The statistics cover only physical attacks on members of the press (i.e. when journalists, photographers and camera women are attacked, kicked or pushed to the ground, when their equipment is damaged or destroyed by force), as well as attacks on editorial offices and private residences (break-ins, broken windows, graffiti, blocked entrances) and journalists' cars. They do not include other hindrances to journalistic work such as police orders to stay away from a site, police searches of premises, reporters being pushed or shoved aside at demonstrations, bright lights shone on camera crews to stop them filming, or protesters covering cameras with their hands. Verbal threats to journalists are also not included in these figures, although they are internally documented by RSF.

The drop in the number of violent attacks in comparison to the previous year is no reason for complacency. Almost half of the 22 cases recorded in 2018 occurred on the fringes of protests by right-wing populist groups in Chemnitz between late August and early September of that year. Far-right demonstrations and events also took place in 2019, but not on the same scale as in Chemnitz in 2018. RSF also registered numerous alarming examples of verbal abuse and attempted intimidation of journalists in 2019 which are not included in this figure.

Violent attacks on media professionals

A few examples: While filming for a television programme for public broadcaster *rbb* at Berlin's Görlitzer Bahnhof, a camerawoman was hit on the head by presumed drug dealers who then tried to steal the camera (<https://ogy.de/ly24>, from minute 8:10). At a far-right rock festival in Ostritz, Saxony, a fire extinguisher was sprayed and beer bottles thrown at media professionals and police officers (<https://ogy.de/3ijm>). In August an *rbb* journalist was covering a Bundesliga game at 1. FC Union Berlin when he was hit in the face by a fan after another individual had already wrested the reporter's smartphone from him and deleted video footage (<https://ogy.de/zho3>). RSF also documented at least three cases in which media professionals only escaped physical assault because their attackers missed their mark or because they were able to dodge attacks.

Nearly half of the 13 attacks verified by RSF were against the homes or cars of media professionals, a slight increase on the previous year.

In spring 2019 unknown persons smeared a symbolic trail of blood-red paint around the former home of a photographer in Baden-Württemberg who had reported on far-right demonstrations in Kandel, Rhineland-Palatinate. They scrawled the name of his son on a wall of the house and beneath it the words “Papa tötet dich” (“Daddy’s gonna kill you”) (<https://ogy.de/lkun>). At the end of June the words “Wir töten dich! Janzen” (“We’ll kill you! Janzen”) and a sticker of a far-right group were found on the front door of journalist **David Janzen** (<https://ogy.de/xhv5>, <https://ogy.de/dlm4>). A few months later the same door was smeared with a red substance and an acidic liquid poured into the letterbox (<https://ogy.de/sfr0>).

In July two hooded men scrawled graffiti on the car of an *rbf* camera team after an interview in Rigaer Straße, one of the last strongholds of Berlin's left-wing autonomous scene (<https://ogy.de/5lwt>). At the end of December the car of journalist **Gunnar Schupelius** from the Berlin tabloid *B.Z.* was destroyed in an arson attack. Soon afterwards a letter from the left-wing extremist milieu claiming responsibility for the attack surfaced (<https://ogy.de/u65b>).

Verbal attacks and threats against media professionals

In May 2019 broadcaster *Bayerische Rundfunk (BR)* documented several incidents of threatening and obstructive behaviour towards activists and media representatives at a meeting of Der Flügel, the far-right faction of the Alternative for Germany party (AfD), in Greiding, Bavaria, at which AfD Thuringia leader Björn Höcke was also present (<https://ogy.de/934t>).

In the summer and autumn of 2019 the far-right group Combat 18 sent a threatening letter to the private address of a photojournalist who had been documenting the far-right scene for the “Recherche Nord” research network for many years. Access to his address details in public registers is restricted. The journalist then changed his place of domicile for safety reasons (<https://ogy.de/wc1c>). The German branch of Combat 18 was outlawed by the Federal Ministry of the Interior in January 2020 for being anti-constitutional and related to National Socialism.

Two *WDR* journalists who have been reporting on the far-right scene for years for broadcaster *WDR-Landesstudio Dortmund* received threatening letters containing white powder. An antifascist research network was named as the sender on the reverse side of the letters. (<https://ogy.de/c3nm>). In a second incident in July, the host and head of the *WDR* investigative journalism programme “*Monitor*”, **Georg Restle**, received a death threat. Restle had previously faced a barrage of insults in response to his criticism of the AfD on public broadcaster *ARD*'s news programme “*Tagesthemen*”.

