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William Horsley, UK Chairman, Association of European Journalists (www.aej.org) and International Director, Centre for Freedom of the Media, University of Sheffield (www.cfom.org.uk)

OUTLINE OF PRESENTATION: The Autonomy of the Media Sphere: the Case of Britain

1 The UK as a test case for media independence in Europe

The UK is unusual among European countries in having an exceptionally vigorous and diverse media. It is also now a test case for the rest of Europe because it is a battleground in the struggles which affect the media in all of Europe, for press freedom and independence, for effective self-regulation which can maintain the trust of the public, and for the survival of high quality media in the age of the Internet.

Britain has some of the world's most respected media, including the BBC, the Financial Times and the Economist magazine; also some of the most rude, intrusive and unscrupulous journalism in its tabloid newspapers. In TV, newspapers and online the UK media are highly competitive and innovative: the UK has ten national daily newspapers, more than the US or Germany.

The ability of the British press to investigate and report in the public interest has been greatly helped by the Freedom of Information Act which was enacted in 2000; but the press has also had to work under two disadvantages -- namely the harsh libel laws, which have long been weighted in favour of the wealthy and powerful (but have recently been reformed), and by the Official Secrets Act and some other restrictive laws which can make it hard to challenge the government in matters concerning national security and excessive state secrecy.

Despite those laws, the British media has enjoyed a favourable environment. That is because they have had a system of self-regulation which allowed them to keep their independence, and their ability to play the part of 'public watchdog' more effectively than the media in many other parts of Europe. The main components of that self-regulation are the Press Council known as the Press Complaints Commission, which established an excellent Editors Code for standards in newspaper journalism, and the special rules which apply to the BBC and indeed to all broadcasting

channels in Britain, which require impartiality in political matters and which have been rather effective in ensuring standards and quality.

But recently the Prime Minister David Cameron announced that the Press Complaints Commission must be replaced by a tougher press regulator. The existing body proved to be too weak to prevent unethical and even illegal behaviour by some newspapers. And the press has been shamed in the eyes of the public by the shocking behaviour of those newspapers. Now all three of Britain's main political parties have united in the desire to establish a stern new system of press regulation.

2 Shocking press behaviour has been accompanied by a decline of public trust in other national institutions in Britain

The example of press intrusion which most shocked the public came to light in 2011 and involved an ordinary teenaged girl. Nine years before, in 2001, a 13-year-old British girl, Millie Dowler, was abducted by a man who later murdered her. As a result of investigations by the Guardian and other newspapers, evidence finally emerged showing that reporters of the News of the World newspaper had accessed the voicemail messages on Milly Dowler's mobile phone, trying to get information for their coverage of a sensational crime. There was strong public condemnation of this case, which followed other revelations of deception, libel and false reporting by newspapers – including the fact that hundreds of politicians, celebrities and ordinary people had been victims of phonehacking. The newspapers owned by Rupert Murdoch's News Corp became the main focus of police investigations which led to lawsuits, criminal charges, arrests of journalists and newspaper executives, and the closure of the News of the World newspaper.

And in July last year the government set up the Leveson Inquiry into the Culture, Practice and Ethics of the Press.

The Leveson Inquiry, together with a parallel investigation by a parliamentary committee, heard evidence of deplorable or in some cases corrupt behaviour on the part not only of the press but also of the police and politicians. However, public opinion was especially outraged by mounting evidence of cynical and shoddy journalism in some parts of the press. That was typified by the remark of one tabloid newspaper editor who said 'That is what we do - we go out and destroy peoples' lives'. Critics of the Murdoch media empire alleged that it had grown so powerful that it had become 'a shadow state'; and that Murdoch's influence was so great that he had gained special favours from successive governments, which

allowed him to take a commanding position in both the newspaper and the TV markets in the UK.

3 The clash between the Fourth Estate and political power in the UK

From the start, Prime Minister David Cameron admitted that politicians themselves were part of the environment in which press standards had apparently declined, because they had themselves grown ‘too close’ to certain newspapers. Many people believe that leaders of both Britain’s major political parties have been colluding with powerful newspaper groups in a fierce struggle to control of the UK’s ‘news agenda’. For example, Andy Coulson, a News of the World editor who had to resign during a police investigation into phonehacking, was later chosen by David Cameron, the Conservative party leader, to help him become prime minister in the 2010 election. Mr Coulson now faces a criminal trial on charges of perjury and illegal payments to officials, which he denies.

Indeed the scandals about bad behavior by the press came very soon after a major political scandal which had severely damaged public trust in British politicians. It concerned revelations in the media about widespread abuses of the system by which Members of parliament claim expenses. In some cases politicians had made fictitious expenses claims amounting to thousands of pounds. Several parliamentarians were convicted and served jail terms. David Cameron publicly declared that politicians should take care not to try to take revenge on journalists by passing new laws that would inhibit legitimate press freedom. But that is just the path which many defenders of media freedom say the political parties are seeking to take.

