

THE IMPORTANCE OF MEDIATION AMONG EUROPEAN PRESS AND MEDIA COUNCILS (1)

A catalogue *raisonné* of possible approaches



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Layout: Anna Vidal

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MEDIA COUNCILS
IN THE DIGITAL AGE

**THE IMPORTANCE
OF MEDIATION
AMONG EUROPEAN
PRESS AND MEDIA
COUNCILS (1)**

A catalogue *raisonné* of possible approaches

Anna Vidal

Edited by Muriel Hanot

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I. INTRODUCTION

Mediation can be described at the very least as “a dynamic process, a consensual mode, by which a neutral third party attempts, through the organisation of exchanges between voluntary parties, to enable them to confront their points of view, to seek with its help a solution to the conflict which opposes them and thus to assume full responsibility for it” (Hanot, 2008, p. 4). In the specific case of **press and media councils** [1], it represents the process of seeking an alternative solution between both parties, i.e., the complainant on one hand and the media and/or journalist subject of the said complaint on the other hand, with the help of the Council (in most cases, through its office or secretariat).

As many approaches exist, European press and media councils use a variety of terms – mediation, conciliation, amicable solution (or resolution), arbitration, ombudsman, reconciliation... – that are not necessarily synonymous to designate this mechanism. Unless otherwise stated, the term “mediation” will be used throughout this catalogue as an assessment of this general concept, mostly because it is used by a vast majority of councils which participated in this study (see below).

The reasoning behind this research can be summarised as follows: if **the handling of complaints** is the main task (or even the *raison d'être*) of most European press and media councils, is mediation – as part of this process – **rather the norm or an exception?** And how do these self-regulatory bodies manage (or not) the search for amicable solutions?

Starting from a survey distributed in September 2023 among all European press and media councils – and in countries where they do not (yet) exist as such, ethics committees within journalists' associations – and from subsequent in-depth interviews with press councils which represent cases of interest, this study intends to **map existing mediation procedures** among European press and media councils, so as to provide a catalogue raisonné of possible approaches.

Its main objective is to establish **a series of best practices** which can serve as inspiration for councils which don't resort (anymore) to mediation or are searching for improvements, or at least adaptations, of their own procedure. The underlying goal of this study is to raise awareness of this possibility – sometimes unknown of potential complainants – and to demonstrate **the importance, the seriousness and the efficiency** of such a process when handling complaints, in particular in terms of strengthening the dialogue between media/journalists and the public.

[1] Regarding possible definitions of journalistic self-regulation and press (or media) councils, the curious reader can refer to the comparative work that has already been conducted within the framework of [Media Councils in the Digital Age](#), a European co-funded programme that “offers a real opportunity for press councils to take time for action and reflection on what they are, the values they share, the way they manage digital issues” (Hanot et al., 2023, p. 5).

II. METHODOLOGY

This research – a Google Forms survey sent to 46 European countries/regions and follow-up interviews with eight organisations [1] – gained responses from 26 members of the **Alliance of Independent Press Councils of Europe** (AIPCE) in total, i.e., Armenia, Austria, Azerbaijan, Belgium (CDJ and RvdJ), Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Kosovo, Lithuania, Luxembourg [2], Montenegro, the Netherlands, North Macedonia, Norway, Serbia, Spain (Catalunya), Sweden, Switzerland and the UK (Impress and IPSO).

It was unfortunately difficult to gain direct information from the seven remaining members (i.e., Bosnia and Herzegovina, Bulgaria, Georgia, Moldova, Spain (Andalusia), Turkey and Ukraine) for which information was only gathered from official sources, such as their website and the presscouncils.eu database. In addition to current AIPCE full members, answers from four other European self-regulation organisations (press councils or ethical commissions within journalists' associations) were collected, i.e., in Albania, Croatia and Slovenia – all AIPCE observers – as well as in Slovakia (AIPCE candidate).

It should be noted that when the survey was launched in September 2023, several European countries hadn't established any press council yet (i.e., Greece, Italy, Poland and Romania) while others only had emergent forms of press councils embedded in journalists' associations (i.e., the Czech Republic, Iceland, Latvia, Malta and Portugal [3]). These countries were nonetheless approached in the first instance, through existing contacts among known organisations.

To sum up, the sample of this study is made up of **37 organisations** (press or media councils – some with an ombudsman office – and ethics committees within journalists' associations), 30 of which participated directly through the survey and/or an interview (see annex for the detail). Studied countries for which no direct information was received will now be followed by an asterisk* to avoid any confusion.

[1] Namely Austria, Finland, Ireland, Kosovo, Luxembourg, the Netherlands, North Macedonia and Switzerland. This choice was dictated by the initial answers to the survey, which suggested the complexity and/or the richness of the information to be gathered. It should also be noted that in 2022, in the framework of an internal study conducted with the objective of improving its own mediation procedure, the CDJ had previous exchanges with several colleagues – from Austria, Belgium (RvdJ), Canada (Québec), France, Germany, Ireland and Sweden –, which will also be referenced where relevant.

[2] Luxembourg is the only press council which didn't fill the survey in but did participate in an interview.

[3] The fourth edition of the Media Councils in the Digital Age project will allow journalists' associations in Greece, Malta and Slovenia to receive consultancy on setting up a press or media council (January 11th, 2024).

METHODOLOGY

From a first analysis of the survey results, many differences appear, such as: **i. the integration of mediation in the complaints procedure of the press council** (it is inexistent, purely theoretical, official or not); **ii. the characteristics of the mediation procedure itself** (it is a mandatory first step or not, limited in time or not, confidential or not, formal or informal...); **iii. the human and financial investment allocated to mediation** (internal or external mediator(s), specific budget or not...). These aspects were thus discussed in more detail with selected interviewees and refined as the analysis progressed.

This **catalogue** explores in greater depth the reasons behind the choices made by several press and media councils, so as to understand them in their own context and to share them as good or improvable practice. It is part of a wider study comprising an **analytical article** – which summarises the various (and somewhat combinable) models of mediation, as well as factors which make mediation effective or, on the contrary, counterproductive – and an update of the existing [presscouncils.eu](https://www.presscouncils.eu) database.

Rather than classifying press and media councils based on their official rules of procedure [1], this qualitative study proposes to divide them in two main categories: **i. councils which, in one way or another, engage in mediation** and **ii. councils which, in practice, do not mediate (anymore)**. Although this may seem simplistic at first sight, this classification will certainly be more useful as a possible inspiration for good practice.

For some councils, despite their **specific characteristics**, the situation seems very clear: the organisation either mediates or it does not mediate (sometimes not anymore). For several others, it gets trickier, as this study – interspersed with observations and relevant quotations – will bring to the fore.

[1] This classification was first considered as potential respondents had to choose between four categories: i. inexistent (“my organisation does not in any case resort to mediation”); ii. purely theoretical (“it is mentioned in the rules of procedure but rarely used in reality”); iii. unofficial (“my organisation might resort to mediation even though it is not mentioned in the rules of procedure”); iv. official (“my organisation resorts – not necessarily frequently – or is supposed to resort to mediation within the framework of its missions”). On analysis, it revealed to be too complex and thus less attractive. It is important to note that respondents who declared they did not resort to mediation in practice (i.e., Cyprus, Denmark, Lithuania, the Netherlands, Norway and Switzerland) were automatically redirected to the end of the survey – which means that statistics quoted throughout this catalogue concern 23 respondents (out of 29).

