

## **SIR: National Media Report – Austria**

### **The Presumption of Innocence in Austrian Media Outlets**

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#### **1. Legal framework for crime reporting in Austrian media**

According to EUR-Lex (2019), the Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings was transposed into Austrian law by the transposition deadline on 01/04/2018. Eleven different measures in national law implemented the various aspects of the Directive, one of which, a federal law (in German: Bundesgesetz, mit dem die Strafprozeßordnung 1975, das Staatsanwaltschaftsgesetz und das Telekommunikationsgesetz 2003 geändert werden (Strafprozessrechtsänderungsgesetz 2018 – Publication date: 2018-05-15) was adopted considerably later than the deadline. Kraml (n.d.) argues, since the Directive is essentially based on existing provisions of international and EU law in the field of fundamental and human rights relevant to criminal proceedings, there is no discernible need for implementation in Austria. In sum, it was argued the Directive did not necessitate specific and additional measures to be transposed.

#### **The presumption of innocence and EU Directive 2016/343**

"Everyone charged with a criminal offence shall be presumed innocent until proven guilty according to law." European Convention on Human Rights: Article 6 (2) - Right to a fair trial.

The presumption of innocence is one of the most important fundamental principles of criminal proceedings and is recognized by most states through Article 11 of the Universal Declaration of Human Rights of the United Nations (1948; in short: ECHR). According to European standards, the presumption of innocence is based on two pillars. On the one hand in the ECHR mentioned above, on the other hand in Art. 48 of the Charter of Fundamental Rights of the European Union (presumption of innocence and rights of defence). Thus, the presumption of innocence is a human right. Only by its guarantee in a process and the associated reporting, a humane procedure can be spoken of.

Our analyses specifically focused on Article 2, 4 and 5 as stipulated by the EU Directive 2016/343 ("Directive on the strengthening of certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings").

It is of particular importance that, according to Article 2 of the directive, the presumption of innocence does not begin with an indictment or trial and does not end with the judgment, but only with the final judgment. Ultimately, there is usually the possibility of appeal proceedings. Therefore, in the analysis of newspaper articles, it was necessary to pay close attention to indications regarding the status of the proceedings.

Article 4 consists of two parts. On the one hand, authorities may not refer to defendants and suspects as if their guilt had already been proven. On the other hand, they may publicly disseminate “information on criminal proceedings where strictly necessary for reasons relating to the criminal investigation or the public interest” (EU Directive 2016/343, 2016, Art. 4, para. 3).

However, according to Villamarín López (2017), European case-law stresses that this should be accomplished with discretion, respect and proportionality so that the public does not conclude, based on that information, that the person is guilty.

Furthermore, according to Article 5, authorities may not use "physical coercive measures", i.e. handcuffs, glass cases, convict clothing, unless this is necessary for safety reasons. Various factors must be taken into account, such as the person's name, the significance of the trial, the age of the accused, previous convictions. Article 5 is relevant here because in the course of the appearance of the accused, as in the courtroom, both an effect on the judges and a media effect on the public must be assumed (Villamarín López, 2017).

The §8 StPO Unschuldsvermutung – Strafprozeßordnung 1975 (code of criminal procedure – abbreviated: StPO) is the main legal source within Austrian law of the presumption of innocence: "Everyone shall be presumed innocent until finally convicted." The presumption of innocence means that a person suspected of or charged with a criminal offence is not guilty until confirmed by the court of the last instance. Since suspicions can also often turn out to be false, one should refrain from convicting anyone before there has been a judicial sentence.

The Protection of the presumption of innocence is also regulated in the Media Law by **§ 7b MedienG (Media Act) Schutz der Unschuldsvermutung**

§ 7b. (1) If in any medium a person suspected of having committed an offence punishable by the courts but not yet finally convicted, is presented as having already been found guilty or as author of such punishable offence and not only as suspect, the person affected is entitled to claim indemnity from the media owner for the injury suffered. The indemnity must not exceed 20,000 euros, in addition § 6 second sentence shall be applied.

(2) No claims under para 1 may be raised

1. in cases of a true report on a hearing in a public session of the National Council, the Federal Council, the Federal Assembly, a Provincial Parliament or any committee of the above general bodies of representation,
2. if it concerns a true report on a penal sentence in first instance and includes the mention that the sentence is not final,
3. if the person affected has admitted and not withdrawn a statement made in public or to medium representatives, of having committed the offence,
4. if it was a live broadcast and employees or agents of the broadcaster were not guilty of neglecting the journalistic diligence required,

- 4a. if it concerns the availability for download of a website, provided that the media owner or one of his employees or agents has not failed to use due care, or
5. if it is a case of a true quotation of the statement of a third party and the public had a predominant interest in obtaining knowledge of the statement quoted.

Media coverage of crime in Austria is also permitted and protected by Article 10 of the European Convention on Human Rights (ECHR), which is indirectly part of the Austrian legal framework, because the ECHR is of constitutional rank in Austria (Berka, 2018, Rz 1172ff).

Article 10 ECHR - Freedom of expression:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Relevant jurisprudence of the European Court of Human Rights (ECtHR) is the Case of Schwabe v Austria (Application no. 13704/88) which will be explained in detail below.

Furthermore, the mentioned article 10 of the ECHR, and in particular paragraph (1) thereof, guarantees freedom of expression, as well as freedom of the press and the media, and thus constitutes one of the main pillars of democracy. At the national level, i.e. in the constitutional law on the General Rights of Citizens (abbreviated: StGG), the freedom of the press and freedom of expression are both stipulated by Article 13 StGG, which came into force in 1867. Concerning freedom of the press, Austria ranks 11th out of 180 countries analysed. The "Ranking List of Freedom of the Press" compiled by the NGO Reporters Without Borders (2018a; 2018b) is regarded as "one of the best instruments for recording freedom of information and freedom of the press in a region". The organisation explicitly points out that this index cannot be used as a yardstick for assessing the quality of journalism, which depends on different legal frameworks.

### **Right to honour and privacy**

Public opinion about crime and criminals is strongly influenced by the media, as media, on the one hand, construct reality, but on the other hand, offer their readership an information framework to construct representations of the world in which they live. These frames are

often disproportionate to the actual course of events (Collins, 2016). In this context, the protection of personal honour and privacy of accused and accused persons is of utmost importance.

The right to honour belongs to the recognized rights of §16 Austrian Civil Code (abbreviated: ABGB) and is considered a basic right. In particular, insults of honour (§1330 ABGB), such as accusations of character and conduct (§111 Criminal Code: defamation), are not permitted.