4 The Leveson Report had led to impasse and confusion in the search for a reformed system of press supervision

Lord Justice Leveson issued his report at the end of November 2012. He recommended a tough, independent regulatory system operated by a board made up of a majority of people who do not work in the media; it would include some journalists but no serving newspaper editors. The new board would have the power to impose heavy fines of up to one million pounds on newspapers which violated the rules. The system is meant to be voluntary but newspapers which refused to join the new body would be liable to pay ‘exemplary costs and damages’ in any dispute that went to court. The system would be supported by new laws passed by parliament – including a law setting up a separate so-called ‘recognition body’ which would verify whether or not the publishers and editors were complying with the agreed

standards, and which could ultimately intervene in case of need. There should also be a new 'arbitration' system, to enable people who have been victims of the press to seek redress without having to go through the courts.

Many of these principles were accepted by the newspapers – including the need for new powers of investigation and punishment against newspapers which systematically break the rules. But putting the principles into practice has proved extremely hard. Almost one year later the press and the politicians are again sharply at odds and no new press self-regulation body has yet come into being. In fact the majority of newspapers have refused to cooperate with the system which parliament overwhelmingly voted for in March this year. The government coalition AND the opposition Labour party intend to present a so-called Royal Charter on Self-Regulation of the Press. The Royal Charter system is the framework used for the independent oversight of the BBC, and for some universities and other institutions. But this device has not succeeded in making the plans any less controversial. The publishers of the leading newspapers have drawn up their own rival Royal Charter text, which will be considered first, on 10th October. The press owners are proposing what they call an 'Independent Press Standards Organisation' which will be significantly different from what the politicians have in mind.

The main points of dispute are:-

The newspaper owners say the government's proposal would mean an unacceptable degree of interference in the press. They want former editors to have a bigger say on the self-regulation Board and to be represented in the 'Recognition Panel.

They also say that the prospect that newspapers which refuse to join the system would be liable to 'punitive' fines may be illegal under the European Convention on Human Rights.

They want to stop the regulator from having the power to decide the exact form of corrections and apologies.

And they insist that the new system for bringing complaints against newspapers must include safeguards to ensure that the costs to newspapers are not excessive.

On the other hand, critics of the newspapers say that much stronger powers are needed to make sure that the regulation really is independent of the 'press barons' and that it is effective. There must be public apologies and fair redress for people who have suffered abuse from the press. In other words, the newspapers must be forced to clean up their act:

As of now, the clash between these two sides of the argument in Britain is continuing, and the disputes may go on for a long time yet. The newspaper owners say they want to set up their own self-regulatory system, which they hope will replace the Press Complaints Commission, early next year.

The British government is anxious to show that it is not seeking to regulate the press itself. That is supposed to be the merit of the Royal Charter system. But there are now two versions of this Royal charter. So the two rival Royal Charters are both waiting to be considered by an arcane and uniquely British body called the Privy Council, made up of senior politicians whose role is to advise the Queen, who is the formal head of the Privy Council. This has been criticised as a throwback to medieval times. Anyway, it is far from being modern and transparent.

Meanwhile, the Leveson report and the arguments about regulation of the press are almost completely failing to take account of the revolution in the flow of news which is taking place thanks to the Internet.

5 What lessons can be drawn from this saga, and from the deadlock which now exists after two years of intense discussion?

For politicians and governments in democratic countries, the general lesson seems to be: don't try to legislate to make the press more ethical. Any such attempt is open to the criticism that it is really aimed at making journalists report the news in ways which are more convenient and less embarrassing to the politicians. But the public interest is best served by a bold, free and uninhibited press, which can hold the powerful to account.

What about 'civil society' and 'the general public'? The role of informed members of the society is vital to sustain a free and independent press. In Britain, the outrage of the public against greedy politicians helps to keep politicians relatively honest. And the people's outrage against the abuses and deceptions of the press is playing an important part in driving the press barons to establish a more effective system of self-regulation, too.

As for the press, and all the media, they can only play their proper role as a 'public watchdog' by remaining truly independent of political and commercial interests. They must expose and criticise wrongdoing and corruption wherever they find it, and must not submit to improper interference or control by any such interests.

The recent situation here in Hungary, where new media laws have created a system of media regulation designed and influenced by members of one political grouping, represents a warning. There are warning, too, from the

distortion of the media in Italy, in Bulgaria, and elsewhere, arising from the excessive control of leading media in the hands of very few owners. Those who believe in a free and independent press can take heart from one important fact: the unethical and illegal actions of some British journalists in the phonehacking scandal was exposed not as a result of any law, or any action by the police. It was exposed by the investigative journalism of the Guardian and a couple of other newspapers. In a free society there can be no substitute for a free press.

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