III. DEFINING MEDIATION MODELS

1. Press (or media) councils which, in one way or another, engage in mediation

Instead of distinguishing councils based on the (apparent) effectiveness of mediation – which could for instance be measured by the completeness of the procedure, how often mediation is proposed to complainants or the average number of successful mediations each year, provided that statistics are available –, it is proposed to sort councils according to **whether or not they consider this process to be essential**. In other words, according to the degree of importance that they attach to mediation in their procedure. For each organisation, the following question arose: is mediation rather essential (A) or accessory (B)?

It should be kept in mind throughout this catalogue that, at least for 15 AIPCE members (including Armenia, Azerbaijan, Belgium (RvdJ), Bulgaria*, Denmark, Estonia, Finland, Ireland, Luxembourg, the Netherlands, Norway, Serbia, Sweden and the UK (Impress and IPSO)), complainants should demonstrate a **“personal stake”** in order for their request to be considered, i.e., how the disputed journalistic production affects them personally (Harder, 2021, p. 13). Which brings up an interesting point for councils which do not require this element: is it easier to engage in mediation with someone who is personally affected? This catalogue will provide food for thought regarding ways to make mediation more attractive to all parties involved, including to complainants who reach out to a press council with a civic-minded approach (and not necessarily with a personal interest at stake).

A. Mediation is essential

i. A well-established procedure



In **Albania**, potential complainants should first and foremost reach out to the media outlet in order to find a direct amicable solution. If this first step does not work out within two weeks, the Albanian Media Council ([Këshilli Shqiptar i Medias](#)) will start the official mediation process, which is mandatory. To enforce this mission, the AMC has a dedicated in-house mediator – in the functional (and not professional) sense of the term – with a specific budget (which has increased in 2019), while the process remains entirely free of charge for both parties. There is no maximum period to reach an amicable solution, which is evaluated case-by-case and can occur at any time during the procedure, until the Council decides on the case. For Chair Koloreto Cukali, the main challenge is to engage in mediation with “rogue media”. On its website, the AMC admits that a resolution will be quick(er) if the media is a member of the Council. If not, “the Council will still mediate, hoping to get the best result from the media organisation” (April 1st, 2023).

Cukali also notes that the procedure can be diverted by certain media outlets to avoid potentially founded/upheld complaints. On a more positive note, he notices better negotiating procedures and more trust from both parties in recent years, concluding that mediation has become easier with time.

A first factor which is likely to complicate the mediation process is **the non-membership** of the media outlet subject to a complaint. In all logic, it seems more difficult to encourage a media outlet that doesn't take part in the self-regulatory system to engage in mediation – but exceptions do exist. According to the survey as well as the [presscouncils.eu](https://www.presscouncils.eu) database, a minority of European press councils accepts complaints (and thus mediation, for those concerned) regarding members only: Denmark, Estonia, Finland, Ireland, Montenegro, Norway, Sweden and the UK (Impress and IPSO). This potential lack of manoeuvrability therefore concerns a majority of press councils, even though all agree on the fact that mediation is supposed to involve the explicit agreement of all parties concerned [1]. In any case, member media, just like complainants, might not always wish to make use of this possibility. In countries where journalistic self-regulation is not sufficiently implemented in the media landscape, promoting mediation in the first instance could thus be an incentive to join the system – as it shows that a press council can also be a place of support.

[1] Although it seems to be an exception among studied press councils, mediation can also be implicit in the sense that an amicable agreement will not always be verbalised.



In most cases, the Press Council of **Azerbaijan** (Azərbaycan Mətbuat Şurası) offers the possibility to solve a complaint by “negotiation”. If the media agrees to discuss with the complainant and the Executive Secretary, a meeting will be organised (if possible) within ten days. If the complaint is resolved through negotiation – which must be confirmed by both parties in writing –, the Executive Secretary will inform the Chair and the complaint will be formally closed (December 3rd, 2023).



In **Dutch-speaking Belgium** (Raad voor de Journalistiek), the Secretary General of the Council – who also refers to its role as ombudsman, a term which does not “translate” in the same way in Ireland or Sweden (see below) – is in charge of mediation. Pieter Knapen stresses the importance of combining formality (written exchanges) and informality (oral exchanges), meaning that when he sees a potential for mediation – which is always mentioned in writing as the first mandatory step when responding to an admissible complaint –, he doubles it with a phone call as quickly as possible. A member of the Council once suggested the idea of hiring a professional mediator, but the Council preferred to keep the process informal and, above all, free of charge (May 27th, 2022). Most amicable settlements, which are possible right up to the last minute (the day before the case is discussed at the monthly meeting of the Council), conclude at the beginning of the procedure.

“We propose an informal approach so as not to deter the parties, but with a formal closure if successful”

(Pieter KNAPEN, Secretary General of the Belgian Raad voor de Journalistiek)

And even if mediation can initially fail, the usual hearing organised with the parties can sometimes enable them to agree on an amicable solution, the tension having eased since the complaint was lodged. Mediation was previously limited in time and therefore didn't allow for a later resolution, which is the latest improvement in this area. When a solution is agreed on, the Secretary General summarises it by writing and submits it to the parties, before closing the procedure. Knapen considers this system to be satisfactory as it stands, with a high success rate. In recent years, statistics have remained constant, with an average processing time of around 30 days and 30-35% of completed cases per year settled through amicable settlements.

The mediation process is considered rather formal for a majority of surveyed press councils. But oftentimes, successful mediation seems to strike **a balance between informality (oral exchanges) and formality (written exchanges)**. Several respondents have indeed stressed the fact that the complaint will always be formally closed, i.e., that a written report will be sent to both parties in order to confirm the agreement. In this study, formality and/or informality refers to the exchanges of arguments between the parties as much as the communications between each party and the press council's office or secretariat (i.e., e-mails or telephone calls). In the case of these one-on-one communications, both options take time and show potential strengths and weaknesses. For instance, formality could be discouraging in the eyes of media outlets because it takes time, but complainants might feel like informality may be to their detriment, as press councils' representatives might be familiar with journalists and editors. Depending on the logic chosen by a press council and the way it has decided to work, (in)formality will be seen either as a complicating or facilitating factor. Regarding the exchanges of arguments between the parties, this is all the more apparent in terms of whether or not both parties are able to meet throughout the mediation process.



In **French- and German-speaking Belgium**, the general secretariat of the CDJ (Conseil de déontologie journalistique) acts as a mediator either at the start of the complaints procedure, or in response to specific requests for mediation without a complaint, which is rarer. In the event of an admissible complaint, the procedure begins with the mandatory search for an amicable solution, which remains possible at any stage. If the complainant is invited to mention any previous attempts to reach an amicable solution with the media, this does not constitute a condition for the admissibility of the complaint.

Since the latest review of the Council's procedural rules in 2023, if the targeted media has a proper mediation service – which is only the case of the public broadcaster as of now –, the general secretariat will forward the complaint so that a “direct amicable solution” can be found within a month. For all other media, the secretariat will take on this responsibility, with the agreement of both parties. Exchanges that take place during the search for an amicable solution are strictly confidential, meaning that members of the Council will only be informed of the outcome. The CDJ keeps a record of complaints that end in mediation in a booklet published each year with its annual report, which “makes it easier for the media to recognise any errors it may have made and sometimes makes it possible to correct at least part of the damage suffered in the eyes of the complainant” (December 2nd, 2023). In other words, the goal of these anonymised reports is to foster the mediation process.