At a far-right demonstration on German Unity Day on 3 October anti-media slogans were chanted: “Ein Baum, ein Strick, ein Pressegenick” (“a tree, a noose, a press neck”) and “Wenn wir wollen, schlagen wir euch tot” (“we’ll kill you if we want to”). Activists and journalists were also verbally threatened and obstructed (<https://ogy.de/symw>). In November the National Democratic Party of Germany (NPD) mobilised a crowd of demonstrators against journalists who had been critical of the party, naming them individually. RSF is backing an appeal against such intimidation tactics (<https://ogy.de/le71>). At this demonstration the police allowed participants of the rally, which the NPD had registered with the authorities, to march with their faces hidden to avoid being identified in media images (<https://ogy.de/bq1k>).

The problem of “lists of enemies” compiled by far-right groups and featuring the names and addresses of politicians, media representatives and activists continued throughout 2019. Legal proceedings against the lists proved largely ineffective (<https://ogy.de/a9as>). **Hasnain Kazim**, an

author and freelance journalist for the German weekly *Die Zeit*, has been on the receiving end of death threats for many years, but in early 2020 he was getting several a day. Even though his name is on death lists and he has reported the threats to the police, this has failed to produce results (<https://ogy.de/cnxml>).

Media professionals prevented from working by the police

The police in Saxony has since begun stepping up its efforts to integrate issues relating to “the rights and duties” of media representatives into the basic and advanced training of police officers. Its training programme now includes events that are supported by the *German Federation of Journalists (DJV)* in Saxony. The measure comes in response to a longstanding demand by RSF that a special focus be placed on media rights and interactions with media professionals and that measures be taken to ensure that police officers put what they learn into practice. In 2019, as in the previous year, reporters covering demonstrations were obstructed by the police.

At the beginning of May, for example, a journalist from the daily paper *Freie Presse* was taking photographs at a festival organised by the far-right group Pro Chemnitz when the police demanded that he delete the photographs and he was banned from the site, despite his having identified himself as a member of the free press (<https://ogy.de/4jic>). Earlier in the day the journalist had been threatened by participants at the event. According to the police, the whole incident was a misunderstanding and the ban was lifted. When journalist **Arndt Ginzel** wanted to report on a neo-Nazi demonstration in Kassel he was initially prevented from getting to the demo by police officers (<https://ogy.de/17o2>). The North Hessen police announced that it was looking into the case (<https://ogy.de/fai6>).

The following incidents are not included in the statistics, but 2020 also began with incidents of violence against journalists. At the end of January, around 1,600 people demonstrated in Leipzig against the ban on the left-wing Internet platform *linksunten.indymedia.org*. Several journalists reported that they were shoved, threatened and insulted by demonstrators and participants, and were prevented from doing their work. According to *MDR* news, one cameraman’s camera was kicked (<https://ogy.de/a97w>).

On the fringes of the demonstrations for the 75th anniversary of the bombing of Dresden on 13 February 2020, police officers also reportedly obstructed journalists in their work (<https://ogy.de/va23>). After the same event in 2019, seven journalists filed complaints about police obstructing their work. After processing the complaints, the Saxony police said that the “communication with the journalists on the part of several of the officers on duty was reprehensible”, adding that “there is considerable room for improvement in the communication behaviour of the officers on site.”(https://www.polizei.sachsen.de/de/MI_2019_62656.htm)

The German Press Council, the self-monitoring organ of the press run jointly by journalist unions and publishers’ associations, has also announced that it will revise the “Code of Conduct for the Press/Broadcasters and Police”, which was drawn up in 1993 with the aim of preventing the obstruction of police work and media coverage. The Press Council explained that a revision was warranted because the codes of conduct were formulated in response to the Gladbeck hostage crisis and the school shooting in Winnenden, but were never updated. The problems are different today, for example as a result of social media, the Press Council said.

2. Hate crimes and the media

A high volume of online intimidation and abuse continued throughout 2019. In November 2019 the fact-checking editorial team of the research platform *CORRECTIV* reported that it had been bombarded with intimidation attempts and threats from the far-right. (<https://ogy.de/7eiu>).

