

MEDIA FREEDOM
UNDER THE
HUMAN
RIGHTS ACT

H. FENWICK
AND
G. PHILLIPSON

OXFORD
UNIVERSITY PRESS

CONTENTS

<i>Table of Cases</i>	xiii
<i>Table of Legislation</i>	xxvi
1 INTRODUCTION	1
<hr/>	
PART I ARTICLE 10 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND THE HUMAN RIGHTS ACT	
2 STRASBOURG, MEDIA FREEDOM, AND PROPORTIONALITY: ARTICLE 10 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS	37
3 THE HUMAN RIGHTS ACT IN THE CONTEXT OF MEDIA FREEDOM	108
<hr/>	
PART II THE ADMINISTRATION OF JUSTICE AND MEDIA FREEDOM; FAIRNESS OF PROCEEDINGS; THE OPEN JUSTICE PRINCIPLE	
4 FREE SPEECH AND FAIR TRIAL VALUES	167
5 FREE SPEECH AND FAIR TRIALS: REPORTING RESTRICTIONS	198
6 FREE SPEECH AND FAIR TRIALS: PREJUDICING PROCEEDINGS	246
7 PROTECTION OF JOURNALISTIC SOURCES	311
<hr/>	
PART III MEDIA FREEDOM, OFFENCE, MORALITY, AND HATE SPEECH	
8 PORNOGRAPHY: 'HATE SPEECH'?	385
9 BLASPHEMY, RACIAL HATRED, AND RELIGIOUS HATRED	481
10 CENSORSHIP AND REGULATION OF THE VISUAL MEDIA ON THE GROUND OF AVOIDING OFFENCE: GENERAL ISSUES OF LAW AND POLICY	534

11 REGULATING BROADCASTING ON GROUNDS OF AVOIDING OFFENCE	559
12 REGULATION OF FILMS, VIDEOS, AND THE INTERNET	618

PART IV MEDIA FREEDOM AND THE PROTECTION OF PRIVACY

13 PRIVACY AND FREEDOM OF EXPRESSION: STRASBOURG JURISPRUDENCE IN UK COURTS	661
14 PROTECTION FOR PRIVACY AGAINST THE PRESS IN THE HUMAN RIGHTS ACT ERA	707
15 DEFENCES TO PRIVACY ACTIONS AND REMEDIES	771
16 RESTRICTIONS PROTECTING THE PRIVATE AND FAMILY LIFE OF CHILDREN	810
17 REGULATION OF THE BROADCAST MEDIA AND THE PROTECTION OF PRIVACY	854

PART V COPYRIGHT AND MEDIA FREEDOM

18 COPYRIGHT LAW, ARTICLE 10, AND MEDIA FREEDOM	883
---	-----

PART VI MEDIA FREEDOM AND POLITICAL SPEECH

19 OFFICIAL SECRECY, ACCESS TO INFORMATION, AND THE MEDIA	921
20 FREEDOM OF POLITICAL EXPRESSION IN BROADCASTING	992
21 DEFAMATION AND 'POLITICAL SPEECH'	1041
22 CONCLUSIONS	1103
<i>Index</i>	1117