“Mediation shows that media and journalists are real human beings who can be available for the public and vice-versa, it improves understanding between both parties”

(Muriel HANOT, Secretary General of the Belgian CDJ)

For countries where mediation is also an option in the case of **“self-referral”** (i.e., when the press council opens a case on its own), the CDJ example could serve as potential inspiration, as it has already improved in its short history. Indeed, the outcome of such mediation cases (whether or not the amicable solution proposed by the media is sufficient to close the case) can be discussed by a restricted committee/commission of the Council and not during the plenary session so that, if the case has to go to the merits, the members involved in the mediation discussion will not be involved in the decision as well (i.e., judge and jury). Nowadays, these specific mediations are discussed virtually between the members of a special committee – made up of the Chair, Vice-chair and a third “rotating” member of the Council – and their decision to either close the case or not is ratified at the monthly plenary session. While this might seem contradictory (why would the Council open a case that raises real ethical questions if it is to be closed in mediation?), experience has shown that it can lead to actual changes in practice – which are not systemically triggered after a founded/upheld complaint.

The recent revision of the rules of procedure also made it possible for the general secretariat to act as a mediator when the Council opens a case on its own initiative. This possibility, which is still a work in progress, has proven to be an efficient way to encourage dialogue between newsrooms – which sometimes lack room for manoeuvre – and advertisers in cases of confusion between information and advertising. If the average processing time has drastically reduced from 55-85 days in 2018-2020 to one week in 2021-2022, this timeframe increased in 2023 to 31 days due to the organisation of several meetings (even though most cases were solved within a week).

In any case, mediation has become easier with time as several media have become more keen on it, while it is harder with some complainants “because of the mistrust induced by the Covid crisis” or, more generally, of the tensions inherent to certain subjects. In recent years, statistics have remained relatively constant with an average of around 30% of completed cases per year settled through mediation.



Ireland (Press Council of Ireland – Office of the Press Ombudsman) represents a very particular case among many similar-working councils. Firstly, amid other conditions of admissibility, complainants can only reach out to the Office of the Press Ombudsman if they are personally affected by a publication and if they have contacted the editor (which must be a member) beforehand. In simplified form, the Case Manager of the Office – a trained mediator – endeavours, in the first instance, to resolve all complaints through a process of “conciliation” within four weeks. When this first mandatory step fails, the complaint is transferred to the Press Ombudsman, who can either make a decision or hand the case over to the Press Council.

Previously, part of the conciliation process took the form of “mediation” in the sense of a private meeting between the editor and the complainant, with the Case Manager acting as facilitator. All aspects of the mediation process remained informal and strictly confidential to the parties concerned and were not documented in any manner, or communicated to any third party (including the Press Ombudsman and the Press Council). Mediation per se is not practiced anymore because of legislative change in Ireland which requires, if using this protected term, to give both parties the opportunity to have legal representation, which – in the spirit of self-regulation – is against the philosophy of the Office, whose goal is to find a resolution to complaints in a non-legalistic and speedy manner (October 25th, 2023). The Office is nevertheless trying to make these meetings happen again, as they were generally successful.

“In our system, complaints that are resolved through conciliation are no less important than complaints that were decided upon by the Press Ombudsman: those are two separate layers”

(Bernie GROGAN, Case Manager for the Office of the Press Ombudsman of Ireland)

The conciliation procedure is rather formal: almost everything is done in writing in order to be as transparent as possible. According to Bernie Grogan, informal conciliation would be problematic as, on one hand, the Press Ombudsman will look at what was said or proposed during this phase in order to make his or her decision (only if conciliation has failed) and, on the other hand, “the complainant might not get the best outcome out of it”.

MODELS

According to Grogan, the strengths of the conciliation procedure are its speed (two weeks per step), its clarity (conciliation is clearly advertised on the website) and its support of the complainant (who can obtain exactly what he or she seeks and, if not satisfied with the proposed outcome, can opt to have a formal decision by the Press Ombudsman). In terms of statistics, the rate of successfully conciliated complaints varied between 30% and 60% from 2016 to 2022, with a slight decrease during the Covid years (which resulted in twice as many complaints). Most conciliated complaints were resolved two to three weeks after submission, four weeks being the maximum allowed. In 2022, the majority of them related to online articles.

The Scandinavian term “**ombudsman**” is a literal translation of “mediator”. In Europe, many public service broadcasters have a fully-fledged ombudsman or mediation service, which generally redirects listeners or viewers dissatisfied with their response to the relevant press council or regulator, depending on the nature of the complaint. Unlike press councils, these are usually not entirely independent, since they work for a media outlet. Within the small galaxy of journalistic self-regulation, the term “ombudsman” covers different realities. In Belgium (RvdJ and CDJ), the Secretary General of the Council is also referred to as an ombudsman in his or her capacity as mediator during the complaints procedure. In Ireland and Sweden, potential complainants do not contact (through a secretariat) the Council, which could be considered as a second-line body, but rather the office of the Press/Media Ombudsman, a non-governmental body that serves as a last resort.



The **Norwegian** press council (Norsk Presseforbund) declares it does not mediate. Practically speaking, it does urge the parties to find a solution together at the start of the complaints procedure. Indeed, within a week, the media has to notify whether attempts have been made to find an amicable settlement. If such an agreement has been reached, the complainant will have to confirm it to the secretariat. Approximately 10% of complaints are solved in this manner each year. It could be argued that this initial phase reflects a primary form of mediation: in this case, the press council acts only as an intermediary and does not take part in the exchanges, but it does play a role of mediator nonetheless, during a crucial first step. This example raises the question of the mediator’s role, who can either be a simple intermediary (such as in Norway) or rather take part in the exchanges, while remaining neutral...



In **Serbia** (Savet za štampu), mediation is announced as a compulsory first step of the procedure. The media outlet is invited to respond to the complaint as well as the potential settlement proposal made by the complainant, within a week. If the media accepts this proposal, mediation is considered successful and the procedure is suspended.

If it submits its own new settlement proposal instead, the complainant will have to accept it or reject it, but he or she won't be able to make another proposal. If mediation fails, the complaint is presented to the Council. It is not possible for both parties to meet, which is another reason why the process is rather quick. According to Manager Emil Holcer, there is no need for the procedure to improve, which has become easier with time. Nonetheless, a weakness is the lack of interest from the media outlets, which “seldom admit they are wrong”. Results haven't drastically evolved from 2016 to 2022: with between 81 and 163 complaints received each year, 5 to 15 complaints were resolved through mediation annually. Finally, it should be noted that mediations are not confidential, as annual statistics will indicate the names of both parties, as well as the outcome.



In the **UK**, the Complaints Committee of the Independent Press Standards Organisation (IPSO) “will seek to find a satisfactory resolution to a complaint by facilitating mediation”, where appropriate – it is therefore not compulsory. In most cases, the complaint will first be passed to the publication for them to try to resolve it with the complainant before IPSO begins its investigation. IPSO can also help to directly mediate between complainants and newspapers. If mediation succeeds (either through direct correspondence between the parties or through IPSO), the complaint will be closed and a statement recording the outcome will be published online, like every other ruling. If the complaint is not resolved by mediation, the Complaints Committee will determine whether or not there has been a breach of the Editors' Code.

According to Senior Policy and Public Affairs Officer Tom Glover, as it stands, IPSO offers an effective and transparent way for complainants and publications to come to a mutually acceptable outcome. If the type and nature of mediation work has remained relatively consistent over the years, results have significantly varied. As for many other organisations, inaccuracies and requests for removal of content are the most common trends in mediation requests. Lastly, it can be added that IPSO – just like its counterpart Impress – also offers a fee-based arbitration scheme [1], which is defined by IPSO as “a method of dispute resolution used to provide a cost-effective, straightforward and quick method of solving legal disputes between claimants and participating members of the press” (August 5th, 2016). While arbitration is another form of Alternative Dispute Resolution (ADR), it should not be confused with mediation as understood by most press councils (including IPSO) – because of its clear legal nature, as well as its inevitable cost.