The protection of privacy is also safeguarded by §16 ABGB and extended by the special provisions of §§ 7 (violation of the most personal area of life), 7a (protection from disclosure of identity in special cases) and 7c (protection from prohibited publication) of the Media Act. As a result, media owners must compensate those affected for the offences they have suffered. In particular, the protection against disclosure of identity (§7a Media Act) is important, since naming the name in connection with a crime can cause lasting damage to the reputation of society, even if the media point to the fact that the person is accused and not convicted (Preschany, 2016). Above all, the name of the accused person, pictures, as well as any information with which the identity can be inferred must be protected. There is a danger that media recipients will establish a long-lasting cognitive connection between the alleged offence and the accused person (Preschany, 2016). This would be blatant in the case of a false accusation, but also undesirable for convicted persons. There would, therefore, be no real chance of resocialisation, a right to which all offenders are entitled. Besides, the public interest in a particular case diminishes. The readers may not even notice if a person has been exonerated. However, stigmatisation would remain, which could lead to social exclusion (Preschany, 2016). However, it turns out that this can lead to legal tensions concerning freedom of expression.

The case mentioned above of Schwabe v. Austria can be cited here as an example with regards to the Austrian relevance of the ECHR and the jurisprudence of the ECtHR. Mr Schwabe had written a press release, which was then also published in a magazine in which he referred to a previous court conviction of a deputy provincial governor for a serious traffic offence and compared this case with that of a mayor who did not want to resign from his political office despite a conviction for drunk driving. The press report criticized the state governor who had attacked the mayor. In September 1986, he was sentenced to a fine for accusations of an already dismissed criminal offence (§ 113 of the Criminal Code) and defamation (§ 111 of the Criminal Code).

An appeal against the verdict was unsuccessful so that the European Court of Human Rights issued the following verdict in the final instance in August 1992. The conviction of the complainant constitutes an encroachment on the right to freedom of expression according to Article 10 ECHR. This interference was permitted by law and was aimed at the legitimate objective of protecting the reputation or rights of others. It was, therefore, a violation of Art. 10 ECHR by the Austrian courts. The decisive factor here was that the governor was a politician, i.e. a person of public interest.

However, in journalistic practice, it is common that the sentence "The presumption of innocence applies" is added to each news piece. To this end, the Highest Court (OGH) made in 2010 clear that the mere reference to the presumption of innocence can indeed invoke a reverse effect. In concrete terms, the Supreme Court also came across the reference in an

article according to which the publisher Fellner is "presumed innocent". The purpose of this article is to place Fellner in a criminal context (although the debt of money in itself is not punishable by law). Especially the readers of a tabloid were accustomed to reading this reference "in connection with an alleged punishable behaviour, and not infrequently in places where the author rather wants to say the opposite", stressed the Supreme Court (4 Ob 64/10f).

Furthermore, the changes in the media landscape and consumption are causing additional problems. Although it seems as if reporting is more short-lived and faster, articles are usually stored longer online. All this makes it difficult to protect the identity of accused persons and must, therefore, be given special consideration.

At this point, we would like to briefly point out the concept of the "right to be forgotten".

It is not so much a right as an idea that personal data should be removed from the Internet after a certain period. The central question that should be decisive for the assessment is whether there is a legitimate public interest in this data. The expected answer to this question must by no means be a simple "yes".

In the context of crime reporting, the right to be forgotten is particularly interesting because it can lead to a strengthening of the personal rights of defendants and accused persons. In particular, as a long-term protection mechanism, it can prevent persistent stigmatisation. Even if this concept has not been explicitly reflected in an EU legislative text, the 2018 data protection basic regulation (GDPR), directly applicable in all member states, can be regarded as one of the first steps in the direction of manifesting the "right to be forgotten". Article 17 ("Right to erasure ("right to be forgotten)") regulates deletion rights and obligations. It remains to be seen whether efforts will lead to a more far-reaching normative anchoring of the right to be forgotten.

Although the right to one's image also falls under the protection of identity, in Austria it is primarily regulated by the Copyright Act (abbreviated: UrhG). §78 UrhG protects the own image of a person. Without the consent of the person concerned, this may neither be publicly shown nor made accessible to the public in any other way if the interests of the person depicted or - in the case of deceased persons - of their relatives are thereby violated. This law is interesting for this research report because, on the one hand, the media may not publish images that are not following the legal framework mentioned above, and on the other hand persons may not be portrayed as guilty.

### **The principle of the public in criminal proceedings**

All criminal proceedings in Austria - except for juvenile criminal cases and a few offences under private law - are public. This is derived and justified on the one hand from Article 6 (1) ECHR, and Article 90 (1) Constitutional law with the right to a fair trial, which is to be guaranteed by the public as a control body of the jurisdiction. On the other hand, the legitimate interest of the public, which in principle exists in cases of moderate and severe crime cases as well as trials against accused persons already publicly known, e.g. celebrities, also speaks for the public of proceedings.

In addition to the exceptions mentioned above, the exclusion of the public may also be carried out by the court or at the request of one of the parties involved. In §229 (1) of the Code of Criminal Procedure (abbreviated: StPO), three possible reasons are given for this:

1. "endangering public order or national security" or
2. statements concerning the "personal life or secret of an accused, victim, witness or third party".
3. protection of the identity of witnesses.

However, according to §229 (4) StPO, the pronouncement of judgement must always be public. Photos and video recordings of accused persons in the courtroom or generally in the courthouse are subject to the domestic law of the judge.

## 2. Self-regulation and ethical codes in Austria

The "Code of Ethics for the Austrian Press" contains the rules for the daily work of the journalists of print media in Austria. Compliance is monitored by the Austrian Press Council, which has also set this up. These rules aim to ensure the preservation of journalistic professional ethics (Österreichischer Presserat, 2013).

Journalism requires freedom and responsibility, and journalists have a special responsibility for the freedom of the mass media, without which democracy would not be possible. Above all, chief editors in the editorial offices contribute particularly to this. Their task is to ensure consistent adherence to the principles of journalistic work in its editorial offices (Österreichischer Presserat, 2013).

The Austrian Press Council offers the opportunity for a permanent voluntary self-monitoring. It describes itself as a platform for all those who profess a truthfulness and correctness commitment to the use of press freedom and willing to have it checked by the Press Council in specific cases (Österreichischer Presserat, 2013).

The Code of Ethics has been prepared by the Austrian Press Council for all persons involved in the providing, distribution and commenting of news in newspaper companies. It is important to emphasize that this is not binding legislation but a set of principles. This is extended if necessary or can be interpreted as a guideline. They are valid for any person with editorial responsibility. If the Austrian Press Council concludes that a medium has not adhered to the code of honour, although it has agreed to do so, this medium is obliged to publish the conclusion of the Austrian Press Council (Österreichischer Presserat, 2013).

The current version of the code of honour dated 02.12.2013 contains the following relevant points (Österreichischer Presserat, 2013):

1. Freedom of the press, which may be restricted only based on voluntary self-restraint concerning the provisions of the code of honour
2. Accuracy concerning research and reproduction, accusations, obtaining statements, voluntary corrections, and if there is an important judicial or administrative decision in an investigation, shall be reported reasonably.
3. The guaranty of the protection of personality and the dignity of each person. By this, it is meant that personal defamation, ridicule or denigration violate the journalistic

ethos. Moreover, human lives should not be jeopardized by journalistic coverage if they can be identified because of it.