Mass campaigns of threats, abuse and intimidation, primarily on social media, are nothing new. But the journalists affected are increasingly voicing criticism of their employers. This has been particularly noticeable among public broadcasters. Following the airing of the “Umweltsau” satire on *WDR* (involving a children’s song with lyrics about grandma being an “eco pig”), a *WDR* journalist received death threats after posting a sarcastic tweet (saying that grandma was in fact a “Nazi pig”). A politician from “Die Rechte” party (“The Right”) posted a photo of himself on social media in which he appeared to be standing in front of the journalist’s family home (<https://ogy.de/lzif>). According to media reports the journalist felt that the broadcaster had left him in the lurch for too long.

At the end of 2019 an open letter from journalist **Richard Gutjahr** described the helplessness that prevails – even among professionals – in dealing with online abuse. He was scathing in his criticism of his former employer, *Bayerische Rundfunk (BR)* (<https://ogy.de/1u0g>). Gutjahr, who for years has faced increasingly violent online abuse, accused *BR* and its director **Ulrich Wilhelm**, of “looking away” and failing to give him sufficient support (<https://ogy.de/6cvg>). *BR* rejected Gutjahr’s accusation, insisting that it had stood behind its employee and had also offered him the option of continued employment (<https://ogy.de/zcbz>).

The daily paper the *Süddeutsche Zeitung* wrote that this incident, which culminated in a row between a renowned journalist and his long-term employer, clearly demonstrated the helplessness that prevails – even among professionals – when dealing with online abuse: “How powerful anonymous, often concerted campaigns against individuals can be. And how divisive their effects, even within an editorial team or media company.”

Controversial law against right-wing extremism and hate crimes

Despite widespread criticism, in February 2020 the Federal Cabinet presented a draft law extending the obligation of Internet companies to pass on user data and report criminal content to the Federal Criminal Police Office (BKA) (<https://ogy.de/0w80>). This extension of the Network Enforcement Act (NetzDG), which has been in force since 2017, also foresees changes to Germany’s Telemedia Act (TMG), Penal Code (StGB) and Criminal Procedure Code (StPO), as well as the BKA Act and the Federal Registration Act.

A particularly controversial provision of the proposed legislation obliges social media providers and platform operators to also hand over passwords to law enforcement agencies and intelligence services under certain circumstances. In the latest version of the draft law the criteria for enforcing this provision are considerably more restrictive than in earlier versions. Telecommunications providers must store and pass on the passwords in encrypted form. In addition, the obligation to hand over passwords is limited to investigations into particularly serious crimes and cases in which public security or public order is at stake (<https://ogy.de/x684>).

According to the draft law, network operators must report any posts that draw complaints from users for containing illegal threats of violence, neo-Nazi propaganda, hate speech or similar content to the Federal Criminal Police Office (BKA). The current legislation only requires that such content be blocked for users in Germany. The proposed law would also require companies to pass on the IP addresses and port numbers of the authors to the BKA.

To what extent these measures would prove helpful in combating the type of online threats and hate speech described above remains to be seen. The lack of means to enforce justified demands poses a major problem, given that Germany's judicial system also suffers from a shortage of prosecutors and judges. The tightened provisions would not apply to normal insults, slander or libel. In such cases it will continue to be left to those affected to report such incidents.

In a special session held on 27 March 2020, the Bundesrat (the upper house of Germany's parliament which represents Germany's 16 federal states) called for amendments to be made to the draft law. The federal states fear excessive costs for the justice system and have also voiced concerns regarding data protection (<https://ogy.de/gjd8>).

BND constitutional complaint

In mid-January the Federal Constitutional Court held oral hearings in respect of a constitutional complaint brought by RSF Germany, the Society for Civil Rights and four other media organisations regarding the online surveillance measures of the BND, Germany's foreign intelligence agency.

The case deals with the question of whether the 2016 Act on the Federal Intelligence Service and the global mass surveillance of online data traffic by the BND which the law allows for are compatible with Germany's constitution (<https://ogy.de/f34s>). The question of whether German authorities are obliged to respect the basic rights enshrined in the German constitution also when dealing with non-German media representatives working outside Germany is of key importance to the case. The BND and the German government argued that this was not the case in the hearing (<https://ogy.de/wffq>).

In the context of its communications intelligence activities the BND scans data streams in networks outside Germany – without judicial supervision and without concrete suspicion. It uses “selectors”, or defined search parameters, to constantly and automatically monitor the internet on the basis of search terms. The BND also passes on the results to foreign partner services upon request. Joachim Wieland, the representative of the Federal Government, justified this in the oral hearing before the Constitutional Court by saying that anyone who wanted to obtain information from foreign intelligence services must also offer something in return. Anything else would be unrealistic, he argued (<https://ogy.de/wo96>).

