

Summary of substantive policy discussions
at Liberty Council meeting
October 2012

Media Standards

Liberty's Policy Director introduced the discussion reminding Council members that the Director was appointed as an assessor (i.e. advisor) to the Leveson Inquiry in her capacity as Director of Liberty in July 2011. In that capacity, the Director was able to advise Lord Justice Leveson on policy recommendations and the assessors (of which there were 6 in total) would be able to agree or disagree with some or all of the report on publication.

There was agreement that Liberty, as the country's oldest human rights organisation, has a strong interest in both the protection of personal privacy and freedom of expression. The meeting discussed the events that had triggered the establishment of the Leveson Inquiry. It was noted that the meeting should not lose sight of the fact that the Inquiry was set up because of breaches of the criminal law, and that this was uncovered by investigative journalists. Nonetheless, when powerful media organisations break the civil and criminal law, grave damage is done and this is exacerbated when the breaches aren't properly investigated and enforced.

There was widespread acceptance that the Press Complaints Commission (PCC) is not an effective self-regulator. It was noted that the PCC has no powers of investigation and no power to impose fines or award compensation. It acts more like a mediator but has been unable effectively to enforce standards and ethics.

There was lengthy discussion about the democratic importance of press freedom and how this must be protected while ensuring better future regulation. There was general agreement that a new, independent, self-regulator is required with enhanced powers to properly regulate ethical standards. Desired attributes for a future self-regulator included - genuine independence from the industry; powers of sanction; power to order the positioning of retractions and corrections; and ready access to justice for those whose rights are breached. It was noted that it would be important to ensure that as many publications as possible sign up to a system of voluntary independent self-regulation; media organisations can wield huge power and it is in everyone's interest for as many publications as possible to become members of a robust, independent self-regulator.

On the matter of legislation, it was agreed that legislation should not be used to create a press regulator as this could amount to effective State regulation and licensing of the press. It was also noted that legislation was not needed for a regulator to have the necessary powers and sanctions for it to be effective; members

of the industry could consent to be bound by the findings and sanctions imposed by the regulator. There was discussion about the possibility of a set of incentives which could be devised to encourage members of the press to join a decent self-regulator.

There was discussion around the present difficulties (especially financial) faced by those wishing to challenge their treatment by the press. There was agreement that any new system will need to ensure ready legal advice, access to justice and financial support for those challenging press abuses. There was further discussion around the changing nature of the press and the emergence of online journalism, blogging and journalism by tweeting. Any new system of voluntary self-regulation should include the possibility to go wider than the more traditional print press.