4. The privacy of every human being is protected generally, especially children whose protection has priority over the news value.
5. Protection against general disparagement, general suspicion and discrimination of a person or groups of persons. This applies, for example, to discrimination based on gender or sexuality, but also to religious teachings or recognized churches and religious communities.
6. The public interest includes dealing with persons in public life, reporting serious crimes, protecting public safety or health, or preventing misleading the public, as well as publishing photos; which have arisen under disregard of the sphere of the imprinted person (s).

The organisations behind the project of the Austrian Press Council are the Journalists' Union in the Union of Salaried Employees, printing, journalism, paper (in German: Gewerkschaft der Privatangestellten, Druck, Journalismus, Papier/GPA-djp), the Austrian Newspaper Association (Verband Österreichischer Zeitungen/VÖZ), the Austrian magazine specialized media association (Österreichische Zeitschriften-Fachmedienverband/ÖZV), the Association of Regional Media (Verband der Regionalmedien Österreichs/VRM) , the Association of Editors-in-Chief, as well as the Press Club Concordia (Presseclub Concordia/PCC) (GPA-djp, 2013). Anyone who feels violated by the coverage of a print medium or its equivalent online version may file a complaint against the Code of Ethics for the Austrian press. These complaints should be addressed directly to the Press Council and not to the medium (GPA-djp, 2013). The Press Council is set up on an operational and organizational level. At the organizational level, 14 members work together, five each from the union and the VÖZ, one each from the PCC, the VRM, the ÖZV and the association of editors-in-chief. The operational level, in turn, is divided into two senates, each composed of six journalists and one jurist. Besides, there is a contact point for complaints (Jaschke, 2010). The Austrian Press Council is often confronted with the criticism that it lacks meaningful regulatory powers. This is related to the fact that it cannot make legally binding judgments. Its competence is comparable to that of an arbitral tribunal. It cannot go to court and sue for punishable breaches of the Code of Ethics (Jaschke, 2010).

The media investigated in this research project – Der Standard, Die Presse, Österreich, Kurier, Falter, Profil and News – are part of the Austrian Press Council and committed to complying with the Code of Ethics for the Austrian Press. Heute Zeitung and Kronen Zeitung did not do this (Austrian Press Council, 2018a). Although they have generally not recognized the arbitration jurisdiction of the Press Council in a complaint procedure, they may submit to it on a case-by-case basis (Österreichische Presserat, 2018b).

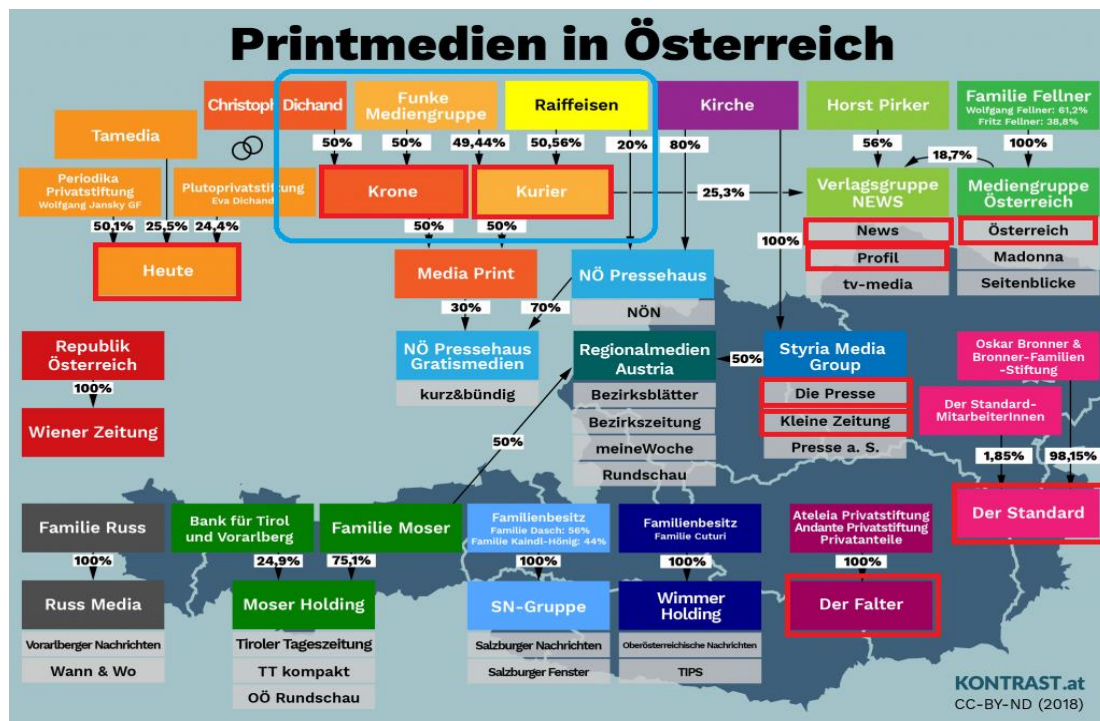
The research took place by using the databases of the University of Vienna, the Austrian National Library and in the library of the Arbeiterkammer.

### 3. The Austrian media landscape

The Austrian media system is assigned to the Northern European public service model (Blum, 2005). It is characterised by a dual broadcasting system, i.e. the existence of both public and private broadcasting, as well as media financing through the market (e.g. advertising revenues) and the state (e.g. broadcasting fees). Also, another reason why the term "public service" applies to the Austrian media landscape is because the media play a decisive role in forming opinions and, in the German-speaking world, the economic focus is more in the background than in other media systems – it can be therefore classified the local media systems as being user-oriented.

The most recent results of the Media Pluralism Monitor 2016 (Seethaler, Beaufort & Dopona, 2016), a Europe-wide study on media pluralism and concentration, summarise the dangers for/from media pluralism and independence from politics as mediocre. The categories examined included "basic protection" (36%, low risk; Freedom of opinion, media and information are enshrined in the Constitution, i.e. there is a ban on censorship), "market diversity" (34%, medium risk), "political independence" (53%, medium risk) and "social inclusion" (43%, medium risk).

Also, actors usually negotiate their ethical norms themselves, i.e. self-regulation is another characteristic of this media system (see chapter 2).



Source: Kontrast 2018 (added: red border = examined media / blue: media ownership concentration).

However, it should be borne in mind that in the various supervisory bodies of the Austrian Public Service Broadcasting (e.g. "ORF Stiftungsrat", etc.), party members or persons



belonging to a political party are usually or largely entitled to vote, so that political influence cannot be ruled out (Beck, 2012).

The Austrian media landscape is characterized by one of the highest press ownership concentrations in Europe. Almost all relevant newspapers have entered into entrepreneurial connections with one another, for example, Mediaprint (Kontrast, 2018, Steinmaurer, 2012). It is considered Austria's largest newspaper and magazine publisher and is a joint venture of Funke Mediengruppe from Germany, Raiffeisen Bank, and the Dichand family (Kontrast 2018). Mediaprint holds a dominant market position in the daily newspaper market with the tabloid daily newspaper Kronen Zeitung and Kurier, a hybrid form of quality and tabloid newspapers. According to Media-Analyse 2017/18, they achieve a combined reach of 35.4%. This corresponds to approx. 2.645 million daily readers. In Austria, approx. 63.3% of the population aged 14 and over come into contact with daily newspapers every day. Seen across Europe, Austria is well above the average (approx. 29%; Statista, 2017), so we can speak of a strong daily newspaper market. The local or regional newspaper market is not particularly pronounced compared to the national market - probably also because of the relatively small size of the country. One can, therefore, speak of a Viennese capital city press.

