Re-regulation of the print media: implications on press freedom

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Published in: Abstracts: The Constitution of the Public Sphere: the post-Leveson Landscape: WG Hart Legal Workshop 2013

Citation for published version (APA):
The Constitution of the Public Sphere: The Post-Leveson Landscape

ABSTRACTS
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Despite the application of neo-liberalist principles and a trend towards deregulation of the audiovisual media, there has been a marked trend towards stricter regulation of the print media in recent years, as reflected in the jurisprudence of the European Court of Human Rights and reports on freedom of the press such as the Leveson report, Australian reports on media regulation and the report of the New Zealand Law Reform Commission on the ‘new media’.

This paper will provide an examination of the ECtHR’s restrictive trends on press freedom, which may be a reaction to the increasingly sensationalist and privacy intrusive activities of the media, which have come to light in particular during the Leveson Inquiry. In Stoll, the Grand Chamber cited the powerful influence of the media of the twenty-first century on public opinion as a reason for an increased need to “monitor” compliance with journalistic standards and as justification for a more limited interpretation of freedom of the press. This appears to be in stark contrast with the Court’s reasoning in the subsequent case of Times Newspaper Ltd v UK in which the ECtHR acknowledges the vital role played by the new media, particularly the internet, in making news and information available to the public. In this case the ECtHR referred to the vital function of the internet in twenty-first century democratic society as an addition to the traditional ‘public watchdog’ role of the press. This could indicate that the Court has seen the error of its ways in Stoll and is now returning to normal course.

The Leveson report, Austral reports and New Zealand Law Reform Commission report have all recommended stricter regulation of the print media through, for example, the inclusion of the state as a regulatory actor. Self-regulatory press councils have been widely criticised as weak in that they rely on full co-operation from their members in order to enforce their sanctions. As such, questions have arisen regarding the introduction of backup powers if press council members fail to comply with press council decisions. This paper will consider the pros and cons of the introduction of such measures and the implications of stricter regulation of the print media on press freedom.