[1] As explained by Thomas Spencer from Impress, as part of the 2012 Leveson Inquiry into press misconduct in the UK, the UK Government passed legislation to incentivise parties to resolve defamation disputes via a press council's arbitration procedures, as an alternative to going to court. In short, this provision requires any party (publisher or claimant) that bypasses a press council's arbitration scheme in defamation cases to pay both sides costs if they force the other party to go through expensive court proceedings. In anticipation of the legislation, both IPSO and Impress introduced fee-based arbitration schemes (March 28th, 2023).

14 respondents mention the fact that their **mediation results are public**. Most of the time, these are accessible on the Council's website – through a dedicated webpage (e.g., [Ireland](#)) or with the other complaints/cases (e.g., [Estonia](#), [IPSO](#), [North Macedonia](#)). A dominant trend is to share an anonymised summary in the Council's annual report (e.g., [CDJ](#)). The more discreet French CDJM relays successful mediations in its subscription-based newsletter. Such cases will for instance be summarised as follows:

- “A complainant pointed out an error in an article about a Belgian footballer treating himself to a golden steak in Dubai. The media, informed by the CDJ, corrected the disputed passage. The complainant said he was satisfied with this explicit and rapid correction, but regretted that malicious comments had been posted based on the erroneous information. The case was closed and classified as a successful mediation”;
- “Ryanair complained about an article headlined ‘Holiday Chaos as Ryanair Pilots Announce Strike’ which it said inaccurately reflected the true position. The complaint was resolved when the newspaper published a letter from the complainants” (Ireland);
- “During IPSO's investigation the publication removed the identity of the complainant's daughter in a gesture to resolve the complaint. The complainant said that this would resolve the matter to his satisfaction”;
- “The CDJM was contacted by a reader of the France Culture website who disputed a historian's assertion that a daily newspaper had not referred to a Resistance group after the war. Mediation between the parties enabled France Culture to clarify the source of this assertion and to provide an additional link to clarify the historical context. Once the addition had been made, the applicant did not react”.

The degree of detail and/or anonymity thus depends on each council: the media and/or the complainant might be named or not, the case might be summarised in detail or not (it will then only be mentioned that a “solution during the preliminary procedure” was found), as well as the outcome (e.g., “text removed”). Regardless of the degree of publicity and the variety of communication options, the intention is clear: encouraging mediation by making it visible, thus tangible. Several councils, notably Croatia and Kosovo, are currently working on – or declare they should work on – a better visibility of mediation.



According to the presscouncils.eu database, the Press Council in **Bosnia and Herzegovina*** ([Vijeće za štampu i online medije u Bosni i Hercegovini](#)) has an obligatory mediation process, seen as a vital part of how the Council operates (Harder, 2021, p. 15). In short, the secretariat will contact the media targeted by a complaint and try to resolve the case by mediation, for instance by proposing to publish the complainant's reaction. If it fails, the case will be forwarded to the complaints commission, similarly to most councils.



Among the functions of the **Moldovan*** press council (Consiliului de Presă din Republica Moldova) lies in second position, after complaints handling, the task of “negotiating rapid and mutually acceptable compromise solutions to disputes” between media (or journalists) and the public. The rules of activity of the Council specify that “if the editor/journalist is willing to settle the dispute, the President of the Council shall appoint a dispute resolution working group composed of two members of the Council” (August 3rd, 2023). The decisions of the Council, which are published online, can include a reference to this mediation process.



In **Andalusia (Spain)***, the ethics commission of the CPPA (Comisión de Deontología y Garantías del Colegio Profesional de Periodistas de Andalucía) may act as a mediator at the request of both parties. The secretariat will – in agreement with the President – appoint a mediator, i.e., a member of the Commission. Mediation will be conducted informally, under the principles of orality, equality, immediacy and speed. Because it is part of a journalists’ association, the scope of the Commission is larger, as it can “intervene as a mediator and in arbitration proceedings in conflicts that, for professional reasons, arise between the members” (thus between media/journalists) (March 24th, 2017). It is interesting to note that the rules of the Commission take into account a coordination with “other possible instances of mediation and/or conciliation” (ibid.).

ii. A work in progress

For several press and media councils, although mediation is seen as a true asset, it is still a work in progress – in the sense that the procedure is not yet complete (either because it is still under construction or because it should be refined further) and/or because it should be more advertised, according to its representative.



For instance, the young **French** press council bears an evocative name, as it is called the Conseil de déontologie journalistique et de médiation or CDJM, literally the “Council for journalistic ethics and mediation”. By doing so, the CDJM wanted to convey the idea that, contrary to a widespread fear in the profession in France, a press council is not a sanctioning structure or a “court of thought”, but rather a place for dialogue (May 16th, 2022). In its bylaws, the association presents itself precisely as “a forum for dialogue and mediation between journalists, the media and press agencies and the public on all issues relating to journalistic ethics” (December 13th, 2023). Furthermore, it is detailed that “if the referral is appropriate, the Board may, at its discretion, propose either to put the complainant in contact with the media concerned, or, after obtaining the agreement of both parties, to organise mediation”.

The CDJM will then appoint a qualified person (a member of the Executive Committee or the Board of Directors) to conduct it. The website is supposed to report on the contacts made and the results of mediation while preserving the necessary confidentiality of the process but in reality, mediation cases are only relayed in a newsletter. It is also stated in the rules of procedure that if necessary, the CDJM may draw up a mediation charter in the future. To summarise, mediation has not been made mandatory (yet?) because the will of the parties represents a pitfall, but it remains an objective and a *raison d'être* of the Council. If the CDJM hasn't conducted many mediations since its creation in 2019 (reportedly less than 10), the Council has made progress in this area and its implementation is "gradually becoming more precise".

"With each mediation initiative, our processes improve"
(Bernard ANGAUD, General Delegate of the French CDJM)



In **Hungary**, the Editors Forum (Főszerkesztők Fóruma Egyesület) will always ask the complainant if they've already contacted the media outlet directly, and if they haven't, if they are open to mediation or not. It does the same with the media outlet and if both are open, a mediator will be assigned to the case, who can be in-house or external (an "experts" list is available on the website of the Forum but it doesn't specify whether these experts are journalists, academics, etc.). Just like the vast majority of press and media councils, the case will be closed if mediation is successful and presented to a complaints commission if it isn't. In this sense, mediation takes the form of a meeting between both parties.

Chair Balazs Weyer explains that because the Council cannot afford to pay the mediators, it is shy to advertise it at the moment. If the total of mediations per year has decreased with time, this is due to local specifics, says Weyer ("Ethics are not the major concern of the audience in a problematic media landscape") and not to the procedure itself. Nevertheless, these rare mediations are successful most of the time – Weyer notices "a change of attitude from both parties" during this phase – and flexibility is believed to be the most important strength of the procedure. Indeed, the mediation process is rather informal (oral exchanges are favoured), there is no precise deadline for a mediation to succeed ("The Council relies on the mediator's feeling") and consequently, results are not available online (the fact that the agreement was reached is public, but its contents cannot be revealed without the consent of the parties).



The complaints commission of the **Montenegro** Media Self-Regulation Council (Medijski savjet za samoregulaciju) mediates "so that these disputes do not end up in court", according to its

bylaws (September 24th, 2023) – which could define mediation in more detail according to Executive Secretary Ranko Vujovic. Regarding the procedure, it should be reminded that the Council accepts complaints and thus mediation with members only, and that the process is rather formal. Vujovic underlines that its main strength is the trust usually placed in it by both sides. Regarding statistics, which are accessible in the annual reports of the Council, a recent evolution is noticeable: if there was no mediation initiated from 2016 (out of 46 cases) to 2021 (out of six cases – the number of complaints seems to have plummeted over the years), two mediations were held (out of 11 cases) in 2022.