### **Sales figures of the Austrian media market**

According to an analysis of the media industries section of the newspaper Der Standard (2018), the ORF, the public service broadcaster, is the media provider with the highest revenues, with approx. EUR 1.039 billion. It thus dominates the TV, radio and online information market in Austria. Red Bull Media House is the strongest private media organisation, with an estimated turnover of 520 million euros in 2017. The other places are taken by Mediaprint (investigated in our study: Kronen Zeitung, Kurier) with approx. 428.5 million euros, Styria Media Group (Die Presse) with approx. 309 million euros and ProSiebenSat.1Puls4 (here: Puls4), a subsidiary of the German ProSiebenSat.1, with an estimated 175 million euros in annual turnover.

The national news and press agency in Austria is the Austria Press Agency (APA) is organised as a cooperative and is owned by the Public Service Broadcaster ORF (45.6%) and some Austrian daily newspapers (e.g. Styria Media Group: 10.9%; Kurier: 10.4%; Der Standard: 3.5%). The most widely read newspaper, the Kronen Zeitung, does not participate in the APA. APA has a large number of subsidiaries. According to its self-description, it works in the fields of a news agency, information management systems and technology.

In summary, it can be said that a strong dominance of tabloid journalism prevails. Since the publications of this media genre are often available free of charge, i.e. go hand in hand with low-threshold financial barriers, they possess a decisive competitive advantage which, in connection with the ownership structure, holds a considerable risk potential. Besides, the question should also be raised as to the extent to which these business models can guarantee independent reporting. Especially against the background of the growing field of litigation PR, this question seems indispensable.

On the other hand, public service broadcasting is much stronger than in Germany, for example. However, as the results in the findings section show, the volume of crime reporting in ORF is rather low. This means that while ORF and tabloid journalism have approximately the same daily reach, the proportion of crime coverage in tabloid journalism is much higher.

#### 4. Choosing the selected media outlets: media trust in Austria and audience reach

Before this section presents the criteria and key figures for the selection of the individual types of media and press products, it must be said beforehand what meaning media have in the everyday life of Austrians. The authors concentrate on two aspects to answering this question. On the one hand, there are the reach figures to be mentioned in the further course of this chapter, but on the other hand, there is also the concept of media trust. The European Commission regularly investigates this concept within the framework of Eurobarometer studies with a sample of 1,000 people per country throughout Europe. On a European average, 40% of respondents trust the media, while 56% distrust them. For Austria, these values are 48% and 49% respectively (Standard Eurobarometer 89, 2018). This means that Austrians believe their media more than the EU average.

Looking at the EU averages of the previous survey (confidence: 34%; mistrust: 61%), it can be concluded that Europeans increasingly trust their media. In the same study, confidence in different types of media was surveyed. 64% of the Austrian respondents trusted television media (EU average: 51%), 61% trusted print media (EU: 47%) and 43% (EU: 34%) trusted the Internet (Standard Eurobarometer 88, 2017). For Austria, the results of these studies indicate that the population trusts the media content. This makes it all the more important that they also comply with human rights and legal principles, such as the presumption of innocence.

Decisions regarding the criteria and selection of media categories and specific media products were made at different times in the first half of 2018 based on the specified methodology. In the following, the criteria and subsequently the data used for decision-making are briefly discussed.

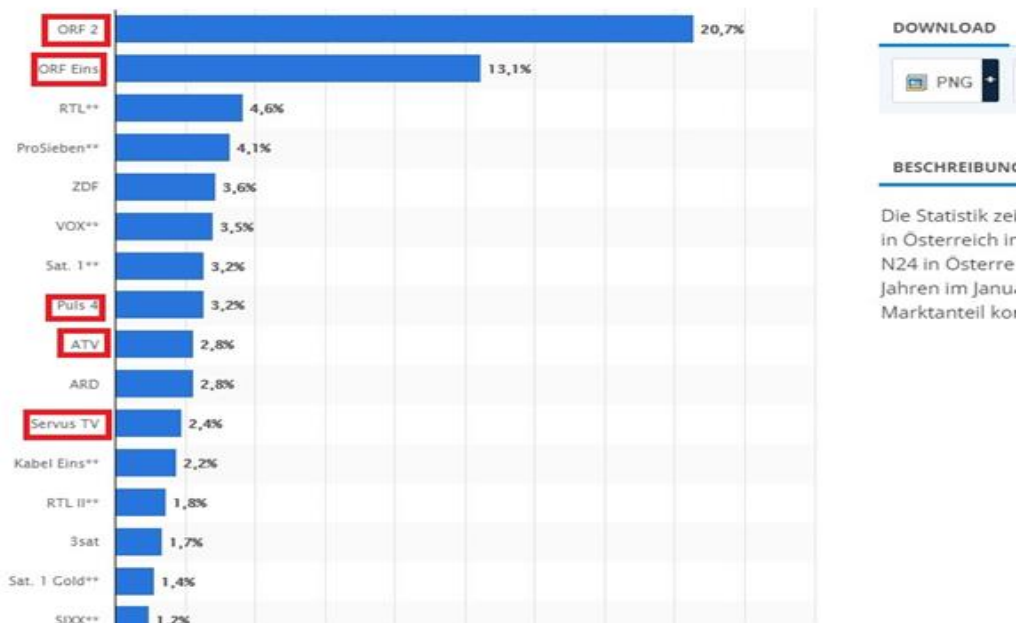
##### **Choice of the two television broadcasts**

According to AGTT / GfK Teletest (2017a/b; as cited by ORF Medienforschung), 65.3% of all persons aged 12 and over in Austria watched 186 minutes a day. The percentage of persons has remained roughly the same for ten years, whereas the TV usage time has increased by almost half an hour in the same period of 157 minutes.

The television offering in Austria consists of the public service broadcaster ORF (ORF Eins, ORF 2) and private broadcasters, which are mainly German broadcasters (including RTL, ProSieben, ZDF, VOX, Sat. 1, ARD) or Austrian broadcasters in German ownership (Puls4, ATV). One exception is Servus TV, which belongs to Red Bull Media House.

This study aimed to examine two Austrian channels, one public service and one private.

## Marktanteile der Fernsehsender in Österreich im Februar 2018



Source: AGTT (2018; cited by Statista 2018)

### Selection of the news program in public broadcasting

The exemplary data given are from Wednesday, 07.03.2018 - a random sample of several. "Zeit im Bild" (ZiB) is the name of the ORF television news programmes.

