

Closing keynote by Sir Alan Moses, given at the World Association of Newspapers and News Publishers' Media Freedom conference, 3 June 2019

It is a privilege to be asked to speak at the close of so important a conference, important because of two of its themes, the survival news media and the preservation and protection of that freedom on which democracy depends, a free press. It may seem odd and even, at first sight contradictory, that the regulator of the press should be speaking about freedom of the press and how it may be preserved, when IPSO exists to provide some control over what it is written and published. You might have thought that IPSO, with its powers to adjudicate on breaches of the Editors' Code and to order correction checks, blocks the freedom of the press which we regard as so essential. It sounds like a barrier not a support. But I want to explain how the five year experience of the press regulator IPSO has provided a vivid example of how voluntary regulation preserves and enhances that freedom, and how without that system I believe that freedom of the press would be under even greater threat.

Forgive me if I spend a moment or two in explaining how the IPSO model works, because I fervently believe it does work. It was created by the newspapers – not by government or the executive or Parliament – after their and the public's anxiety that the press was breaking the law, in the phone hacking scandal led to the Leveson Inquiry. IPSO was the printed press's response to that concern. With hindsight it seems to me to have been absolutely right that the press should decide on how it should be regulated and should be determined to adopt a system of voluntary self-regulation.

That was criticised at the time...the clichés were trotted out about the press marking their own papers. But as is the problem with all clichés, they betray lazy thought, tired opinions...if you write in clichés you think in clichés. IPSO's experience over five years has shown that it is not true. Voluntary self-regulation is, the only way that freedom of

expression may safely and reliably be preserved. Most of our national press and regional press understand this. 95% of national newspapers, 1,500 print titles, 2000 online have signed up and almost all local newspapers with vast majority of magazine publishers. They have understood the importance of committing to a voluntary regime by which they undertake to obey the standards they have set themselves.

IPSO's regulation works like this. The editors have set themselves a set of standards, 16 in all, ranging from accuracy, privacy, intrusion on grief, subterfuge. They cover not only the standards they should follow in what they write but how they should behave in obtaining their stories. An essential part of IPSO's function is to police those standards. Where a member of the public complains, and in a short period cannot resolve the complaint with the paper concerned, our complaints staff will investigate the complaint, consider representations from both newspaper and complainant and a complaints committee consisting of 12 members the majority of whom have not worked in the newspaper industry will give its ruling. The rulings are published and if a complaint is upheld against the publisher will order the correction or adjudication to be printed or published in a size place and with wording that IPSO orders.

The key to the system of voluntary regulation is the contract, the agreement which the regulated press has made with its regulator, IPSO. Until IPSO came into existence there had never been such a contract. In 2014, most of the printed media, and that includes those who publish online, signed a legally binding contract with the regulator IPSO. Under that contract, those we regulate agree to be bound by our decisions and to publish them in the manner and place either in the newspaper or online which we decide. IPSO is in this way able to enforce its decisions in law. The press accordingly is subject to legally binding obligations which IPSO has the legal power to impose.

IPSO's has experience of some 55,700 complaints over five years. It monitors and surveys the nature of those complaints, the most frequent being in relation to accuracy, privacy and discrimination, and obtains annual reports from each of those it regulates, requiring them to comment on their internal systems and how they attempt to prevent future breaches of the Editors' Code. By this means IPSO has established a

position which gives it a rare and important perspective over the printed media scene in the UK. It has used that position to provide guidance for journalists and for editors and information for the public in the work its Standards division does in producing guidance on particular issues arising under the Editors' Code, such as suicide, reporting on transgender issues, intrusion on grief, and reporting in relation to inquests and children. This guidance, prepared in consultation with journalists and interested groups sets out questions journalists and editors should ask themselves before writing or publishing a story and decisions of IPSO relevant to the subject. IPSO is also a vital contributor to the Editors' Code Handbook which provides guidance in relation to each rule contained in the Editors' Code drawing attention to relevant decisions of IPSO and, as in IPSO's own guidance, posing questions journalists and editors should ask themselves before writing and publishing and piece that risks infringing the Code.

