

# **THE IMPORTANCE OF MEDIATION AMONG EUROPEAN PRESS AND MEDIA COUNCILS (2)**

---

A brief analysis of existing models



Cover: Constantin Sunnerberg (Cost.)

Layout: Anna Vidal

© 2024 - AADJ/CDJ

MEDIA COUNCILS  
IN THE DIGITAL AGE

---

**THE IMPORTANCE  
OF MEDIATION  
AMONG EUROPEAN  
PRESS AND MEDIA  
COUNCILS (2)**

---

A brief analysis of existing models

**Anna Vidal**

**Edited by Muriel Hanot**

---

© 2024 - AADJ/CDJ

CDJ  
Recherches & Enjeux

**5**

No part of this publication may be reproduced in any form without the written permission of the publisher and authors.

The content of this publication is copyrighted and the right to use the content rests with the authors and the publisher.

**Authors:** Anna Vidal, Muriel Hanot (ed.)

**Publisher:** Association pour l'autorégulation de la déontologie journalistique / Conseil de déontologie journalistique

**Cover:** Constantin Sunnerberg (Cost.)

© 2024 – AADJ / CDJ (Association pour l'autorégulation de la déontologie journalistique / Conseil de déontologie journalistique)

International Press Centre – Residence Palace (Rue de la Loi 155, 1040 Brussels, Belgium)



This publication is produced with the financial support from the European Commission grant under DG Communications Networks, Content and Technology. The content of this publication does not reflect the official opinion of the European Union. Responsibility for the information and views expressed in the publication lies entirely with the authors and publisher.

# SUMMARY

|   |           |
|---|-----------|
| <b>Introduction</b>                                 | <b>05</b> |
| <b>Avenues to explore in terms<br/>of mediation</b> | <b>07</b> |
| <b>Measuring the effectiveness<br/>of mediation</b> | <b>17</b> |
| <b>Conclusion</b>                                   | <b>19</b> |
| <b>Selective bibliography</b>                       | <b>21</b> |
| <b>Annex</b>  | <b>23</b> |



**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 article 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 [2], this **analytical article** summarises each mediation “model” and delves into the personal opinion of respondents.

---

[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).

[2] This research – a Google Forms survey sent to 46 European countries/regions and follow-up interviews with eight organisations – gained responses from 26 (out of 33) members of the Alliance of Independent Press Councils of Europe (AIPCE) as well as four other European self-regulation 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 and/or related catalogue for the detail).



## INTRODUCTION

This article is part of a wider study comprising a **catalogue raisonné** – which maps existing mediation procedures among European press and media councils by dividing them in two main categories: i. councils which, in one way or another, engage in mediation; ii. councils which, in practice, do not mediate (anymore) – as well as an update of the existing [presscouncils.eu](https://www.presscouncils.eu) database.

In contrast to the catalogue, this article focuses mainly on the survey respondents, i.e., **23 press councils and ethical commissions** (in Albania, Armenia, Austria, Azerbaijan, Belgium (CDJ and RvdJ), Croatia, Estonia, Finland, France, Germany, Hungary, Ireland, Kosovo, Montenegro, North Macedonia, Serbia, Slovakia, Slovenia, Spain (Catalunya), Sweden, and the UK (Impress and IPSO)) **which declare to be practising mediation** [1]. It should be noted that 10 of these organisations require a “personal stake” from complainants in order for their request to be considered, i.e., a justification of how the disputed journalistic production affects them personally (Harder, 2021, p. 13). Furthermore, seven respondents (out of 23) accept complaints regarding member media only.

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; ii. the characteristics of the mediation procedure itself; iii. the human and financial investment allocated to mediation.** This article thus proposes to focus on the various (and somewhat combinable) models of mediation which emerge from this analysis – i.e., **avenues to explore in terms of mediation** – as well as factors which can make mediation effective or, on the contrary, counterproductive. In conclusion, it proposes **a reflection on 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] 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”). It is important to note that respondents who declared they did not resort to mediation in practice (6 out of 29, i.e., Cyprus, Denmark, Lithuania, the Netherlands, Norway and Switzerland) were automatically redirected to the end of the survey. Among those, three councils require a personal stake and two accept complaints regarding member media only.