Ø ORF Eins (13.1%)

(Note: no "ZiB" was sent at lunchtime)

Time	Name	Average audience range (DRW) in percent	DRW in thousand	market share
18:00	ZiB Flash (ca. 3 Min.)	1%	43	3%
19:45	ZiB Magazin (ca. 10 Min.)	2%	153	6%
20:00	ZiB 20 (ca. 8 Min.)	2%	183	7%
21:30	ZiB Flash (ca. 3 Min.)	5%	380	13%

based on AGTT / GfK Teletest from 07.03.2018; retrieved from the ORF website (<https://der.orf.at/medienforschung/fernsehen/tvquotenaktuell/index.html>)

Ø ORF 2 (20,7%)

Time	Name	Average range (DRW) in percent	DRW in thousand	market share
13:00	ZiB (ca. 10-15 Min.)	3%	250	30%
<b>19:30</b>	<b>ZiB 1 (ca. 15-20 Min.)</b>	<b>15%</b>	<b>1.103</b>	<b>42%</b>
20:00	ZiB 2 (ca. 20-30 Min.)	7%	504	20%

based on AGTT / GfK Teletest from 07.03.2018; retrieved from the ORF website (<https://der.orf.at/medienforschung/fernsehen/tvquotenaktuell/index.html>)

It turned out that the news programme ZiB 1 at 19:30 in ORF 2 with an average reach of 15% is far above other comparable programmes in ORF Eins and ORF 2 and reaches a market share of 42% across all channels. This means that 1.103 million of 8.882 million inhabitants in Austria (Statistik Austria, 2018) consume ORF news daily.

### Selection of the news program on private radio

Puls 4 (market share: 3.2% / private: ProSiebenSat.1 Media SE - Unterföhring b. Munich, DE)

"Puls 4 News" are broadcasted at 18:45 and 20:00 for about 15 minutes each.

The following data are from Wed, 07.03.2018. These are the two programs with the widest coverage of the entire Puls 4 program on this day.

Time	Name	Average range (DRW) in percent	DRW in thousand	market share
<b>18:45</b>	<b>Puls 4 News</b>	<b>k.A.</b>	<b>33</b>	<b>5,4%</b>
20:00	Puls 4 News	k.A.	25	2,4%

based on AGTT / GfK Teletest from 07.03.2018; retrieved from the Puls4 website ([http://www.prosiebensat1puls4.com/content/71/rw\\_hitliste.php?sender=4&bereich=aktuelle\\_daten&session=](http://www.prosiebensat1puls4.com/content/71/rw_hitliste.php?sender=4&bereich=aktuelle_daten&session=))

ATV (market share: 2.8% / private: ProSiebenSat.1 Media SE - Unterföhring b. Munich, DE)

"ATV Aktuell" will be broadcast: Monday to Friday: [17:20,] 18:20 (about 5 minutes) and 19:20 (about 10 minutes).

Sat, Sun and public holidays: 19:20 (approx. 10 min.).

No current quotas were and are publicly available. Therefore, the decision was made in favour of Puls4, the station with a greater range.

### **Selection of daily newspapers**

The selection of the daily newspapers was based on the criteria of the given methodology. The main criterion was the national distribution. In Austria, this applies to the Kronen Zeitung, Heute (available for free), Kurier, Der Standard, Österreich (available for free) and Die Presse, all of which were analysed on a total of 14 previously defined days in June, July and September. Also, after the second sampling day, it was decided that not only the four online media not related to a print medium would be analysed, but also the online versions of the daily newspapers. In the following, the above-mentioned press products will be described using the most recent Media Analysis Study 2017/18 (survey period July 2017 - July 2018).

The most read daily newspaper in Austria, the Kronen Zeitung, is read - as already mentioned - by 28% of the population. It can be attributed to the genre of tabloid journalism. Interesting from a communication science point-of-view is the fact that this publication has the largest readership in all age groups, all classes, all household incomes and all educational qualifications. However, especially in the age groups 60-69 (41.3%), 70 or older (38.1%), and 50-59 (33.5%), it dominates the market. In terms of household income, the Kronen Zeitung is around 25-30% in all categories. Only in terms of educational attainment can it be seen that the newspaper is received overly proportionally by less educated people: Primary/secondary school: 29.4% compared to university/university of applied sciences: 12.9%. The online version of the Kronen Zeitung is received by 38% of the Austrian population. Half of the Kronen Zeitung is owned by Hans Dichand and his family. The other half was owned by the German Funke Mediengruppe. The latter recently sold half of its shares in its Austrian subsidiary to Signa Holding, which is run by the Austrian real estate billionaire Rene Benko and is said to have the best connections to the government (Die Presse, 2017).

Through a private foundation, Hans Dichand's wife Eva Dichand is involved with about a quarter in the second most read daily newspaper Heute. It is also a tabloid newspaper which is read by 12.1% of the population nationwide. This printed product is also consumed almost equally by all age groups, social classes, etc. The online version of Heute is received by 35.6% of the Austrian population. It should be emphasised that Heute is a so-called free newspaper, which is financed to a large extent by advertising circuits. It has its highest pro rata circulation in Vienna. There it is the most read newspaper - even before the Kronen Zeitung. It is distributed via removal devices at the entrances to the Vienna subway.

The daily newspaper Kurier is regarded as a so-called mid-market newspaper, i.e. a hybrid of quality and tabloid press, and is read by 7.4% of the population over the age of 14. Interestingly, the proportion of readers increases with age. Thus, it is the most read newspaper among the 60-69, as well as over 70-year-olds. The online version of the Kurier is

received by 30.9% of the Austrian population. Half of the Kurier also belongs to Funke Mediengruppe, while the other half is owned by Raiffeisen-Bank compared to the Krone. The Kurier also belongs to Funke Mediengruppe and Signa Holding (25% each). The other 50% belong to Raiffeisen Bank. Kurier holds 50% of the shares in Mediaprint, as well as about a quarter of the publishing group NEWS, which publishes the weekly outlets News and Profil, which was also examined in the scope of this study.

Mediengruppe Österreich also holds shares in these two periodicals through its 18.7% stake in Verlagsgruppe NEWS. It also publishes the Austrian tabloid, which is read by 6.3% of the population. The online version of Austria, OE24.at, is read by 27.6% of the Austrian population. This newspaper also has a disproportionately high proportion of readers in Vienna. Since Austria is also distributed free of charge on local public transport or is available for free removal, this is not necessarily unexpected.

The two quality newspapers examined, Der Standard (7% reach) and Die Presse (4.5%), are more in demand among highly educated people with higher household incomes. The online version of Der Standard is read by 39% of the Austrian population, the online version of Die Presse by 23.6%. Both newspapers are read more in the Vienna area than in rural areas. In comparison to others, the ownership of both periodicals is low and clear. The press belongs to the Styria Media Group, which is 100% owned by the church and is strongly represented in the field of regional newspapers. The standard, on the other hand, belongs almost entirely to a private family foundation and 1.85% to the newspaper's employees.

### **Selection of online media**

For online media, the main criteria for their selection were that they should not be associated with a print medium. Thus, different large and well-known Austrian online media were included in the analysis.

The relatively new online medium Addendum did not go online until September 2017. Behind this is Quo Vadis Veritas Redaktions GmbH, which is funded by the Quo Vadis Veritas Stiftung (Addendum, 2018). Since Addendum does not communicate any access data these are not known.

