

European Media Law (B001758)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0

Study time 120 h

Contact hrs

30.0h

Course offerings and teaching methods in academic year 2022-2023

A (semester 1)

English

Gent

self-reliant study activities

7.5h

guided self-study

7.5h

lecture: response lecture

15.0h

Lecturers in academic year 2022-2023

Lievens, Eva

RE21

lecturer-in-charge

Verdoodt, Valerie

RE21

co-lecturer

Offered in the following programmes in 2022-2023

Master of Science in Teaching in Social Sciences(main subject Laws)

crdts

4

offering

A

Master of Laws in Laws

4

A

Master of Laws in European Union Law

4

A

Master of Laws in International and European Law

4

A

Master of Laws in International Business Law

4

A

Exchange Programme in Law

4

A

Teaching languages

English

Keywords

European media law and media policy, freedom of expression and information, media and democracy, regulation of media and internet, 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, and the prohibition of discrimination. The course focuses on European and international media law, with special attention for the relevant case law of the ECtHR and the Court of Justice of the EU (CJEU), the legal framework of the Council of Europe and the European Union and current developments. In addition, international developments and frameworks (a.o. UN, SDGs) are considered, and where relevant, national practices or case-law are used by means of illustration.

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, academic and artistic expression, rights of journalists (including the protection of journalistic sources), freedom of expression and religion, and freedom of information and internet.

The course also studies media law within the context of EU legislation (e.g. the Audiovisual Media Services Directive, public service broadcasting, case law CJEU).

Initial competences

Basic knowledge of public law and human rights law, civil law, criminal law, EU law.

Final competences

- 1 Have a thorough knowledge of the main elements and characteristics of European media law, including the relevant case law of the ECtHR and the CJEU on freedom of expression, media and journalism.
- 2 Critically reflect on questions in the field of media law, and the current media law *de lege lata* and *de lege ferenda*.
- 3 Formulate a substantiated legal reasoning on the interdependent, ambiguous and complex relation between freedom of expression and other human rights and actual questions in the domain of media law.
- 4 Critically select and analyse legal sources and literature related to a judgment, case-study, a current topic or development in the area of media law, from an international or European comparative perspective.
- 5 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.
- 6 Develop a lifelong learning attitude in relation to topics related to media law, by identifying, interpreting and critically reflecting on current developments in this domain.
- 7 Paying attention and respecting cultural sensitivity, diversity, pluralism and tolerance.

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

Guided self-study, Self-reliant study activities, Lecture: response lecture

Extra information on the teaching methods

Classes are preceded by preparation by the students, and consist of introductory lectures by the lecturer and interactive discussions. Students write a case note on a judgment of the European Court of Human Rights or the Court of Justice of the EU. Due to COVID19, changes to the working methods can be rolled out if this proves necessary.

Learning materials and price

- D. VOORHOOF and T. MCGONAGLE (Eds), *Freedom of Expression, the Media and Journalists: Case-law of the European Court of Human Rights*, IRIS Themes, European Audiovisual Observatory, Strasbourg, 2021 (e-book; <https://rm.coe.int/iris-themes-vol-iii-2020-edition-en-28-april-2021/1680a24eee>)
- Powerpoint presentations of the lecturer, as well as additional documentation available through Ufora.
- Optional: E. LIEVENS, D. VOORHOOF & P. VALCKE, *European Media Law: Collection of materials*, Herentals, Knops Publishing (2019).

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, ec.europa.eu/digital-single-

(Approved)

Course content-related study coaching

The lecturer will provide information and guidance regarding the format of the lectures and the individual assignment. The lecturer is available to answer questions before or after the lectures, or by appointment.

Assessment moments

end-of-term and continuous assessment

Examination methods in case of periodic assessment during the first examination period

Oral examination

Examination methods in case of periodic assessment during the second examination period

Oral examination

Examination methods in case of permanent assessment

Participation, Assignment

Possibilities of retake in case of permanent assessment

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%):

- Independent work (40%): 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 Court of Justice of the EU 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.
- Participation (10%): participation in group discussions.

Calculation of the examination mark

- **Continuous assessment:** 50% (10% participation, 40% independent work). 2nd chance: it is only possible to submit a new or modified case-note, points for participation are taken into account.

- **End-of-term evaluation:** 50%

The student is obliged to participate in all evaluations (both non-periodic and periodic); otherwise, he/she will be declared failed for the course. This means that if the final score is ten or more (out of twenty), this score will be reduced to the highest non-passing grade.

Facilities for Working Students

In the course of the academic year, working students can make an appointment with the lecturer to obtain more information on the course material.