



## **Response to the European Commission Issues Paper on Protection of Minors and Human Dignity, Right of Reply**

### **The Campaign For Press and Broadcasting Freedom**

1. The CPBF was established in 1979. It is the leading independent membership organisation dealing with questions of freedom, diversity and accountability in the UK media. It is membership based, drawing its support from individuals, trade unions and community based organisations. It has consistently developed policies designed to encourage a more pluralistic media in the UK and to promote accountability, diversity and plurality in mass communications.
2. The CPBF has made general comments on the revision of the Television without Frontiers Directive in a separate document, and detailed submissions on three Issues Papers. These are the papers on *Commercial Communications*, *Protection of Minors and Human Dignity, Right of Reply* and *Media Pluralism*.
3. This Issues Paper raises very important issues concerning human rights in communications and the protection of minors. However, we have restricted our response here to deal solely with the right of reply.
4. Over almost 14 years (1979-92) the CPBF has devised a series of Right of Reply Bills, which became more targeted and refined after each attempt. The CPBF wrote or supported Private Members' Bills in the UK Parliament on the right of reply for Frank Allaun, Austin Mitchell, Ann Clywd, Tony Worthington and Clive Soley. The Campaign worked closely with Clive Soley MP in producing and piloting his 1992 *Press Freedom and Responsibility Bill*. We have long proposed the establishment of a statutory Right of Reply to factual inaccuracies in the press. More recently, we advised and supported Peter Bradley MP on his *Right of Reply and Press Standards Bill* introduced as a Private Members Bill earlier this year.
5. We have expressed our support for the Council of Europe's Resolution on the right of reply in the new media environment as well as recital 8 of the European Commission's Recommendation on the right of reply adopted in April 2004.
6. We support the proposal to provide a right of reply across all media. The right of reply provisions of the current TVWF Directive should be extended to cover all audiovisual content services, both linear and non-linear. Such measures must respect freedom of expression and human rights in communication. Member States should ensure the right of reply or equivalent remedies. We agree that the exercising of the right of reply may need to be adjusted to take proper account of the particularities of each type of media.
7. We therefore support the recommendation that the right of reply should apply to

public media including digital media. As the Council of Europe's Resolution states, 'public media' covers 'traditional media, in particular the press, radio and television, and any service which is edited and directed at the public. This definition includes websites which are edited in a journalistic sense, but does not refer to information of a private nature, which cannot be considered relevant for the formation of public opinion. It also excludes search engines where information is automatically selected without any editing taking place. Essentially, the aim of the definition is to cover those types of new services available on publicly accessible networks which are similar to traditional media.'

8. We support the proposal that the UK and other Member State governments should ensure that any natural or legal person, irrespective of nationality or residence, should be given a right of reply offering a possibility to react to any information in the media presenting inaccurate facts about him or her which affect his/her personal rights. We deeply regret that the UK Government opposed the Council of Europe's Resolution, which is, in any case, non legally-binding and, alone of 46 member countries save the Slovak Republic, reserved its right not to comply with the provisions for online media.

9. We believe that implementation of the right of reply for electronic media should not be allowed to restrict media diversity and freedom of expression. We are concerned that requirements to store and archive digital material for the purposes of realising the right of reply should not create costs or other barriers to inhibit the freedom of expression of individuals or groups lacking the necessary resources. We therefore support the statement made in the Council of Europe's Resolution that the right of reply 'covers only those services which contain edited information and can be considered directed at the public'. We consider it important that any rules should impose minimal financial obligations on non-professional or small-scale information providers except where there is sustained failure to ensure adequate right of reply.

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