Like Addendum, Dossier also operates independent data and research journalism and is freely accessible. The owner and publisher are Dossier GmbH, based in Vienna (Dossier, 2018). To ensure independence, the website is ad-free and is not supported by press promotion (ibid.). But there is the possibility to support the journalistic work by a membership, whose contribution in the year concerns at least 52 euro (ibid.). Also, Dossier's traffic figures are not known. The third online medium was the website Unzensuriert.at. This is a self-contained medium, but openly referred to as biased, and is assigned to the right wing. This is also noticeable in the reporting. It is published by the 1848 Medienvielfalt Verlags GmbH (Unzensuriert, 2012). Again, no access data is published. Vienna.at was the last online medium to be examined. The medium belongs to the Russmedia Digital GmbH (Vienna.at, 2018a). According to self-reports, this is the largest city portal of Vienna with a focus on information about the city, lifestyle news, and what moves the city (Russmedia, 2018). According to media analysis, the website is visited by 7.3% of Austrians (2018).

## 5. Keywords for the identification of the relevant analysis units

The articles were collected electronically using a media database (APA OnlineManager) electronically. Therefore, the following keywords were used.

English: "police", "court", "prosecution", "criminal offense", "investigation", "authorities", "lawyer", "suspicion", "crime", "suspect", "defendant", "accused", "criminal case", "delict", "charged", "arrested".

German adoption: "Polizei", "Gericht", "Anklage", "Straftat", "Ermittlung", "Behörde", "Anwalt", "Verdacht", "Verbrechen", "Verdächtig", "Angeklagte", "Beschuldigt", "Strafverfahren", "Vergehen", "Delikt".

We noticed that some German words have several distinct meanings. For example, the word for "court" can be used both in the context of justice and nutrition. For this reason, the results had to be cleaned up and manually adjusted. As a result, the female and male expressions, e.g. "Anwalt" (male lawyer) and "Anwältin" (female lawyer), had to be included.

## 6. Texts selected

A total of six Austrian daily newspapers (Der Standard, Österreich, Heute, Die Presse, Kurier und Kronen Zeitung), three Austrian weekly newspapers (Falter, Profil und News) and the news programmes Zeit im Bild 1 (ORF 2) and Puls 4 News (Puls 4) were examined. During the sampling period, in addition to the print media and news programmes, the online versions of the six daily newspapers and four online media that are not connected to a print medium were added. These are the four high-circulation media Vienna.at, Unzensuriert.at, Addendum.com and Dossier.at. The latter two were no longer included in the analysis after the fifth sampling day, as no articles were matching the criteria of the research project. These two media do not have the concept of daily reporting but focus on reports that emerge over a longer period.

At the end of the 14 sampling days, a total of 22 media contributions were selected for the subsequent content analysis. It was important for the selection of the articles that all should contain at least 50 words. This number was exceeded for all selected articles. Besides, the articles were checked for the following filters, at least one of which had to be applicable:

1. Explicit reference to ethnicity, religion, political status or citizenship
2. Explicit reference to guilt or innocence or prior convictions
3. Explicit reference to cooperation with the authorities, explicit references to confessions or denial of guilt
4. Visual representation of severe restraining measures (e.g. handcuffs), guards, lawyers, representation from unfavourable angles, strange facial expressions, shoes without laces, close-up of the face, presence of the police, or even the accused or the accused as aggressive, dangerous, threatening, repulsive, hot-tempered or as a "hooligan".
5. Stories that are reported in more than 2-3 media

Decisive here was not the entire article or the entire TV program. For the selection of the articles, only the headline and the lead paragraph of the article were decisive, with the television contributions the intro commentary.

This resulted in the following articles or news items coded for the analysis:

### Daily newspapers:

Österreich: "fugitive sex offender caught in Bavaria" („Flüchtiger Sex-Täter in Bayern gefasst“)

- Reference to ethnicity
- Refugee context
- Reporting in more than 2-3 media
- Status during reporting: before trial

Österreich: "Father raped 27-year-old" („Familienvater vergewaltigt 27-jährige“)

- Reference to the ethnic group
- refugee context
- No presumption of innocence in reporting
- Note that this is the third refugee in a row in the context of a rape
- Status during reporting: before trial

Österreich: "Austro doctor kills mistress with cocaine" („Austro-Arzt tötet Geliebte mit Kokain“)

- No presumption of innocence in reporting
- Status during reporting: trial media coverage

Österreich: "Divorce: Husband attacks wife in bed" („Scheidung: Ehemann ging im Bett auf Noch-Gattin los“)

- No presumption of innocence in reporting
- Status during reporting: before trial

Österreich: "Brutal robber and sex offender caught" („Brutaler Räuber und Sex-Täter gefasst“)

- No presumption of innocence in reporting
- Visual representation of the suspected offender
- Status during reporting: before trial

Heute: "Man rampages in a supermarket, lost his dog during this" („Mann randaliert im Supermarkt, verliert seinen Hund dabei“)

- Interesting due to the visual representation
- Status during reporting: before trial

Kronen Zeitung: "journalist killers learned to kill in Vienna" („Journalistenkiller lernten Töten in Wien“)

- No presumption of innocence in reporting
- Visual representation of the suspected perpetrators



### Online versions of daily newspapers:

Heute.at: "17-year-old girl raped by a refugee" („17-jähriges Mädchen von Flüchtling vergewaltigt“)

- No presumption of innocence in reporting
- Reference to nationality
- Visual representation of the arrest
- Status during reporting: before trial

Heute.at: "Mexican is silent about the giant coup at Stubenring" („Mexikaner schweigt zu Riesencoup am Stubenring“)

- Reference to nationality
- Status during reporting: before trial

Krone.at: "Sex offender released twice during the trial" („Sextäter während Prozess zweimal freigelassen“)

- No presumption of innocence in reporting
- Reference to nationality
- Partly visual representation of the judge
- Reporting in more than 2-3 media
- Status during reporting: before trial

Krone.at: "Brutal passengers beat taxi driver to the hospital" („Brutale Fahrgäste prügeln Taxilenker ins Spital“)

- No presumption of innocence in reporting
- Condemning adjectives in the headline describing the suspected offender ("brutal")
- Status during reporting: before trial

Kurier.at: "Offender who escaped on roof arrested" („Auf Dach geflüchteter Straftäter festgenommen“)

- Reference to previous convictions/offences
- Visual representation of the suspected offender
- Reporting in more than 2-3 media
- Status during reporting: before trial

### Online media that are not related to a print medium:

Unzensuriert.at: "#Single case: Chechen junior criminals tried to blackmail protection money of host" („#Einzelfall Tschetschenische Nachwuchs-Kriminelle wollten von Wirt Schutzgeld erpressen“)

- Reference to nationality
- No presumption of innocence in the title
- The language used in reporting ("junior criminals", "played a moral guardian"/„Nachwuchs-Kriminelle", „Spielten sich [...] als Sittenwächter auf“)