# AVENUES TO EXPLORE IN TERMS OF MEDIATION

As detailed further in the associated catalogue, the 37 studied European press and media councils can be classified in regard to whether or not they engage in mediation in practice. Among the 29 organisations which mediate, the process is seen either as essential or accessory. For the remaining eight councils which, in practice, do not mediate (anymore), mediation is either theoretical or inexistent. At analysis, this twofold typology was considered more accurate than the one proposed in the survey (inexistent; purely theoretical; unofficial; official), especially because several answers revealed **a discrepancy between what a Council said about its model and what emerged** from the comparative research.

Indeed, for some press and media councils, despite their specific characteristics – which reveal **a diversity of approaches** –, the situation seems very clear: the organisation either mediates or it does not mediate, sometimes not anymore [1]. For several others, it gets trickier: some councils are supposed to mediate according to their rules of procedure or bylaws but no longer do so in practice, while others do not have this official mission but sometimes resort to it informally. Others do not consider themselves to be mediating in the true sense of the word, but seem to do some kind of mediation in practice...

As stated above, this article focuses in priority on the **23 organisations which declare to be practising mediation**, including some for which mediation appears to be, after analysis, rather theoretical: observations – especially those related to procedural issues – must therefore be read in the light of this fact, as they sometimes reflect a gap between theory and practice. Furthermore, reference is sometimes made to more general findings based on the comparative analysis of the 37 councils studied in the catalogue, including those which have not directly participated to this study.

---

[1] Some may argue that refusing to practice mediation as a press council (and thus potentially leaving it to media outlets) could be a way to avoid the “hijacking” of the complaints procedure, as some media outlets could systematically accept to engage in mediation to avoid potentially founded/upheld complaints and certain complainants could use it to settle scores. If this hypothesis was not investigated in this study, it can nevertheless be mentioned that such a diversion does not seem to be a major trend among surveyed councils, as only six of them observe it.

### 1. First and foremost: reaching out to the media outlet

Before any “press council mediation” is possible, 10 respondents indicate that they **(strongly) recommend to potential complainants to contact the media outlet or the journalist** before lodging a complaint.

Four councils make it a condition of admissibility for all complaints without exception, while three others make it mandatory under certain circumstances – for instance, when the media outlet has its own mediation/ombudsman service, or when “the complaint concerns an essential error”. 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 (it does not take part in the exchanges, but it does play a role of mediator nonetheless during this crucial first step).

Five councils provide more nuanced answers (not necessarily; only in certain cases, without being mandatory; it is a possibility mentioned in the complaint form...) and a last one – for which a personal stake is required – insists on the fact that it doesn’t recommend to contact the media first because it would “increase the threshold for ordinary people to file a complaint”.

This mandatory search for a direct amicable solution with the media outlet can also concern press and media councils which do not practice mediation themselves, in the sense that they will **not put the parties in touch with each other**, but only invite the complainant to contact the media outlet first. According to the comparative research, this concerns at least one organisation.

On another note, several councils declare that their country has a **rooted ombudsman [1] tradition** within media outlets and especially public broadcasters. For councils which do not (wish to) propose mediation, it is a good reason not to get involved and to leave mediation to media themselves. This argument doesn’t weigh for press and media councils practicing mediation, which point it is in their interest not to delegate this task and, on the contrary, to act as a mediator in parallel (in particular because not all media have such a service).

In stark contrast, for councils such as the respondent mentioned above, complainants **shouldn’t have to worry about such prior contacts** and can therefore directly get in touch with the Council, as the search for an amicable solution under its auspices will be proposed in any case – or even imposed.

---

[1] The main difference between both bodies is that ombudsmen are not entirely independent (some work independently of the editors-in-chief, while others are integrated into them – but in any case, they work for a media outlet) while press and media councils are fully independent and “cross-media” organisations.

## 2. The integration of mediation in the complaints procedure

### A. Outside of the complaint process

If mediation is implicitly heard as part of the complaints procedure, eight press councils also accept (for some, only in theory) **specific requests for mediation without a complaint**. Indeed, some people who seek the help of a press council – and who may have already tried to contact the media outlet and/or the journalist – are taking a constructive approach and do not want to file a complaint, at least not in the first instance. If the media/journalist does not seize this opportunity, these people will usually have the possibility of turning their request into a complaint.