The court's decision, which is expected in a few months' time, will be the first landmark ruling on the surveillance practices of the German intelligence services in 20 years, and could serve to significantly bolster telecommunications privacy and press freedom.

BND obliged to share information

In November 2019 the Federal Administrative Court in Leipzig partially ruled in favour of a legal policy correspondent with the German daily *Der Tagesspiegel* who brought a complaint against the BND regarding its background briefing sessions with selected journalists. The court ruled that the BND may continue its practice of holding briefing sessions with a select number of journalists,

however the exclusive guest list must not result in “regulation or control of the media or any part of it.” The court also ruled that media outlets have a general right to be informed upon request about who takes part in the background briefings, but deemed it admissible for the BND to arrange with participating media that the specific topics and content of the sessions be treated as confidential (<https://ogy.de/3af9>).

3. Journalists and their sources

Although the protection of sources is officially an undisputed principle of journalism, in 2019 numerous draft laws were initiated which permit large-scale surveillance, at least on the internet, and could potentially criminalise commonly used encryption and anonymization tools. These draft laws do not explicitly foresee measures against the press or the protection of journalists’ sources, but should they be implemented in their current versions they would have severe repercussions.

In May 2019 RSF Germany warned about legislation drawn up by the Ministry of the Interior which would allow German intelligence services to spy digitally on media inside and outside Germany. A ministerial draft bill foresees an “Act on Harmonising the Protection of the Constitution” (Gesetz zur Harmonisierung des Verfassungsschutzrechts) that would give Germany’s domestic and foreign intelligence agencies powers to hack into the servers, computers and smartphones of publishers and broadcasters as well as the accounts of freelance journalists. The agencies would be permitted to use state-sponsored malware, known as “Staatstrojaner”, to intercept ongoing communications or search entire hard drives without a court order. Faced with widespread criticism, the German Minister of the Interior Horst Seehofer (of the Christian Social Union - CSU) insisted that the bill was not directed against the media and that journalists would continue to enjoy “special” protection under the proposed intelligence service legislation (<https://ogy.de/h0qg>). However, no concrete assurances have been offered to date. After the attack on a synagogue in Halle/Saale in October 2019 the topic was taken up again (<https://ogy.de/jng9>). But because the Social Democratic Party (SPD) has also voiced major doubts about the measures the draft law has been put on hold for the time being (<https://ogy.de/4pc3>).

Also in spring 2019, it emerged that Interior Minister Horst Seehofer was planning to introduce legislation that would oblige messenger services such as WhatsApp and Telegram to store the communications of their customers and pass them on to authorities in readable form, i.e. unencrypted, when presented with a court order to this effect (<https://ogy.de/vla8>).

Moreover, both the federal states and the Ministry of the Interior plan to comply with the intelligence services’ demands for measures to prevent the phenomenon of “going dark”, i.e. the transfer of communications and data exchange to encrypted services on the deep web. To this end, new provisions are to be introduced to Germany’s criminal law. Under a bill presented by the Bundesrat in spring 2019, a new section 126a of the Criminal Code is to facilitate the investigation of crimes on the deep web (<https://ogy.de/0af8>). But this planned crackdown on crime on the deep web would in practice criminalise all anonymization and encryption services. According to the draft even running a Tor node could be classified as a potentially criminal offence because the anonymization procedures could also be used by criminals (<https://ogy.de/22qg>). The Bundesrat’s initiative originated in North Rhine-Westphalia and was supported by 13 of the 16 federal states. Thuringia, Saxony-Anhalt and Berlin abstained from voting. A short time later, the Federal Ministry of the Interior presented its own, even stricter bill (<https://ogy.de/celu>). According to the draft,

anything that could be used for illegal activities such as arms or drug trafficking and that is encrypted or specially secured falls under reasonable suspicion. Politicians of the Interior Ministry from the Christian Democratic political alliance (CDU/CSU) stress that the goal is to adjust the competences of the law enforcement agencies to technological advances.

The criminalisation of Tor servers could spell the end of anonymization services, which are often used by exile media outlets and journalists to obtain sensitive information from crisis areas and war zones. The legislation could also be used against whistleblowing platforms like *Wikileaks*. These were the conclusions of an interdisciplinary analysis of the so-called “Darknet paragraph” by legal experts, IT specialists and human rights activists (<https://ogy.de/m8t2>).