- Part of a series of reports on criminal foreigners; further reports are directly under the article
- Ironically used "#single case" in the title to imply that it is not a single case when a crime is committed by foreigners, but that a lot of crimes are committed by them.
- Status during reporting: before trial

Unzensuriert.at: "#Single case: turned on Russian car thief wanted to ram Vienna police car" („#Einzelfall: Angetörnter russischer Autodieb wollte Wiener Polizeiauto rammen“)

- An indication of nationality in the title
- The article starts with assumptions about the nationality of the alleged car thief
- No presumption of innocence in the title
- Part of a series of reports on criminal foreigners; further reports are directly under the article
- Ironically used "#single case" in the title to imply that it is not a single case when a crime is committed by foreigners, but that a lot of crimes are committed by them.
- Status during reporting: before trial

Unzensuriert.at: "Graz: terror suspects must be released, Identitäre get monster process" („Graz: Terrorverdächtige müssen freigelassen werden, Identitäre bekommen Monsterprozess“)

- The article reports on two trials. It is important to notice the politically right orientation of the medium. On the one hand, there are reports of the trial of some members of the right-wing group "Identitarian Movement" (IB), on the other hand, the lawsuit of some presumptive Islamists whose charges have been dropped due to lack of evidence.
- The visual presentation of one of the defendants of the IB, Martin Sellner, together with other people. Picture caption that Graz is more likely to sue Austrians than Islamists.
- In the text, other Austrian media and their reporting are negatively evaluated ("mainstream media")
- The process of identities is called a "monster process"
- The language used in reporting
- Judgemental language about the legal system in Graz ("Absurdistan")
- The article describes the 14 alleged Islamists whose charges have been dropped as a threat to the public.
- The 17 IB members condemned for forming a criminal organization are described positively as non-violent patriots
- The article contains a statement by a right-wing politician who describes the freedmen as a danger for the public.
- A reference to an Islamist who is in prison, and who would have enjoyed the company of the 14 alleged Islamists, and to the fact that his family in Vienna are welfare recipients.

Vienna.at: "Parisian firefighter killed by what appears to be a maniac" („Pariser Feuerwehrmann von offenbar Wahnsinnigem getötet“)

- No presumption of innocence in reporting

- Headline contains a prejudice about the mental health of the alleged perpetrator ("apparently insane"/„offenbar Wahnsinniger“)
- Status during reporting: before trial

Vienna.at: "Woman publicly satisfied in a bar" („Frau öffentlich in Bar befriedigt")

- No presumption of innocence in reporting
- The article contains a visual representation of sexual acts
- Status during reporting: before a court case

### TV News items:

ZIB1: "Grasser sees his own role at BUWOG as small" („Grasser sieht eigene Rolle bei der BUWOG gering“)

- Example of exemplary trial media coverage

Puls 4 News: "BUWOG Process: Third questioning day for Grasser" („BUWOG-Prozess: Dritter Befragungstag für Grasser“)

- No presumption of innocence in reporting
- Visual representation of the suspected offender
- The language used in reporting
- Status during reporting: trial media coverage

Puls 4 News: "Process: killing spree in Vienna" („Prozess: Amoklauf in Wien“)

Puls 4 News: "Million fraud for luxury life" („Millionenbetrug für Luxusleben“)

- No presumption of innocence in reporting
- Visual representation of the suspected offender
- The language used in reporting

Puls 4 News: "Arrest on a rooftop: offender throws brick at police officers" („Festnahme auf Wohnungsdach: Straftäter wirft Ziegel auf Polizisten“)

- No presumption of innocence in reporting
- Visual representation of the suspected offender
- The language used in reporting
- Reference to previous convictions/offences

## 7. Analysis of the findings of Austrian crime reporting sorted by media genre

The analysis of Austrian media coverage of suspects and accused persons focused on the four media genres: printed daily newspapers, online news, weekly publications, and television news.

### Daily print media

During the analysis of the six nationwide Austrian daily newspapers, for two artificial weeks, i.e. 14 survey days, 2,577 reports were identified with the help of the APA-OnlineManager, the "largest media and specialist database in Austria" (APA, 2018), based on the above keywords. One report corresponds to one article. On each day, there was an average of 184 articles with occasional slight upward deviations, but also strong downward deviations. For example, on the day of the FIFA World Cup final, which also took place on a Sunday, i.e. a day of the week on which two of the six publications did not appear, only 122 criminal reports could be found. In a second step, these reports were filtered according to the identification criteria specified in the methodology. This enabled 283 relevant articles to be identified over the entire period. In the course of a complex and at this point not more detailed sampling procedure, seven articles could be used for a more in-depth analysis. These seven articles were on the one hand "most typical" cases in Austrian reporting, but also special worst-case examples. In the following, the results of this analysis thus refer to media reporting during the survey period in Austria.

All of the articles were reports on male suspects. It is characteristic for the analysed articles that the construction of guilt of the alleged perpetrators already takes place in the headline. This happens in some cases by shortening the accusation to a concise statement, e.g. in the title "Family man raped 27-year-old". In other cases, suspects are stylized by neologisms or composites ("sex offenders") and/or in combination with vivid, meaningful, strong adjectives, e.g. by the headline "Brutal robber and sex offender caught". This usually happens in the context of successful searches and arrests, but occasionally also in the context of background reports ("Journalist killers learned to kill in Vienna"), which remained the exception in the articles analysed in tabloid journalism.

Concerning the illustrations of the articles, similarities were also noticed. So-called symbolic images (e.g. of a woman crouching on the floor) can often be found, which have no direct connection to the accused offence but are supposed to contribute to a dramatisation in the sense of the sensationalisation or medialisation concept commonly used in communication science. As a modification of this, the journalistic integration of images of the scenes without reference to the deed could be discerned, which in the authors' opinion, however, should fulfil a special function. For example, in addition to an article on the severe accusation of rape, there are pictures of an idyllic landscape in which the rape allegedly took place. This seems to have been deliberately chosen to portray the abomination of this act and the perpetrator in a stronger and more contradictory way. Further images and their connection to the accused offence or the suspected offender can also be identified in the sense of a medialisation media logic. Examples include images of devastating crime scenes on accusations of burglary with subsequent sexual offence or images of the transport of the injured victim after a marital dispute. In summary, the authors conclude that the selection of images is also a mechanism

for constructing guilt through prejudgement. At this point, the authors recommend more in-depth image analyses as part of a follow-up study.

Looking at the entire text corpus of the newspaper articles examined, one can find various information about the alleged perpetrators, which can be summarised in the context of this qualitative content analysis under the category "Social status of the accused/defendant". These include in particular the mention of nationality ("Syrian", "Afghan", but also "Austro-doctor") or residence status ("serious suspicion against refugee"), as well as the mention of religious affiliation in the case of the Muslim faith. If known, criminal records are also mentioned. If the accused is an asylum seeker, the emphasis on the native nationality of the victim or the location of the incident in the context of similar acts committed by asylum seekers can be observed.

