

Right of Reply in Europe

MediaWise Briefing by Mike Jempson February 2005

AUSTRIA

The Press Act of 1922 granted anyone who was the subject to an incorrect statement in the press the right to publish a reply, free of charge.

Article 9 of the 1981 Media Act extended the right to all mass media, but also allowed the media to refuse to publish a reply if it were demonstrably untrue. If the media refuses to publish a legitimate reply, the complainant can sue for compensation.

DENMARK

The Danish Press Council, established in 1964, was put on a statutory footing by Article 41 of the 1992 Media Liability Act. It now operates according to Press Ethical Rules, adopted by the Danish Parliament with the agreement of the Danish National Union of Journalists, which acknowledge a Right of Reply on matters of factual inaccuracy. Challenges must be made within four weeks of publication, and editors have 4 weeks to comply.

FRANCE

The Right of Reply has been available in France since the Freedom of the Press Act of 29 July 1881 to anyone mentioned or clearly alluded to in the press, whether or not the article is inaccurate or defamatory.

The seldom-used Article 12 requires that "The editorial director must include free of charge in the most prominent position of the very next issue of the newspaper or periodical, all corrections addressed to him by any public servant pertaining to acts carried out in accordance with his or her duty which have been incorrectly reported by the said newspaper or periodical".

Article 13 allows a person (natural or legal) to exercise the right of reply, which can be of the same length and in the same typeface as the offending article. Daily newspapers must respond within three days, periodicals within the next edition. However the reply must not violate the rights of others or attack the integrity of the journalist. Speedy legal remedies are available if an editor refuses to comply with requests to exercise what is seen as a fundamental citizen's right.

Since 4 Jan 1993 the right now applies to reporting of false statements made in court.

GERMANY

Each Lander in the Federal Republic has a Press Law which obliges newspapers and periodicals to publish replies (or 'counter-versions') from people affected by an assertion of fact in an article. Section 11 of these Press Laws requires that replies be in the same typeface and given the same prominence as the original article, but may not exceed its length, and they are restricted to correction of facts. Complainants have 3 months to request their reply, and editors who fail to comply voluntarily can be ordered to do so by the civil courts.

GREECE

Clause 5 of Article 14 of the Greek Constitution confers a Right of Reply upon all citizens with regard to 'inaccurate publication or broadcast' and obliges the offending medium to provide a 'full and immediate retraction... (or) reply'. It also allows the law to prescribe the 'manner in which the right to reply is exercised'.

FINLAND

Since the Press Law of 1919 anyone who can demonstrate that published material is incorrect or offensive has the right to demand equal space for a correction. Failure to comply could result in a fine. However regulation is now managed by the Council for Mass Media (CMM), set up in 1968.

The CMM acknowledges a Right of Reply in its Code of Practice, signed up to by publishers' and journalists associations, and requires editors to provide an equitable right of reply

NETHERLANDS

Although there is no statutory Right of Reply as such, since 1992 the Civil Code and the Code of Legal Action have acknowledged a right of correction of factual inaccuracy. The courts may decide how correction should appear when adjudicating on compensation claims.

NORWAY

Anyone directly affected by publication of a factual inaccuracy has the right to demand a reply within one year, under Section 30 of the Penal Code. The courts may (but rarely do) impose fines for non-compliance, and if a complaint is upheld, Section 430a requires prominent publication of the court's judgement.

SPAIN

Under Ordinary Law 2/84 of 26 January any person directly affected by publication of incorrect or damaging information may require the print or broadcast publisher to publish a corrected version, without comment and with the same prominence as the original. Failure to comply can invoke court action to determine what sort of correction is appropriate.

The right is essentially concerned with fairness, since newspapers may continue to separately assert that their version is correct. Decisions as to the truth of the different versions may be determined by separate court action. There is no requirement for the subject of information.

SWEDEN

There is no statutory Right of Reply, but it exists *de facto* as a result of established practice under the Freedom of the Press Act and the operation of the Press Ombudsman and Press Council (which includes representation of employers and journalists organisations).

The Ombudsman mediates where challenges are met with non-compliance. Replies are usually given sufficient prominence to ensure that readers are aware of the challenge.