Another case in point happens when a complaint relates to an issue that is not a matter of journalistic ethics, but solely of the **editorial responsibility** of the media (e.g., the right to be forgotten – for most councils [1]). On this occasion, a press council might agree to act as an intermediary by accompanying the complainant (who does not always know where to turn with their request) while informing them that their complaint is nonetheless inadmissible. It may also happen that a press council decides to play **a facilitating role** when a request (complaint; request for mediation; request for an opinion on a specific practice) is **out of time** and thus no longer admissible. In these specific cases, the Council will not be able to guarantee any formal follow-up if the media doesn't cooperate, or if the implemented amicable solution does not meet the other party's expectations. But when it does succeed, this possibility can reinforce the image of the press council as a link-builder.

### B. A mandatory first step VS an option for minor cases only

For eight respondents, mediation is announced as **a compulsory first step** of the complaints procedure. In that regard, even when an amicable resolution seems unlikely, the Council (through its office or secretariat) will always expose this possibility to both parties, with their satisfaction in mind, and letting them decide what the final outcome will be. This approach opens up the possibility of mediation for complainants who are simply unaware of it. Another posture is to propose mediation rather as **an option, whose application is decided on a case-by-case basis** by the Council (for instance through its President). Cases where a clear violation of ethics is noticeable at first sight will be de facto excluded, as the Council considers that its role is to render public decisions in priority. From that point of view, mediation will thus only be proposed for minor cases, after a first analysis.

---

[1] As seen on [the\\_presscouncils.eu](http://the_presscouncils.eu) database, only seven press and media councils (Belgium (RvdJ), Denmark, Germany, Slovakia, Spain (Catalunya), Switzerland and the Netherlands) have amended their Code of Ethics to take responsibility for the right to be forgotten (or digital archives) into account.

### C. The peculiar case of “self-referral” mediation

11 respondents declare it is possible for them to mediate **when the Council opens a case on its own initiative**. As a reminder, these figures – like all results, especially those linked to the procedure – must be put into perspective, since the press councils that do not actually practice mediation (for which it remains a theoretical possibility) ticked this option.

“Self-referral” takes place when the members of a press council identify sufficiently important indications that a possible breach of professional ethics may have occurred, but such a decision does not prejudge the final decision on whether there has been a breach of professional ethics. Complaints initiated by the Council can still be declared unfounded or not be upheld (by the same Council) at the end of the procedure, after hearing the arguments of the media and/or journalist concerned. 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, at least in certain areas. For the Belgian CDJ, which is the only press council to have detailed this possibility in the survey, it 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. In any case, self-referral mediation encourages a (necessarily constructive) dialogue between the press council and newsrooms.

Another lesson from the CDJ is that 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).

### D. An approach in line with legal arbitration

Another particular case [1] emerges from the various approaches, where the mediation process is recognised as a form of **Alternative Dispute Resolution** (ADR) which ends in a private settlement via mutual agreement between the parties. According to the EU Commission, in the context of consumer protection for the EU, ADR covers mechanisms (such as mediation, conciliation, ombudsmen, arbitration and complaints boards) to settle a complaint out of court and with the assistance of an impartial dispute resolution body. It is thus considered “easier, faster and less expensive” than going to court (March 19th, 2024).

---

[1] Both UK press councils are concerned, i.e., Impress and IPSO.

In this framework, the press councils concerned also offer a fee-based arbitration scheme, which is a way of resolving legal disputes between the public and (member) media, which ends with a legally binding judgement (i.e., enforceable through the courts) [1]. If for all press and media councils, mediation is **an alternative to a more legal (and costly) route**, it has another “competing” (legal) approach – also proposed by self-regulatory bodies – in this specific case.

### 3. The characteristics of the mediation procedure itself

#### A. Balancing (in)formality

Formality and informality refer, on one hand, to **the written or oral exchanges of arguments between the parties** during the complaints procedure, and on the other hand, to **the communication methods chosen by the Council to talk with each party** (for instance, e-mails or telephone calls).

The mediation process is considered to be rather formal for 10 respondents and rather informal for eight others. But oftentimes (for the five remaining respondents), successful mediation seems to strike **a balance** between oral and written exchanges... The mediation process will for instance be formally closed, which means that a written report will be sent to both parties in order to confirm (or not) the agreement.

For press councils which have to deal with these non-stop **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** (see below). This is all the more apparent in terms of whether or not both parties are able to meet throughout the mediation process.

---

[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).