The article about the already mentioned "Austro-Doctor" could also be identified as an interesting case. This was an Austrian doctor living abroad, who abused several lovers and murdered one of them with an overdose of cocaine. Here are two pictures of the alleged perpetrator with pixelated faces. One of them shows him in a white doctor's coat, the other in a distinguished suit in the courtroom. The entire length of the article alludes to his social prestige by mentioning his professional activity. In the context of the accusation, this seems almost coincidental. Based on the described dimension of the category "social status" a medial construction of the other or otherness, of deviation from the norm can be determined with the help of the classical mechanisms of "othering".

Concerning linguistic styles, it was found that the accused offences are often described by pictorial language in the sense of a telling of experience (sequence of steps of the act). The following excerpt is only to be cited as an example: "After he had bound his victims with a cut-up kitchen apron, he attacked his daughter and tried to abuse her". Also, the accused act is often evaluated by strong adjectives with implicit evaluation ("brutally abused", "rude sex attack", "the robbery in St. Pölten was extremely brutal, caused fear in the surroundings").

When finally considering all categories and dimensions of crime reporting in the Austrian daily press and a review of the material, it becomes apparent that the guilt and portrayal of defendants and suspects are often constructed subtly and above all in a mixed manner. The correct use of the subjunctive, which can help to express a suspicion but not a fact in the German language, can be observed in numerous places. This would in and of itself be consistent with the principle of the presumption of innocence. Often the addition "The presumption of innocence." is added towards the end of an article. The question arises, however, as to whether it applies if the article contains numerous descriptions similar to those already mentioned, which construct concrete or subtle guilt and question the character of the accused persons.

### **Crime reporting in television news**

This study analysed two news programmes per collection day, one each in private and public broadcasting. Eight relevant contributions on ORF and eleven on puls4 were identified, of which a total of five were coded. Two of these contributions dealt with the so-called BUWOG trial and the statements of the former Austrian Minister of Finance Karl-Heinz Grassler, who is accused of having been involved in a bribery scandal in the course of the sale of state-owned

apartments. If one compares the ORF contribution to this with the one on puls4, the difference in the length of the contributions is striking. Thus the contribution in the public ORF lasts 01:34 minutes, while the one on puls4 with 42 seconds is only half as long and lacks analytical depth. Concerning the structure, it can be seen that ORF has a moderation which is sober and objective, but which, through a clever subjunctive construction of the interested audience, indicates that Mr Grasser's statement that he could no longer remember some of the events is in doubt. Moving images from the courtroom follow, followed by a statement by an ORF court reporter and an interview with Grasser's lawyer. By and large, the report appears well researched, allegations are adequately substantiated, and there is no discernible prejudgement. In contrast, the puls4 contribution is a short report without depth.

A relatively long contribution period can be observed with other puls4 programmes. For example, when reporting on an accused millionaire fraud, an outburst of rage with resistance against the state or a rampage. The language used and the dramaturgy also differs from ORF reporting on the one hand and puls4 reporting on Grasser on the other. The article about the first day of the trial of a suspected amok runner is presented with the words "[The] deed of the drug-addicted asylum seeker shocked the whole of Vienna". Three statements by the accused follow, which are written in white on a reddish background as a silent picture and spoken by a journalist. These are statements made by the defendant in which he states in court that he does not remember having committed the crime. The presentation of the statements, the moderation, as well as spoken comments, aim to cast massive doubt on the credibility of the accused. Afterwards, pictures of the spring crime scenes will be shown, including the façade of a restaurant with the comment: "Here begins the bloodlust of Jafar S.". It is, therefore, a clear prejudgement by the media.

Another article, about an incident in which an allegedly drugged person threw roof tiles at police officers, also contains pre-condemnations and sensationalist reporting. This is done, among other things, by interview contributions from residents and by fading in smartphone videos from witnesses.

In summary, it can be stated that a large part of the population in Austria is reached through TV news reports and daily newspaper articles. While there are relatively few reports on crime on television, however, this situation is contradictory in the daily press. Many articles can be found, but in both types of media there are prejudices - sometimes more subtle, sometimes more direct.

## **Online media**

### **Internet portals associated with the press**

In the online versions of the daily newspapers examined, it has been shown that the type of coverage is very similar to that of the print versions. The higher the quality of the print medium, the higher the quality of the online edition. In the case of the online articles included in the analysis, it must be emphasized that these are only worst-case articles, and this does not suggest a general picture of the Austrian online media.

With the online version of the Heute newspaper, it can not be generalised whether the presumption of innocence is fulfilled or not. This varies depending on the article and both cases have occurred. In general, one should not forget in the analysis that this is a boulevard medium based on lurid journalism. An attempt is made to gain articles through additional information such as the nationality of the (alleged) criminals, pictures and videos and a language typical of tabloid journalism. If no photos of actual participants can be found, symbol images are used, which is added as hardly visible information.

These patterns can also be found in the online version of the Kronen Zeitung. Nationalities and prejudicial adjectives are part of reporting as opposed to a consistent offspring of the presumption of innocence.

The online version of the Kurier has also revealed this picture. Again, a focus on a visual representation of the (alleged) criminals, a prejudice by the language used and a lack of presumption of innocence.

### **Internet portals not associated with the press**

As mentioned in Chapter 6, at the beginning of the sampling phase, four online portals that are not associated with a print medium were included. Already on the first sampling day, however, it has become apparent that there is probably no material to be found on Dossier or Addendum. Both websites are investigative research platforms that are less concerned with day-to-day events. It is true that the two media regularly report on court cases or crimes, but in the form of broad-based reports that are published at irregular intervals. Since it was repeated up to and including the fifth sampling day, and no matching articles were published on Addendum and Dossier, it was decided not to include them in the sampling process, and therefore not in the analysis. More successful was the search for articles at vienna.at and Unzensuriert. In the Unzensuriert platform, the politically right-wing orientation is visible in the coverage. Above all, the ironic use of the hashtag #individual case in reporting on crime among foreigners points out. Here, Unzensuriert wants their readers to focus on the fact that immigration does not enrich society, but above all most crimes are committed by migrants. Through a collection of own and foreign articles on crime among migrants without a comparison of crime by Austrians, a distorted picture emerges. Here, if known, the nationalities are named, and if not, conjectures are made about them. Also, there is prejudice by the medium, the duty of preserving the presumption of innocence is not complied with. The bias of Unzensuriert is clearly shown in the article on the trials of members of the extreme right-wing Identitäre Bewegung in Graz, which is juxtaposed with the trial of suspected terrorist suspects. Unzensuriert is positioning itself on the side of the Identitären condemned for forming a criminal organization and against the acquitted Muslim men. Besides, the text degrades the Austrian "mainstream media" as well as the legal system in Graz. This is done by a very figurative, prejudicial choice of words ("Absurdistan"). The medium vienna.at sees itself as a city portal, a large part of the articles deals with crimes committed in Vienna and Austria. Again, in most of the articles, there is no presumption of innocence in the reporting. Although there is no direct political line at vienna.at, the reporting is not about quality journalism but tabloid-style journalism. This is reflected both in the language, as well as the topic selection. With this it comes to highlighting of the nationality of the (alleged) perpetrators, the partly very judgmental language and the presentation of the articles.

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