Court bans excessive fees for information from authorities

In November 2019, the research platform *Correctiv* won a landmark ruling before the Gelsenkirchen Administrative Court on the prohibition of excessive fees for information provided by authorities under the Freedom of Information Act (IFG). *Correctiv* had filed a complaint in North Rhine-Westphalia (NRW) after both the NRW Health Ministry and the district government of Munster presented it with a bill of 500 euros for documents provided in connection with the platform’s research into adulterated cancer medications (<https://ogy.de/pmg6>). The court said in its decision that the fees were so high that they could deter citizens and journalists from seeking information from the authorities. This contradicts a 2017 court decision that was also handed down in a case brought by *Correctiv* (<https://ogy.de/0s3s>).

4. Pre-emptive legal strategies hindering investigative reporting.

The trend towards the use of strategies worked out in advance by legal advisers to prevent or at least hinder unwanted investigative research by reporters continued in 2019. This has now become common practice among companies, individuals and public authorities across Germany. Of particular concern here is that freelance journalists who do not have the clear “backing” of a client or employer may be exposed to considerable risks, above all in the initial phase of their research when their work has not yet been commissioned by a specific media outlet. It is hard to determine how many stories go unreported or are abandoned due to this trend.

In view of the increasingly difficult financial situation in the newspaper sector and above all in the local and regional newspaper segment, the latter in particular are reportedly less and less willing to support potentially controversial investigative reporting that could incur high legal costs.

In a broader sense, the policy of energy giant RWE, which in an unprecedented move sued journalists and activists for millions in damages in February 2019 because they took part in the 2017 occupation of the Weisweiler lignite-fired power plant, is an example of this blocking strategy (<https://ogy.de/i5bw>). According to the *German Journalists Union (DJU)* more cases of this type are pending. RWE is again the claimant.

Companies and state authorities such as ministries hardly ever provide transparency on their use of external law firms for public relations and for consulting on legal matters related to the press. Two rulings handed down last year now offer hope, at least as regards state institutions. The Administrative Court of Cologne ruled in July 2019 that the Federal Office for the Protection of the

Constitution (BfV) must disclose all legal costs incurred in connection with press-related legal consultations from 2014 to 2018 (<https://ogy.de/5v20>).

In October 2019 it emerged that federal ministries were paying big law firms fees of between 250 and 380 euros per hour to fend off questions and research by the media. According to the results of a small inquiry (“Kleine Anfrage”) submitted by the parliamentary group of The Left party, the Federal Office for the Protection of the Constitution was at the top of the list, having paid 74,147.91 euros in legal fees for such services from 2013 to 2018, followed by the Institute for Federal Real Estate with 48,990.34 euros. The Federal Ministry of Transport and Digital Infrastructure came third. It spent 34,931 euros on these services in that period (<https://ogy.de/dsqq>).

According to a study published by the *Society for Civil Rights (GFF)* and the trade union-run Otto Brenner Foundation in the summer of 2019 on “Pre-emptive legal strategies against media” (<https://ogy.de/r4up>), the ministries have not had much success in this endeavour, at least not against media that engage in investigative reporting on a regular basis. However, the study called attention to the fact that also in the area of public broadcasting by no means all broadcasters are willing to assume the liability risks of external authors and producers when they commission documentaries and reports. It also said that media outlets were more willing than in the past to submit to cease-and-desist declarations. “It is a worrying trend for press freedom when media bow to pressure,” the study concluded.

5. Gradual loss of diversity among newspapers and attacks on public broadcasters

The press

As in previous years, media diversity continues to decline, especially at the regional and local level. The closure at the end of March 2019 of the German edition of *Huffington Post*, which was launched in a collaboration with publisher *BurdaForward* in 2013, illustrates the fact that even new digital enterprises cannot guarantee sustainable improvement (<https://ogy.de/arik>).

The Cologne-based *DuMont* media group, one of Germany’s oldest and largest publishers, announced its withdrawal from the newspaper industry in 2019 and put all its titles (including the *Kölner Stadt-Anzeiger* and the *Berliner Zeitung*) up for sale. With the exception of the Cologne-based newspapers all have now been sold on to new owners (Current as of April 2020). A silver lining is that so far none of the papers have been closed down.