The rules of procedure of the Council of Media Ethics of Macedonia (CMEM) state that the executive office, “depending on the complexity of the subject, must initiate a reconciliation of the parties in the dispute” (February 19th, 2024) and must present the outcome of potential reconciliations (if initiated) to the complaints commission. The deadline to reach an agreement is short, i.e., one week only (the whole procedure being one-month long maximum). For Biljana Georgievska, Executive Director of the Council, the procedure could be improved to “dynamise the process”, as formality is seen as a weakness. She notes that as of now, the rules are too strict and that more personal contacts (e.g., systematically contacting both sides by telephone) could lead to more successful mediations. Furthermore, organising meetings “could give a more personal touch to the process” but it is said to be impossible at the moment, as it would require more than a week and more resources.

“Mediation is usually a professional way of resolving things and in favour of better practice, which is a goal for all press councils”
(Biljana GEORGIEVSKA, Executive Director of the Council of Media Ethics of Macedonia)

Successful mediations are, like any other complaint, listed online. As of now, the success rate is very low (between 0 and 13 mediations per year from 2016 to 2023), with more than 90% of complaints resolved without effective use of this mechanism. According to Georgievska, “it has not become easier, mainly because of the lack of regulation of online media” – which account for the vast majority of complaints. In order to promote mediation, but also to decrease the number of adjudications and to prevent these decisions from being used in lawsuits against media, the CMEM has decided to develop in the upcoming months a “Media Mediation Network”, a group of mediation officers who will solve cases for the Council or at least alert it on recurring issues in their respective localities. For Georgievska, this initiative could also encourage Macedonian media to engage in mediation, as it seems that an ombudsman tradition is currently missing (November 3rd, 2023).

For several press and media councils surveyed, the term “mediation” necessarily implies **a face-to-face meeting** (which might explain confusion linked to terminology) or at least a direct exchange between the parties involved. A vast majority of respondents declares it is possible, at least in theory, for both parties to meet in this process, whether it is face-to-face and/or online. Even though mediation encompasses a wider range, it does often succeed thanks to a dialogue – “because a complaint is often the expression of an emotion, because journalism involves mechanisms that remain unknown to the wider audience, because it removes the barriers between the complainant and the media/journalist...” (August 10th, 2023). A meeting is in some cases a form of amicable solution in itself, but it can also lead to specific measures. And, just like other types of agreements, accepting to participate in a meeting does not necessarily mean that the media outlet recognises an error (or an ethical breach). If the main argument in favour of arranging such encounters is to (try to) establish a constructive dialogue between the parties, it is undeniable that it takes time to organise and lengthens the procedure. For most surveyed press councils, having the parties meet can make the mediation process easier. On the contrary, according to several others (including most councils for which a meeting is not possible – i.e., Sweden, Germany and Serbia), it makes it harder.



Impress (UK) offers complainants the possibility to contact the publisher directly and on their behalf if they do not wish to do it directly, acting as a third-party intermediary. It therefore provides an “Alternative Dispute Resolution (ADR) service that delivers quick, affordable, discreet results, at a fraction of the cost of going to court” which can either take the form of mediation (which, according to Impress, “involves the appointment of an independent third-party who facilitates dialogue between parties, that allows them to reach a private settlement via mutual agreement”) or arbitration (which “involves the appointment of an independent third-party who considers all facts before issuing a judgement, which is legally binding and enforceable through the courts”) (February 25th, 2024). It should be emphasised that, unlike IPSO, which also provides for a fee-based arbitration scheme (see above), the mediation process proposed by Impress is also a paid service. Impress is in fact the only surveyed organisation which declares that its mediation process is not entirely free of charge for both parties. Without going much further on the (legal) arbitration scheme, it can be added that mediation “serves to preserve the relationship between parties, while providing a rapid, cost-effective route to a fair settlement” (ibid.).

Impress recently amended its ADR rules to ensure that the process would be “efficient and low cost, giving the arbitrator or mediator more control over the process”. Mediation rules are not yet public but in short: the organisation resorts to external mediators (which explains the cost); the process is rather formal and entirely confidential; this fee-based service accounts for less than 1% of the total budget. According to CEO Lexie Kirkconnell-Kawana, a weakness – besides the inevitable cost – is that “the other party cannot be compelled to participate in mediation”. She also notes that some parties “acting in bad faith, can delay, stay or frustrate proceedings, particularly if self-represented”, which “undermines the timeliness and effectiveness of the

process”. Mediation has remained rare in recent years (it happened twice in 2017 and once in 2019 – thus under the previous scheme – and concerned defamatory meaning as well as copyright infringement). Kirkconnell-Kawana explains that it has become harder with time as “less people are aware of their rights to redress” and as “media continue to be hostile to participating in dispute resolution”.



For the Press Council of **Kosovo** (Këshilli I mediave të shkruara të Kosovës / Savet štampe Kosovo), inviting the complainant to contact the media before the Council is a mandatory first step, but attempting to resolve the case amicably with its help is not. If the secretariat – which will carry out this intermediary process – can talk to both parties to see if a solution could meet their respective demands, mediation is automatically excluded “in cases where it is completely clear that there is a violation of the Code of Ethics” (similarly to other councils). As of now, it is rather informal and can take the form of a meeting between the parties. Mediation has become easier with time “because the awareness of media editors has increased” but it still happens quite rarely: if on average, around 10% of cases are subject to mediation each year, only 1 to 3 cases were actually resolved every year for the period 2016-2022. According to Executive Director Imer Mushkolaj, mediation meets the needs of parties but “more visibility for this possibility and more initiatives from the press council in some cases” could be an improvement. For instance, potential complainants could be more informed about this possibility through promotional campaigns (November 17th, 2023).

“It’s impossible to resolve all cases through mediation. It depends on the type of complaints, which articles of the Code have allegedly been violated, how serious it is...”

(Imer MUSHKOLAJ, Executive Director of the Press Council of Kosovo)



The Commission on Journalistic Ethics of **Ukraine*** (Комісія з журналістської етики) practices mediation occasionally. If precise rules of procedure do not seem to be available online, cases resolved through mediation are listed on the website of the Council and demonstrate a willingness to practice it more often.

B. Mediation is accessory



The **Austrian** Press Council (Der Österreichische Presserat) represents a combination of approaches presented so far. The Council comprises three senates and is supported by two mediators, i.e., well-known retired journalists (who have formerly participated in the Council's activity) who are assigned cases on an alternating basis. This dedicated service thus lies between in-house and external mediation. In practical terms, the President of the relevant senate may appoint, during the monthly meeting, a mediator to arbitrate a complaint if he or she deems it appropriate; it is thus decided on a case-by-case basis whether an ombudsperson should be involved or not. The process itself depends fully on the mediators, who receive a symbolic sum of 100 euros for each case and always have to prepare a final written report for the Senate (which will not be made public). In theory, if no amicable solution is found within four weeks of the mediator's intervention and further attempts do not seem appropriate, the classic procedure will continue. In practice, this deadline also depends on the mediators, as explained by Director Alexander Warzilek. When the situation is urgent and cannot wait until the monthly meeting, he will directly request the agreement of a President before forwarding the case to one of the mediators. On the contrary, if a complaint concerns a small problem such as an obvious (factual) mistake, the Director has the discretion to directly contact the media outlet to resolve the problem more quickly – but he will have to report it to the Senate afterwards.

