

## European Media Law (B001273)

Due to Covid 19, the education and evaluation methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

<b>Course size</b>	<i>(nominal values; actual values may depend on programme)</i>		
<b>Credits</b> 5.0	<b>Study time</b> 150 h	<b>Contact hrs</b>	30.0 h

### Course offerings in academic year 2023-2024

A (semester 1)	English	Gent
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### Lecturers in academic year 2023-2024

Offered in the following programmes in 2023-2024	crdts	offering
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### Teaching languages

English

### Keywords

European media law and media policy, freedom of expression and information, media and democracy, regulation of media and public communication, content restrictions, journalism, privacy, case law of the European Court of Human Rights, case law of the Court of Justice of the European Union, Audiovisual Media Services Directive

### Position of the course

This course presents, structures and analyses the characteristics of media law and thoroughly studies the relevant case law of the European Court of Human Rights (ECtHR) with regard to freedom of expression, media and journalism. The aim of the course is to offer in-depth insights to students into a number of central and topical questions in the area of media law, from an international, European and comparative perspective. In a democratic society, regulations concerning media, journalism, internet, arts, culture and entertainment have to strike a fair balance between freedom of expression and the need to protect other fundamental rights and freedoms, including the right to privacy and personality rights such as the right to one's image, the right to a fair trial, the presumption of innocence, freedom of religion, intellectual property rights, secret or confidential information, and non-discrimination.

The course focuses on national, European and international media law, with special attention for the relevant case law of the ECtHR and the EU Court of Justice (CJEU), the legal framework of the Council of Europe and the European Union and current developments.

### Contents

The course focuses on the right to freedom of expression and information and the most important restrictions in application of Article 10 § 2 of the European Convention on Human Rights, with an impact on media law. This includes o.a. an analysis of content restrictions regarding racism, discrimination, and incitement to violence ('hate speech'), libel and defamation, the relationship between media and justice, including restrictions on court reporting, privacy protection, morals and public decency, protection of children/minors, broadcasting law, advertising regulation, freedom of political and artistic expression, rights of journalists (including the protection of journalistic sources), freedom of expression of lawyers, media and terrorism, freedom of expression and religion, and freedom of information and internet. The different perspectives on freedom of expression (no interference by public authorities, positive obligations by states, horizontal effect, right to receive information and

access to information...) are thoroughly analysed. Specific attention is paid to the relationship and conflicts between the right to freedom of expression and other rights and freedoms. The course also studies media law within the context of EU legislation (e.g. the Audiovisual Media Services Directive).

### Initial competences

Basic knowledge of public law and human rights law, civil law, criminal law, EU law.  
Capacity for independent legal reading, critical legal reasoning and participating in legal debates.

### Final competences

- 1 Have a thorough and in-depth knowledge of the main characteristics of European media law.
- 2 Have a thorough knowledge of and insight into the relevant case law of the ECtHR and the CJEU on freedom of expression, media and journalism, and being able to compare this jurisprudence with national case law on these subjects.
- 3 Assess and clarify the value and importance of freedom of expression in a democratic society.
- 4 Formulate a substantiated legal reasoning on the interdependent, ambiguous and complex relation between freedom of expression and other human rights.
- 5 Critically select and process legal sources and literature related to a case-study, a current topic or development in the area of media law, from an international or European comparative perspective.
- 6 Present, as part of a group of fellow students, a legal scientific analysis and synthesis of a current and important issue in the area of media law.
- 7 Write a scientifically sound case note that situates a judgment in the domain of media law within the broader relevant legislative framework, with references to other case-law and relevant doctrine
- 8 Have a thorough understanding of policy aspects of media law, at the level of the Council of Europe and the European Union.
- 9 Critically reflect on the current application of media law and be able to formulate proposals *de lege lata*.
- 10 Demonstrating awareness of the social responsibility as a lawyer in relation to the application of media law and towards actual developments in law, society and technology and integrating this social engagement (including cultural sensitivity and respect for diversity, pluralism and tolerance) creatively in the functioning as a lawyer in the domain of media law.

### Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

### Conditions for exam contract

This course unit cannot be taken via an exam contract

### Teaching methods

Group work, lecture, microteaching, self-reliant study activities

### Extra information on the teaching methods

Classes consist of a combination of introductory lectures by the lecturer, interactive discussions, and group presentations by students. Both the lecturer and students keep track of actual developments in the domain of (European) media law, and report on those developments by means of group presentations and discussions. Students write a case note on a judgment of the European Court of Human Rights or the European Court of Justice.

### Learning materials and price

- E. LIEVENS, D. VOORHOOF & P. VALCKE, *European Media Law: Collection of materials*, Herentals, Knops Publishing (yearly update). Price: 30 euro
- D. VOORHOOF, *Freedom of expression, media and journalism: Case law of the ECtHR*, Strasbourg, European Audiovisual Observatory, 2016 (e-book; <http://www.obs.coe.int/publications/2016>)
- Powerpoint presentations of the lecturer and students, as well as additional documentation available through Minerva.

### References

- J. OSTER, *European and International Media Law*, Cambridge University Press, 2017.
- *Journal of Media Law* (Taylor & Francis)
- Relevant documents on [www.coe.int/media](http://www.coe.int/media), <https://ec.europa.eu/digital-single-market/en/media-policies> and [www.echr.coe.int](http://www.echr.coe.int).

### **Course content-related study coaching**

The lecturer will provide information and guidance regarding the format of the lectures, the group work and the independent work. The lecturer is available for questions and feedback.

### **Evaluation methods**

end-of-term evaluation and continuous assessment

### **Examination methods in case of periodic evaluation during the first examination period**

Oral examination

### **Examination methods in case of periodic evaluation during the second examination period**

Oral examination

### **Examination methods in case of permanent evaluation**

Assignment

### **Possibilities of retake in case of permanent evaluation**

examination during the second examination period is possible in modified form

### **Extra information on the examination methods**

End-of-term evaluation (50%):

- Oral examination based on the documentation and material that was presented, analysed and discussed during the lectures

Continuous assessment (50%):

- Group presentation and discussion (25%): the group presentation consists of a legal scientific analysis and synthesis of a current and important issue in the area of media law, and a discussion thereof with fellow students.
- Independent work (25%): on an individual basis, students write a case note that describes, critically analyses and situates a case of the European Court of Human Rights or the European Court of Justice that addresses one or more specific legal questions related to European media law within the broader relevant legislative framework, with references to other case-law and relevant doctrine.

LLM students will be required to take up a leading role in the group work.

Students who have not participated in the group presentation during the first exam period, will individually present an actual topic to the lecturer during the second exam period.

### **Calculation of the examination mark**

End-of-term evaluation = 50 % Continuous assessment = 50 %

Students who do not participate in all evaluations achieve maximum 7/20 for this course.