### B. Varying degrees of flexibility

Some press and media councils feel that their (mediation) procedure is too strict and is holding them back, while others think that their rather concise rules, which could be formulated more precisely, prevent them from investing in mediation. Nevertheless, a vast majority of 20 respondents believe **a flexible procedure** makes mediation easier.

The main illustration of this observation lies in the fact that reaching an amicable solution can be **limited in time**. Indeed, in order to propose a quick and effective process, most councils grant between one week and three months to both parties to find common ground – one month (or four weeks) being the most frequent deadline. However, most respondents (17) declare that a resolution can still happen at any time during the procedure, at least until the Council or the complaints commission decides on the case. As explained by one of them, chances of reaching a mutual agreement can indeed increase over time, “once the initial anger has disappeared and the parties have heard each other's arguments”. On the contrary, for a minority (of four), “there is no going back” once mediation has failed. In this approach, mediation is a process prior to – and clearly distinct from – the merits of the case. For the two others, such deadlines are not provided for by the rules of procedure and the period of time will thus depend on the parties involved, including the mediator. Too much flexibility will in most cases lengthen the procedure. It is thus a question of striking **a balance** between the rigour of the procedure and the flexibility of the exchanges.

### C. Meeting: an amicable solution among many others

It would seem that for several press and media councils, the term “mediation” necessarily implies a face-to-face meeting, or at least a direct exchange between the parties involved. For a majority of respondents, **it is possible, at least in theory, for both parties to meet in this process**, whether it is face-to-face (18) and/or online (17). 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 on which the parties agree during the meeting**. And, just like other types of agreements, accepting to participate in one does not necessarily mean that the media 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.



But mediation is more than making the parties sit at the same table, which happens frequently for 12 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) and an interview of the complainant or another party (four). Such solutions can also take the form of the deletion/removal of online material (two) or of other agreements regarding future reporting (one). The variety of amicable solutions reflects the diversity of issues which can occur: inaccurate reporting, privacy issues, a lack of right of reply despite serious accusations, etc. Negotiating such arrangements – unlike facilitating meetings between both parties, as some would say – requires a priori neither special knowledge, nor additional resources.

Finally, only one proposition was not unanimously chosen, i.e., **a financial compensation**. Some press councils – notably the Belgian CDJ – clearly state in their rules of procedure that an amicable solution sought under the aegis of the press council may not provide for monetary or material compensation for the complainant. Nonetheless, three councils stand out, namely those which also propose a fee-based arbitration scheme (see above). In practical terms, only one of them indicates that a compensation (or another financial arrangement) is a frequent form of mediation.

#### D. Varying degrees of confidentiality

Confidentiality is an important factor which is common to most councils regarding mediation, but some go further than others. For instance, seven respondents declare that the process is **strictly confidential**, in the sense that except the mediator (whose identity can vary – see below), no one – including the members of the complaints commission – will have access to any exchange or document produced during this “bubble”.

In summary, confidentiality can show **varying degrees**: i. only both parties and the mediator know what was said; ii. members of the Council also have access to exchanges/documents; iii. the wider audience can also read – anonymised – results (see below). Most organisations, including the remaining 16 respondents, fall under these last two categories.

#### E. An evolving procedure

16 respondents declare that their mediation procedure hasn't evolved in any way since the creation of their Council. But several councils point out **desired adjustments, which might not be possible for the time being**: dynamising the process (with more telephone calls and meetings), formalising the procedure, making mediation compulsory for cases on minor infringements, paying the mediators, speeding up the procedure, formulating more precisely the frames of the mediation process...



Most of the remaining councils for which the procedure has evolved explain that it involved **a revision of the procedural rules**, either to integrate mediation more fully into the complaints procedure – insistence on its mandatory nature; application to self-referral (see above); possibility throughout the procedure – or to ensure that the process is efficient and that the mediator has more control over the process. For some, the implementation of mediation is gradually becoming more precise, even though the rules haven't changed over time.

Whether the procedure has evolved or not, several councils believe that their mediation process is **generally successful** and that it currently meets the needs of the parties... Even though “there is always room for improvement”, as highlighted by one respondent – who believes it is useful to ask media outlets whether or not they are satisfied with the mediation process proposed by the Council. However, it might be more difficult to ask complainants for an objective feedback, as those who have gained satisfaction will probably say the system works and vice-versa.