“Mediation does not represent an extra effort for us: it is nor too time-consuming, nor expensive. It may not be the perfect system but it works, and I don’t see any reason for changing it”

(Alexander WARZILEK, Director of the Austrian Presserat)

According to Alexander Warzilek, the procedure works well as it stands, notably thanks to its flexibility. But despite this “customised” service, mediation is rarely proposed: there are on average 10 mediations initiated every year (with an estimated 50% success rate) on 300-400 complaints received – which does not represent a substantial workload in the end. In the Austrian case, these low statistics are not due to a lack of motivation from the parties (as it seems to work well with all media), but rather to the sorting carried out by the Council through a first analysis of the case. For Warzilek, mediation is “a nice option” and “a much better solution than the official procedure in certain cases” but it wouldn’t make sense to use it systematically. He highlights the fact that resolving all complaints through mediation would in the end be detrimental to self-regulation, as some cases reveal serious ethical breaches and could therefore influence the media sector to change certain practices when they are (publicly) pointed out (October 20th, 2023).

Is the primary role of a press council to be **an arbiter of media ethics or a conflict resolver**? According to the majority of respondents, the answer is both. Some of them consider that they should first and foremost make public statements regarding media ethics. Indeed, as summarised by Jespers, “Mediation, however desirable it may seem, has a potential drawback: complaints that end up in mediation when they could have been declared well-founded see their stakes and grounds disappear from the statistics and annual reports, which introduces a bias into analyses of compliance with professional ethics in the media” (2022, p. 42).

This illustrates the major difference between press councils which consider mediation to be essential or a goal in itself (who will therefore try to mediate in the first instance and/or follow the will of both parties, whatever the ethical issues at stake) and councils which believe mediation is more accessory (and will for instance delegate the decision to resort or not to mediation to a deciding body) – or even useless. Several existing propositions can be reminded to respond to this legitimate criticism: in addition to annual statistical data, many councils publish an anonymised summary of each successfully mediated case, in order to make it visible. In the event of a new and/or crucial ethical issue, councils can also publish a related statement or even a recommendation, which should gain at least as much publicity as a decision of the Council.



The Media Ethics Observatory of Armenia decided to practice mediation (also called “conciliation”) as soon as it was created, but it isn’t a compulsory first step in the procedure. The complainant will only be advised to contact the media directly by proposing to resolve the dispute (e.g., by publishing a response). If the complainant agrees to do so but the media refuses or doesn’t answer, the MEO will conduct its own investigation. Mediation is rather informal and both parties are able to meet throughout this phase. Chair Boris Navasardian states that the process could be formulated more precisely. For instance, there is no fixed deadline before considering that mediation has failed: from practical experience, “it could last from a few days to three months”. Another potential weakness resides in the fact that some media are not constructive in meeting the claims of complainants. Nonetheless, Navasardian believes that the flexibility of the procedure (for example, being able to choose who will be in charge of the mediation process among the MEO) is also a strength, noting that mediation “proves that constructive approaches help to resolve almost every dispute”. As of now, it happens rarely (once or twice a year for the period 2016-2022) and results are not made public.



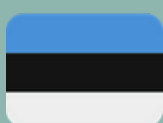
The ethics commission embedded in the Croatian Journalists’ Association (Hrvatsko novinarsko društvo) or HVM gives a suitable deadline for conducting mediation, but not longer than a month. It is proposed only “in cases where the Council deems it possible to settle the dispute” and it is possible for both parties to meet.

MODELS

The overall procedure hasn't evolved in the last 20 years but the Council is currently working on speeding up decision-making and on a better visibility of these decisions. For Project Coordinator Monika Kutri, the main strengths of mediation are the voluntary participation of both parties, confidentiality (to encourage "open dialogue without fear of public exposure or legal consequences"), flexibility and speed. Around 10% of complaints are resolved through mediation every year.

"Unlike formal proceedings, mediation can be tailored to fit the specific needs and nuances of a journalistic dispute"

(Monika KUTRI, Project Coordinator for the Croatian HVM)



During the preliminary procedure, the Executive Secretary of the **Estonian** Press Council (Pressinõukoogu) will mediate in order to negotiate a settlement between the parties if possible, within 7-10 days. It is not possible for both parties to meet in this process. According to Executive Secretary Maige Prööm, there is no need for the procedure to improve, as every case is unique and depends on the circumstances. Mediation happens quite rarely but statistics are consistent (between one and seven per year for the period 2016-2022). On its website, the Council lists all cases with the name of parties (unless the complainant has chosen to remain anonymous) and their result, including if it was "solved during the preliminary procedure" (by mediation).



The Print-Digital Council of the **Slovak** Republic (Tlačovo-digitálna rada Slovenskej republiky) – which is the ethics committee of the national journalists association – only accepts a complaint if the media hasn't made a correction within a week after the request was sent. It is therefore mandatory to reach out to the media outlet in the first instance. According to the rules of procedure of the Council, the Chair will suspend the proceedings if he or she finds that "a sufficient remedy" was brought by the editor (December 2nd, 2023). In practice, the full complaint assessment process prevails over conciliation: around 20% of complaints received between 2016 and 2022 were solved that way, in total. Related statistics can be found in meeting minutes and annual reports. According to Chair Alenka Panikova, mediation strengthens the dialogue between media/journalists and the public "to a limited extent, in individual cases", as she reminds that "it depends on the goodwill of both parties".

"A positive approach of the complainant regarding mediation depends mostly on the approach of the individual editor"

(Alenka PANIKOVA, Chair of the Print-Digital Council of the Slovak Republic)



In **Slovenia**, the Journalists' Ethics Council (Novinarsko častno razsodišče) – also an ethical commission embedded in the journalists association – can conclude the procedure “by settlement between the participants”, among other possibilities. It is not mandatory for complainants to first address their grievances to the concerned media. Mediation, which can take the form of a meeting, is not done regularly (there were none for the period 2016-2022). According to Secretary General Špela Stare, the process could be improved but in any case, “it must be done transparently and can't replace the complaints procedure”.



In **Catalunya (Spain)**, the CIC (Fundació Consell de la Informació de Catalunya) can act as a mediator, even if this isn't apparent in the procedural rules. As confirmed by its Secretary Begoña Muñoz, it's not usual but rather “a casual procedure” which can “resolve dubious complaints”. Mediation is rather informal and can take the form of a meeting between both parties. From 2016 to 2022, mediation took place only twice in total.



Because of a lack of resources and capacity, the **Bulgarian*** National Council For Journalism Ethics (Национален Съвет За Журналистическа Етика) does not mediate by default. But the possibility is – as stipulated in the bylaws – suggested to the complainant by the Executive Secretary (September 27th, 2023). The time limit for conducting mediation may not exceed ten days, unless both parties wish to extend it. Parties have the possibility to meet with the Chair of the Commission, its members and the Executive Secretary. If mediation fails, the proceeding will continue.



The Board of the **Georgian*** Charter of Journalistic Ethics can propose mediation at any stage of the procedure if it considers that the issue can be settled amicably. On its website, the Council mentions 11 successful mediations in 2017, 4 in 2019 and 2 in 2023 (September 30th, 2023).



The **Turkish*** press council (Basin Konseyi) refers to mediation in its working rules (“The main duty of the Secretary General of the Press Council regarding applications is to bring the issue regarding the application to a peaceful conclusion. For this purpose, the Secretary General tries to reconcile the parties. If he cannot get results within a reasonable period of time, he submits the file to the High Council of the Press Council with a report describing the incident and including his own recommendation”) (March 5th, 2024). No other information or concrete example appears to be available online.