I should emphasise that this work encompasses the online versions of the press we regulate and it is in the striking contrast between the regulated media and the unregulated vacuity of the web that we can see the importance of the system of regulation IPSO provides. The news and opinions published by those IPSO regulate are what I call curated news and opinion. They are published on the say so of an editor. It is the editor who decides the tone and content of the paper and it is the editor who is answerable to the reader and to the regulator. The public can at least have the knowledge and assurance that what is in the paper is the result of thought and consideration and can complain to IPSO if they seek protection. We in the UK pride ourselves on an unruly vibrant press, whose tone and opinions we may dislike but who we know takes the rules and their enforcement by IPSO seriously. My experience over the last five years is that newspapers, editors and journalists do take the Code and our enforcement with a real sense of gravity. Of course they want, from time to time to push the boundaries, to see how far they can go but each newsroom, each editor, knows that their journalists must always have in mind the rules in the Code and they dislike, they really dislike, being told by IPSO that they have got something wrong which requires a published correction or an adjudication.

Contrast the unregulated ill-considered noise from those who shelter behind what they imagine to be the anonymity of the web, firing off anything that strikes them for the moment, answerable to no-one and responsible for nothing. And it is in that contrast that we find the greatest value and importance of the system of regulation which the press has voluntarily adopted and which IPSO deploys. IPSO provides two types of essential protection, protection from a wash of information and opinion where readers are in danger of drowning, unable to find any light or guidance as to what to believe, what to trust. We know how dangerous that is. Dictators thrive on a state of confusion and misinformation...if those they seek to dominate do not know where to turn for reliability, for trust, they become all too ready to submit to the dissemination of falsehood, half-truths and lies. And once dictatorial governments have induced this sense of bewilderment they can then write their own fake stories and control the public by controlling the news and opinion the public receives.

It is not too puffed up a claim to say that IPSO provides a shield against that real and pressing danger. The public can at least know which sources of news and opinion are regulated, by whom, and according to what Code. IPSO provides that marker. And the public can know this: that it is IPSO who makes the independent decisions, uninfluenced by any outside control, no pressure group, no section of the public, no newspaper and above all no-one in government, parliament or the executive can tell us what to think or decide. Those who make the decisions, those who direct the corrections and produce the guidance have no-one to tell them or even influence what they do...their decisions are truly independent. Their aim is to provide protection for the public from the harm caused by breaches of the Code...inaccuracy, distortion, intrusion on grief and on privacy, to repeat my examples.

The second vital protection IPSO provides is to protect the freedom on which this Conference has so significantly focussed. That is freedom of expression. The paradox of which I spoke of at the outset is that our system of voluntary regulation establishes a framework in which freedom of expression is protected from outside obstruction and control. We know how fragile that freedom is throughout the world, journalists are tortured, imprisoned and die in seeking to preserve it and exercise it. What IPSO has

achieved over the past five years is to protect that freedom from an insidious but dangerous encroachment. We are told that we ought to be exercising more control, that we are not tough enough and that we ought to do more to cut out and prevent the dissemination of news and opinion many dislike and of which many disapprove. But we must always ask ourselves – at what cost?

There are important, and I would suggest desirable, discussions and debate on how we prevent harm. The government's white paper on online harms identifies targets. Few would question the desirability of preventing child exploitation and terror, if precisely and adequately defined... but when one delves into the paper with greater scrutiny we find ourselves always asking how this prevention is to be achieved and at what cost? Both the white paper and Frances Cairncross's report on a sustainable future for journalism speak of the desirability of the supply of what she calls *public interest news* and the need to identify and remove the spread of fake news, a ghastly misuse of words since fake news is no news at all. But again we must always ask how and what will we lose to gain those desirable goals. If we seek to curb or control an unruly but vibrant press we will inhibit its vital function in exposing lies corruption and manipulation.

The answer, I believe, is in the realisation that the best solution lies in more news and more opinion within a voluntary regulated framework. We all know and understand that it is possible and fairly easy to stamp out the dissemination of news and opinion...they find no difficulty in doing so in Iran and China, where I am told there is reported to be almost universal satisfaction with the press. But those who want to clamp down, to shut down and to restrict, however laudable the aims, must also recognise that the methods they use can so easily be used for stamping out our freedoms.

And they are *our* freedoms. Freedom of expression is the freedom to receive information and opinion. What we need is more of it and not less and we want to know where we can look for it what we can trust so that we are not duped. I am confident that however difficult it may sometimes be to strike the balance between

freedom of expression and significant harm, the IPSO model provides an important and necessary example. The media we regulate recognise the importance of setting themselves standards and of an independent regulator to police them and to give guidance. That is why they have agreed to submit to their jurisdiction as a matter of choice and not governmental dictat or ukase. If we do not look after and cherish that freedom of expression it will not look after us. A mature, true, democracy depends on all of us having confidence that freedom will be protected. IPSO does and will continue to play its part with that committed aim.