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FREEDOM OF THE PRESS

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Ireland

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Press freedom is guaranteed in Ireland's 1937 constitution and is generally respected in practice. However, archaic defamation laws continue to place the burden of proof on defendants. The 2009 Defamation Act reduced the time frame for bringing legal action after a defamatory statement is made from six years to one, and included the option for media outlets to issue an apology without admitting to libel. In a November 2012 settlement, the *Irish Sun* agreed to pay €500,000 (\$640,000) in damages plus legal fees of some €175,000 (\$225,000) for defaming Louis Walsh, a judge on the television show *X Factor*. During the case, Walsh's lawyers alleged that Joanne McElgunn, a crime writer for the *Irish Sun*, had paid an unemployed dance teacher €700 (\$900) to falsely claim that Walsh had sexually assaulted him. The defamation case of former cabinet minister Michael Lowry continued in 2012. In 2010, Lowry had accused investigative journalist Sam Smyth of defamation, saying that Smyth's assertions "portrayed him as corrupt, dishonest, and untrustworthy." In October 2011, Smyth successfully defended himself against the charge, with a judge ruling that Lowry should pay tens of thousands of euros in legal costs to Smyth. In February 2012, Lowry lost an appeal

to the High Court.

New copyright legislation was passed into law in March 2012, despite significant opposition from internet freedom groups, which argued that it could result in injunctions against social-media platforms like YouTube and Facebook if copyrighted materials are posted by users. The change was enacted through a ministerial order, not by the parliament, limiting public debate on the matter.

The 1997 Freedom of Information Act and a 2003 amendment established fees for accessing information held by public bodies. Records indicate that the 2003 amendment, which introduced fees for submitting the request itself, has led to a significant reduction in the use of the act by journalists. The government in 2012 announced that proposed reforms to the law would not be addressed until April 2013. The reforms would set a maximum fee of €500 (\$640) for requests and expand the number of state agencies that must release information. Ireland is the only country in Europe where the police are completely exempt from opening up files to the public, and the proposed legal changes would compel police to turn over administrative records, with some security exemptions.

Under Ireland's 2005 Garda Síochána Act, police can face fines of up to €75,000 (\$96,400), lose their jobs, or receive up to seven years in prison for speaking with the media without prior authorization. Investigative journalists claim to be routinely questioned by police when breaking stories that indicate use of a police source. In 2012, journalists reported that their investigative work was compromised due to police queries about sources and police contacts, as well as threats of arrest for failing to reveal sources. Journalists also reported that their mobile-telephone conversations were being intercepted and monitored.

Blasphemy is considered a criminal act under the 1937 constitution, but until 2009 there were no legal means for prosecuting blasphemers. The 2009 Defamation Act established blasphemy as a punishable offense, with fines of up to €25,000 (\$32,100). Article 36 of the statute states that "a person publishes or utters blasphemous matter if he or she publishes or utters matter that is grossly abusive or insulting in relation to matter held sacred by any religion, thereby causing outrage among a substantial amount of the adherents of that religion, and he or she intends, by the publication or utterance of the matter concerned, to cause such outrage." In early December 2012, a constitutional convention was opened to discuss political reforms, including the removal of the blasphemy ban, but the statute remained on the books at year's end.

The Broadcasting Act of 2009 established the Broadcasting Authority of Ireland, which is mandated to oversee the public-service broadcasters, allocate public funding, and promote accountability. This act expanded the role of the former Broadcasting Commission of Ireland, which had no responsibility for public-service broadcasting. In 2008, the Press Council of Ireland and the Office of the Press Ombudsman were set up to safeguard and promote professional and ethical standards of newspapers and other periodicals, including through the establishment of a mandatory Code of Practice for member organizations. The public can bring complaints against member publications to the Office of the Press Ombudsman, and appeals of the ombudsman's decisions are adjudicated by the Press Council, which may also hear significant or complicated cases directly. Ireland's Press Council is recognized by law under the Defamation Act of 2009, meaning those newspapers and magazines that choose to be regulated by the Press Council have certain legal advantages. This statutory underpinning was established following a consultative process between the National Union of Journalists, representatives of newspapers owners, and others within the media industry. Media organizations that opt out could face difficulties in dealing with legal complaints, as they must satisfy the courts that they operate by the same standards.

Journalists can generally report freely without harassment and without having to exercise self-censorship. Physical attacks or harassment directed at journalists are rare. Eugene Moloney, a freelance journalist and former *Irish News* reporter who covered events in Northern Ireland at the height of the ethnonationalist conflict in the 1970s and 1980s, was assaulted by two men in June 2012 in Dublin and eventually died from his injuries. However, the attack was reported to be unrelated to Moloney's work.

Ireland has strong and competitive print news media, led by the privately owned *Irish Independent* and *Irish Times*. The public-service broadcaster RTÉ (Raidió Teilifís Éireann) dominates the radio and television sectors, but provides a comprehensive and balanced news service. RTÉ receives competition from both private and public British television. Ireland also has more than 50 licensed radio stations. Cross-ownership is allowed within certain limits, with publishers allowed to own up to 25 percent of a broadcast outlet. The debate over the concentration of media ownership and a lack of content diversity continued in 2012. The O'Reilly family had directly controlled Ireland's largest media company—Independent News and Media (INM)—for 39 years, until Gavin O'Reilly resigned as chief

executive in 2012. Denis O'Brien, who owns Ireland's two national commercial radio stations and is INM's largest single shareholder, was seeking control over the company. As he is Ireland's richest man and has business interests in other industries, there were significant concerns that O'Brien would exert undue influence over content. A new bill to regulate media mergers was scheduled to be put forward by Communications Minister Pat Rabbitte, in an effort to introduce more public-interest criteria and address the anticipated effect the merger would have on media plurality in terms of both content and ownership. The bill was still being drafted at year's end.

Approximately 96 percent of the Irish population accessed the internet in 2012, and internet use is not restricted by the government.

2013 SCORES

PRESS STATUS

Free

PRESS FREEDOM SCORE

16

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5

POLITICAL ENVIRONMENT

6

ECONOMIC ENVIRONMENT

5

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