The number of takeovers and closures in the German newspaper industry has gone down in comparison to previous years, even though individual publishers like the *Funke* media group implemented major cost-cutting rounds (<https://ogy.de/9ehd>).

Public broadcasting

The debate about the legitimacy of Germany’s public broadcasters in the digital world and their future structure and financing continued in 2019. An agreement reached by the Ministerial Conference of the Federal States in March 2020 according to which broadcasting licence fees will increase to 18.36 euros per month as of 2021 has at least provided some security on the last point.

The nominal increase has yet to be approved by all 16 German state parliaments (<https://ogy.de/faaj>).

Because the federal states have not yet been able to agree on the structural reform of the public broadcasting system, which was originally scheduled for 2017, there is also considerable uncertainty in this respect. Moreover, the three public broadcasters *ARD*, *ZDF* and *Deutschlandradio* have so far failed to score many points in the rather sluggish public debate about their continued relevance in the digital world. According to media policy experts the broadcasters' restructuring efforts remain inadequate (<https://ogy.de/mt1y>).

In addition, the public broadcasters are the main target of the AfD's destabilisation campaign against what it calls the "system media". Most of Germany's public broadcasting institutions have failed to come up with convincing answers, either in their response to the AfD and its representatives in their programmes or within their own internal structures. Two-thirds of the public broadcasting institutions now have representatives of the AfD on their supervisory boards. Since the process of reducing the number of representatives with close links to the state on these boards is progressing very slowly, and adjustments to the composition of these bodies after the last federal state elections take effect only after long delays, this number will increase in 2020 and the subsequent years.

This could provide the AfD with far more effective means to undermine the system from within, or at least limit its self-administrative capacity and cause long-term damage through complicated inquiries and obstructive tactics. For example, in 2019 the AfD's representative on the Broadcasting Board of public broadcaster *Mitteldeutsche Rundfunk (MDR)* protested against the signing of the "Charter of Diversity" by *MDR* (<https://ogy.de/nexe>). On a broader level the party's election manifesto calls for broadcasting licence fees to be abolished and replaced with a subscription model (<https://ogy.de/tt3s>).

6. The corona crisis and its already visible impact

The coronavirus crisis has put many media, including Germany's, in a paradoxical situation. User statistics are soaring, with established media brands benefiting most from this trend. But at the same time journalism at all levels is facing unprecedented challenges. The authorities have not (as of late March 2020) imposed official restrictions on the work of representatives of the media, but the massive restrictions on basic rights in Germany are impacting the work of journalists. Bans on social contact and de facto curfews hamper interviews, research, and filming on location. Most press conferences are held online. Demands for the use of mobile phone location data are fuelling concerns about new forms of data gathering and surveillance that could endanger the confidentiality of journalists' sources (<https://ogy.de/co1n>). In particular the disparities in the regulations of Germany's 16 federal states – which are responsible for both the regulations aimed at fighting the virus and those that apply for the media – are proving problematic (<https://ogy.de/rq2n>). As "key workers", the staff of newspapers, radio and television broadcasters and other media enjoy special rights such as being exempt from curfews or travel restrictions. But at the same time all media companies are implementing safety measures for their employees. Many media products and services are being produced by staff working from home while editorial, technical or printing tasks that require the physical presence of staff are carried out by teams that are kept separate from each other in order to minimise the risk of infection.

But at the same time the advertising revenues of commercial media are plunging. Private TV channels are being watched by record numbers of younger viewers, but they have warned via their association, VAUNET, that in some cases they are facing losses of revenues that “pose an existential threat” (<https://ogy.de/t4vr>).

Newspapers are also grappling with cancelled advertising and lost revenues for both print and online editions. Some companies have already announced short-time work for employees. Freelance journalists are the worst hit at present. Some have literally been left with nothing.

In the area of data protection and privacy protection, the lacking transparency of video conferencing apps such as “Zoom”, which have become hugely popular as a result of social distancing measures, and plans to introduce smartphone-based coronavirus tracking apps are a cause for concern. There have been reports that Zoom does not provide adequate protection against cyberattacks. This prompted New York Attorney General Letitia James to launch an investigation into Zoom’s privacy practices in March 2020 (<https://ogy.de/pey0>).

From the perspective of press freedom, the plans for coronavirus tracking apps raise the question of whether such apps can guarantee the anonymity and protection of journalists’ sources. RSF has formulated a list of minimum requirements to address this issue (<https://ogy.de/98vp>).

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