Finally, **Sweden** represents a particular case, on the edge between the two main categories presented in this study. The field of action of the Medieombudsmannen or Media Ombudsman (MO) is quite narrow, as “the complainant must be personally affected and identified, (e.g., by name, photo or other identifiable information) with offensive or otherwise damaging information about them and their personal affairs” (December 3rd, 2023). His or her task, when a complaint is filed, “is to ascertain whether it can be dealt with by a factual correction or a reply from the affected person, published in the media concerned”. To settle the matter, the MO may contact the media outlet on behalf of the complainant (ibid.). Caspar Opitz considers that he resorts to mediation “unofficially” but the rules of procedure clearly indicate that the MO “shall endeavour to resolve disputes between individuals and mass media at the earliest possible stage”, meaning that if he finds that “a request for rectification or reply is justified”, he will urge the media “to accommodate the complainant in an appropriate manner”. The MO insists on the fact that this “direct press ethics” approach, as he calls it, is done informally and that it is not possible for both parties to meet in this process.

“Mediation is good, as you can solve things outside the box. I’m in favour of not being bureaucratic” (Caspar OPITZ, Swedish Media Ombudsman)

In summary, Opitz believes that this approach allows for more freedom but he recognises that it could be more formalised like it is the case for its Norwegian neighbour, where every complaint starts with an effort to mediate directly between both parties (see above). Especially because the process has become easier, as “media outlets are more keen than ever to do the right thing, as they build more and more on trustworthiness to differ from free media on the Internet”. As of now, because this informal kind of mediation is rather an exception than the norm and often not documented, data doesn’t exist. In other words, “it’s done outside the system” (May 23rd, 2022).

What are **the essential qualities** needed, for a journalistic self-regulatory body, to engage in mediation? According to the 23 press councils’ representatives who declared to be practicing mediation in the related survey, expertise or experience in journalistic ethics is a must have for almost all of them (21), followed closely by a similar knowledge or know-how in journalism (20), while expertise or experience in mediation is a prerequisite for 15 respondents. As summarised by one of them, “training as a mediator is not necessary and experience as a mediator is not a requirement to start mediation”; it’s rather “about patience, empathy and gradually learning through experience”. The last proposition – “an accommodating personality” – was chosen by 12 respondents. Other spontaneous answers included “independence and transparency” as well as “an understanding of the difference in the balance of power between the media and the complainant” (and being able to accommodate this imbalance) and “an analytical approach” (to judge if there is a potential for a satisfactory outcome).

2. Press councils which, in practice, do not mediate (anymore)

For **various reasons**, such as insufficient resources or a lack of interest from the parties involved, several councils – including long-established organisations – have chosen not to mediate systematically, or not at all. Others have abandoned what they consider a rather inconclusive process.

Instead of automatically dismissing from this catalogue press and media councils which do not mediate in practice, it is interesting to investigate these reasons. Furthermore, several councils have indicated throughout the survey and/or an interview that if **relevant points** were made, they could potentially change their way of working or even their rules of procedure to incorporate mediation further, at least in certain cases.

A. Mediation is theoretical

Between press and media councils which clearly mediate and those who clearly do not lies an in-between, i.e., councils which theoretically do. In that case, the search for an amicable solution is mentioned in the rules of procedure or the bylaws of the Council, but it is rarely used in reality.



For instance, the Committee of Media Ethics in **Cyprus** mentions in its establishing act that its aim is “the settlement, the soonest possible, of any dispute that may have arisen by the breach of this Code” (September 6th, 2023). In the survey, Cyprus has placed itself in this category (“purely theoretical”) without commenting further.



For its part, the press council of **Lithuania** (Visuomenės informavimo etikos asociacija) chose the “unofficial” category without further explanation either. No other information appears to be available online.

“Mediation hasn’t succeeded, so it has become practically obsolete”
(Eero HYVÖNEN, Chair of the Council for Mass Media in Finland)



The Council for Mass Media in **Finland** (Julkisen sanan neuvosto) or JSN/CMM is the best example of this purely theoretical mediation. Officially, the Chair and Council have the opportunity, prior to the official handling of a complaint, to mediate the matter if both parties consent thereto, but this possibility has been practically abandoned since 2015. According to current Chair Eero Hyvönen, a first explanation to why the JSN/CMM hasn’t paid much attention to it in recent years could be that most complainants show no personal stake and aren’t especially interested in mediating (“We are serving the wider audience and it would be really difficult to mediate with someone regarding inaccuracy for instance”).

Secondly, mediation has mostly failed “due to the willingness of the complainant to commit to the results”. The last mediation case led to an argument between both parties, which didn’t encourage the Council to try it again. However, Hyvönen believes that there might be room for (mandatory) mediation regarding protection of privacy, so as to avoid causing additional harm – which can happen when a decision is published, without exchanging much with the complainant beforehand. In the end, this possible slight adaptation of procedure wouldn’t change “the big picture”. Finally, it should be noted that in Finland, it is mandatory for the complainant to contact the media first when the complaint regards an “essential error”. The JSN/CMM will only handle such a complaint when the media has neglected to correct the error albeit being aware of it (October 24th, 2023).

“Mediation is not an underlying goal, only a theoretical possibility”
(Didier DAMIANI, Advisor for the Luxembourg Press Council)



The **Luxembourg** Press Council (Conseil de Presse Luxembourg) also records a very low number of mediation cases. Despite a title that might suggest otherwise, while the Mediation and Complaints Commission may decide to record an arrangement reached between the parties concerned, it is merely a theoretical possibility according to Advisor Didier Damiani. In practical terms, the Chair of the Commission – who receives each admissible complaint after the secretariat’s analysis – can propose to the other members of the Commission that the complainant be referred to mediation if he or she considers it appropriate. The decision as to whether or not to resort to mediation is thus delegated to the Chair: it is an initial screening based on an analysis of the case and not a compulsory first step. Nonetheless, Damiani stresses that the Council receives an average of only 10 complaints each year, and that around half of these are dropped along the way (fewer than 50 decisions have been rendered since the Commission was set up in 2006) (November 7th, 2023). In theory, if a mediation is successful, the complaint will be closed without further action and no information relating to it will be put online.



The **German** Press Council (Deutscher Presserat) can also theoretically mediate between the parties, but there is no obligation for them to try it. It is nevertheless strongly recommended to the complainant to first contact the media. The Council will only act as an intermediary between both parties, without taking part in the exchanges: for instance, there is no possibility for both parties to meet. Mediation seems to happen extremely rarely (for the period 2018-2022, no case was solved that way) and is not documented on the website of the Council.

Lack of willingness of the parties to mediate is a weakness according to Managing Director Roman Portack, who also suggests that “compulsory mediation might be an improvement for cases on minor infringements”. Portack believes that mediation does not really strengthen the dialogue between media and the public “because the process and the results remain between both parties”. In parallel, the VDMO – an association of media ombudsmen bringing together some fifteen newspapers’ representatives – was founded in Germany in 2018: for the Presserat, if such “moderators between readers and editors” complement the Council’s work and help to initiate discussions on media ethics and to secure the credibility of the media (April 27th, 2018), no collaboration is planned between both associations as of now.

B. Mediation is inexistent

Finally, a few press and media councils clearly do not resort to mediation, because it is not a mission per se and/or because the Council delegates it to the media sector entirely.



