Protecting the Privacy of Children from Media Exposure

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This paper examines the private law redress available to children whose privacy has been interfered with by the media. This paper intends to provide both an account of the developing jurisprudence on children’s privacy in common law jurisdictions and develop a framework for consideration of the difficult questions arising in these cases. In its first part, the paper will provide a short introduction into children’s rights, in particular their right of privacy, and explain why children require protection of their privacy for their development. In the second part, the paper will critically analyse recent decisions in which children brought claims against privacy interferences by the media, mostly from the UK but also from other common law jurisdictions. It will examine how the notion of ‘reasonable expectation of privacy’ applies in the case of a child and when a child’s privacy interests are outweighed by other interests. The third part of the paper will assess the extent to which a court should consider the effect of publicity on a child in privacy actions brought by their parents to protect their own privacy, i.e. where the child is not a party to the dispute. In its final part, the paper will summarise the discussion and develop a framework for the protection of children’s privacy against the media.