

Investigative journalism – libel actions and coalition government reforms

[Entertainment](#), [Journalism](#)



Abstract

Investigative journalism is an important part of the international media and the lives of ordinary people, reporters involved with this type of work present important and highly valuable information to the public. This paper talks about investigative journalism and the risks and implications that result from it. When an organization or individual feels attacked by an investigative journalist's report, they can take a libel action against the journalist. These kinds of suits are not only crucial but also highly costly. However, various governments provide some basic rights to both the individual and the journalist. The coalition governments, that is the cabinet of a parliamentary government, of various countries have come up with statutory reforms in order to protect the interest of both these parties. One of these reforms includes the Public Interest Defence reform, which protects journalists from libel actions when the information they have presented is in the public interest. This branch of journalism has been subject to several criticisms, however despite its controversial grounds, it stands strong due its important contributions in relation to public interest.

Introduction

Investigative Journalism has been a growing branch of journalism in the past and has had considerable influence on people's mindsets and the mediaculture. It is a nature of reporting news in which a journalist focuses on a particular personality, business or phenomena and digs deep into its root, in order to bring out serious issues to the public's eye. The only difference in this kind of reporting is that the people who are connected to the issue are

not taken consent of and are often harmed in the process. Investigative Journalism makes available private and confidential information which is guarded with secrecy for public scrutiny. Libel actions are taking against “” a publication without justification or lawful excuse which is calculated to injure the reputation of another by exposing him to hatred, contempt or ridicule” (Parke, B. in *Parmiter v. Coupland* 1840). This paper talks about Investigative Journalism, in context of libel actions and the consequences of such law suits. It also talks about different Coalition governments, and their stance on Investigative Journalism as well as the reforms they have introduced, including the Public Interest Defence Reform 1998 which was passed to protect the rights of the reporters.

Body

The nature of Investigative journalism is inherently controversial and has been received with considerable disapproval by the people who have become its victims. When One’s personal life or organization is attacked by an investigative journalist, they can lawfully take a libel action, mostly libel actions are taken when there is a threat to one’s own or one’s organization’s reputation. Though the requirements of a libel action vary from country to country, mostly the plaintiff must prove that the statement was made to a third party, that the statement was a direct reference to the plaintiff and that the statement was slanderous before filing a libel action.

Investigative reporters have some rights and can sometimes successfully avoid the consequences of these libel actions. The main ways are to justify their information as being truthful and actually. They can also exercise their

right of Qualified Privilege which is given to a person, who has the authority to give out certain information without being liable of defamation. English law is one of the most reformed and well-enforced law systems which is followed by various countries. After various libel actions were filed, which involved a close battle between freedom of expression of reporters and the right to privacy of the defamed, the Public Interest Disclosure Act, was passed by the Parliament of the United Kingdom in 1998. This act protects such reporters from a negative treatment by their employer or any individual. It was passed to protect employees who disclose information, which is confidential but is of interest to the general public.

This act has been very useful in protecting reporters who carry out risky investigative journalism to bring to light, issues that are in the public interest . Such cases have been very prevalent, for instant in the case, *Reynolds v Times Newspapers* [2001] 2 AC 127, the “ public interest” defense was used, and “ the Supreme Court unanimously reversed the decision of the Court of Appeal” deciding that Reynolds’s defense was true to public interest and involved media’s freedom of expression. However, the Act has been criticized, as it has been a considerable deterrent on part of the employers, who can neither penalize nor discipline employees, who disclose confidential information and for failing to provide security to the reporters, if a libel action is filed against them.

Many constitutions have followed this legislation, the constitution of Canada too enforced Public Interest Defense, stating in Security of Information Act (R. S. C., 1985, c. O-5) that ‘ No person is guilty of an offence under section

13 or 14 if the public interest in the disclosure outweighs the public interest in non-disclosure. The weighing of 'public interest' against one's defamation, is a very subjective decision and can vary case to case, thus one can not rely on a jury to objectively give out a decision as to what is of more value. Thus, this legislation has its own limitations, and can at times fail to help the reporters against a libel action.

On the other hand the journalist of the developing countries are not even privileged enough to go through a law suit in order to fight for their own rights and neither are the defamed people or organizations, because of a weak law and order enforcement. Despite strict laws, the government of such countries fails to keep the security of the investigative reporters into account and also the libel action cases take several years to complete and a lot of money has to be spent. The reporters are often mistreated by the large organizations or powerful personalities and even face life threats. Such are the implications of investigative journalism; it is a complicated branch of journalism with many repercussions and unpleasant consequences but has its own advantages and uses.

Conclusion

Investigative journalism has had a considerable effect on the media and the lives of other people. In the third world countries have to risk their lives and face a lot of threats due to the nature of this reporting and often their government fails to provide them any protection. While their law system is weak and the libel actions that are taken, take several years to be proved and thus the victims of their defamation take other ways to threat these

reporters. In Developed countries, the law and order is strong and thus these reporters are protected, however libel actions are processed with great care and thus can cost heavy fines and loss of career for these reporters, who are merely carrying out their job or following their employer's orders.

Investigative journalism, thus, can be very costly, whether it is the cost of the journalist's career or the cost of the plaintiff's reputation or even the material costs that one faces during or after the judgment is passed.

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