In this regard, the **Dutch** press council (Raad voor de Journalistiek) has abolished the possibility of mediation since it became a “second-line body” at the end of 2013. In summary, the complainant must now try to find an amicable solution with the media before the complaint can be submitted to the Council: it is the mandatory first step of the procedure. Unlike Norway, the Council will – in most cases – not put the parties in touch with each other. This was decided for two main reasons, i.e., a request from the media sector (as more and more media organisations are working with ombudsmen and have internal complaints procedures) and a financial setback (the temporary government support which allowed for a bigger staff and official mediation from 2010 to 2013 ended and was not taken over by the media sector). In the past, this task was completed by the Secretary General, Daphne Koene, and/or the Chair, who decided whether or not the complaint was suitable for an amicable solution – which had eight weeks to succeed and always consisted in a meeting between both parties. A (confidential) written report was then sent to both parties and if the mediation failed, the summary was not shared with the Council afterwards. In the short period of time that it existed, mediation was not proposed in a majority of cases. For instance, in 2013, there were 15 initiated mediations out of 90 complaints received. Today, more than ten years after this possibility was abandoned, the secretariat will only help complainants by giving them contact information if it isn’t available on the media outlet’s website (October 26th, 2023).

“In our case, there is no room for mediation left”

(Daphne KOENE, Secretary General of the Dutch Raad voor de Journalistiek)



Another example is the **Danish** press council (Pressenaevnet) which is established by law and thereby does not have the competence to mediate, but only to handle cases concerning publications in the media. It should nonetheless be noted that according to the presscouncils.eu database, Denmark has declared that “there might be informal mediation to see if a solution can be reached before adjudication”... (September 27th, 2023).



Last but not least: in **Switzerland** (Schweizer Presserat), not proposing mediation was an initial choice which hasn’t been reconsidered since then. However, the secretariat always gives informal advice to contact the media directly in order to

find an amicable solution before lodging a complaint. The arguments put forward by Director Ursina Wey for this lack of mediation are “the need for specialised knowledge” in the field and additional resources (in other words, the question of who should take up this role) (November 3rd, 2023). Since the Swiss press council is well known, it is not a request from the general public or the media either. Moreover, in parallel to the press council, a tradition of ombudsmen in broadcast media is well established. According to Wey, if it would not be desirable (nor manageable) to organise meetings between parties on a regular basis, it would be possible to change the procedure to integrate mediation if substantiated arguments were put forward – especially if it was proven that it could make the Council's work more effective (ibid.).

“The possibility of mediation is an interesting tool, but we haven't really gone into these discussions in depth for the time being”
(Ursina WEY, Director of the Swiss Press Council)

As stated before, mediation is much more than making the parties sit at the same table – which happens frequently for 12 (out of 23) respondents. Among the other **most usual forms of amicable solutions** are factual corrections in the disputed production (18); apologies from the media/journalist (15); a follow-up journalistic production (10); the anonymisation of data in the disputed production (six); a clarification or explanation of the editorial approach (six); an interview of the complainant or another party (four) – and, for one press council only, a financial compensation. Other spontaneous answers include the deletion/removal of online material (two) and other agreements regarding future reporting (one). Negotiating such arrangements requires neither special knowledge nor additional resources, simply a change of approach.

IV. CONCLUSION

This catalogue has shown that European press and media councils, despite having **similar objectives**, can possibly be distinguished according to whether or not they practice mediation. Among those which do resort to it, some consider this process to be essential, whereas others seem to see it as more accessory. On the other hand, for councils which do not mediate in practice, several organisations have rather opted for a direct approach between the parties, while several others have simply not shown particular interest in it – at least for now.

Beyond these distinctions and a model-by-model discovery, common ground as well as particularities have been highlighted throughout this catalogue (which are detailed further in the related analytical article). The curious reader will note that it is necessary to take into account **the specificity of each model**, which depends greatly on the context – in particular, the procedure – of each council, and the possibilities it gives itself. Press and media councils will thus certainly find possible inspiration for good practice in this publication, all the while bearing in mind that it will probably not be possible to apply it identically.

In conclusion, this study is an invitation to travel through mediation patterns, to learn from the successes and misses of others, and to exchange on it. This research is obviously useful for press and media councils themselves, but also for every citizen wanting to learn more about how “press council mediation” works at the European level. In the end, this publication recognises **the importance of mediation**, which is a form of dialogue with the general public – whether or not it is part of a press council’s procedure.



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VI. ANNEX

Country or region	Type of organisation	Study participation	Integration of mediation
<u>Albania</u>	Press or media council	Yes (survey)	Yes – essential
<u>Armenia</u>	Press or media council	Yes (survey)	Yes – accessory
<u>Austria</u>	Press or media council	Yes (survey + interview)	Yes – accessory
<u>Azerbaijan</u>	Press or media council	Yes (survey)	Yes – essential
<u>Belgium (CDJ)</u>	Press or media council	Yes (survey)	Yes – essential
<u>Belgium (RvdJ)</u>	Press or media council	Yes (survey)	Yes – essential
<u>Bosnia and Herzegovina</u>	Press or media council	No	Yes – essential
<u>Bulgaria</u>	Press or media council	No	Yes – accessory
<u>Croatia</u>	Ethics committee within journalists' association	Yes (survey)	Yes – accessory
<u>Cyprus</u>	Press or media council	Yes (survey)	No – theoretical
<u>Denmark</u>	Press or media council	Yes (survey)	No – inexistent
<u>Estonia</u>	Press or media council	Yes (survey)	Yes – accessory
<u>Finland</u>	Press or media council	Yes (survey + interview)	No – theoretical

Country or region	Type of organisation	Study participation	Integration of mediation
<u>France</u>	Press or media council	Yes (survey)	Yes – essential
<u>Georgia</u>	Press or media council	No	Yes – accessory
<u>Germany</u>	Press or media council	Yes (survey)	No – theoretical
<u>Hungary</u>	Press or media council	Yes (survey)	Yes – essential
<u>Ireland</u>	Press or media council (with ombudsman)	Yes (survey + interview)	Yes – essential
<u>Kosovo</u>	Press or media council	Yes (survey + interview)	Yes – essential
<u>Lithuania</u>	Press or media council	Yes (survey)	No – theoretical
<u>Luxembourg</u>	Press or media council	Yes (interview)	No – theoretical
<u>Moldova</u>	Press or media council	No	Yes – essential
<u>Montenegro</u>	Press or media council	Yes (survey)	Yes – essential
<u>Netherlands</u>	Press or media council	Yes (survey + interview)	No – inexistent
<u>North Macedonia</u>	Press or media council	Yes (survey + interview)	Yes – essential

Country or region	Type of organisation	Study participation	Integration of mediation
<u>Norway</u>	Press or media council	Yes (survey)	Yes – essential
<u>Serbia</u>	Press or media council	Yes (survey)	Yes – essential
<u>Slovakia</u>	Ethics committee within journalists' association	Yes (survey)	Yes – accessory
<u>Slovenia</u>	Ethics committee within journalists' association	Yes (survey)	Yes – accessory
<u>Spain (Andalusia)</u>	Ethics committee within journalists' association	No	Yes – essential
<u>Spain (Catalunya)</u>	Press or media council	Yes (survey)	Yes – accessory
<u>Sweden</u>	Press or media council (with ombudsman)	Yes (survey)	Yes – accessory
<u>Switzerland</u>	Press or media council	Yes (survey + interview)	No – inexistent
<u>Turkey</u>	Press or media council	No	Yes – accessory
<u>UK (Impress)</u>	Press or media council	Yes (survey)	Yes – essential
<u>UK (IPSO)</u>	Press or media council	Yes (survey)	Yes – essential
<u>Ukraine</u>	Press or media council	No	Yes – essential

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