#### 4. The human and financial investment allocated to mediation

Press and media councils also differ according to certain choices linked to the resources – both human and financial – allocated to mediation. Unlike 1. the integration of mediation into the complaints procedure and 2. the characteristics of the mediation process as such, where the outlined ideas so far may be complementary, **some of the choices detailed below are linked to the unique model forged by each press council** and therefore might not make sense if they are combined with another mode of operation.

##### A. In-house VS external mediation

18 respondents declare mediation is practiced **in-house**, which means that an employee of the secretariat/office of the Council (such as the General/Executive Secretary, Ombudsman or a case manager/complaints officer) or representatives of the Council – such as the Chair/President or other members, who may form a special commission/working group – will be in charge of this mission. In this case, **no specific budget** is allocated to mediation, which concerns 20 respondents in total. It should nevertheless be highlighted that several councils entrust mediation to one or several **external mediator(s)**, who may be former members of the Council. While the underlying objective might be to make the press council more **independent**, it is not an argument put forward by respondents. More generally, the fact of resorting or not to the services of external mediators reflects different visions of self-regulation. On one hand, mediation is seen as a matter for the press council (in the sense of the complaints commission), thus in the same way as complaints: mediation will not systematically be proposed, this decision being left to the Council (for example via its President or a restricted committee), before being possibly delegated to an external mediator.

On the other hand, mediation is seen rather as an integral part of the procedure, entrusted to the secretariat/office, which attempts in the first instance to solve the complaint (which will be submitted to the complaints commission, in most cases, if mediation fails).

Depending on the organisation's budget, external mediators (or ombudspersons) may or may not be remunerated. The cases reported show a general **low level of investment** (volunteer work; 1% of the body's total budget; 100 euros per mediation case), but exceptions exist, as one press council has explained it is currently employing a mediator throughout the year.

In any case, at the exception of one press council for which mediation is a fee-based service, mediation remains entirely **free of charge for both parties** (just like lodging a complaint). It is important to point out this exceptional case, which does raise questions in terms of accessibility. While the cost is linked to the use of accredited mediators, it has to be reminded that other councils are very imaginative in taking the costs of mediation at their own expense – either because in-house (and sometimes accredited) mediators are regular employees, or because external mediators (volunteers or paid on a token basis) are only called in from time to time. Whether it is seen as essential or accessory, mediation is a worthy investment to be made.

## B. Functional VS professional mediation

Although this question was not asked in the survey, it is clear from the overall responses that most press and media councils which practice mediation do not use the services of an accredited (or trained) mediator, whether they are in-house or external (see above). Based on the information available, only Anglo-Saxon countries seem to do so. Mediation as proposed by most press and media councils is therefore understood **in a functional rather than a professional (i.e., legal) sense** – which explains why the process is free.

However, the following question was asked: what are **the essential qualities** needed, for a journalistic self-regulatory body, to engage in mediation? Expertise or experience in journalistic ethics is a must have for almost all respondents (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).

### C. Taking part in the exchanges (or not)

As explained above, mediation performed by a press or media council can take various forms, which could be summarised as such: the Council only acts as an **intermediary** between both parties, without taking part in the exchanges – in more pragmatic terms, it plays the “postman” (as for three respondents) or the Council only acts as a **neutral mediator** between the parties, thus taking part in the exchanges (as for five others). Most respondents (14) do both. A last one explained that he sometimes helps people by contacting (informally) the media outlet for them to pass on their demand, while reminding the media outlet of its editorial freedom.

### D. Advertising mediation

Finally, in terms of (more human than financial) investment, many press councils (including 14 respondents) make their mediation **results public** on their website (through a dedicated webpage or along with other complaints cases, in their annual report, etc.).

The **degree of detail and/or anonymity** can vary: the media and/or the complainant might be named or not, the case might be summarised in detail or not, as well as the outcome. But 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 also declare they are currently working on – or that they should work on – **a better visibility** of mediation. Finally, one organisation (which resorts to external but volunteer mediators) shared its reluctance to advertise it at the moment, as “more cases would make it harder to keep providing free mediation”.

# MEASURING THE EFFECTIVENESS OF MEDIATION

As suggested before, this study highlights that certain elements specific to a case, to the procedure and to the parties facilitate and/or complicate mediation. According to the majority of respondents, **the following situations all make the process easier**, to varying degrees: a flexible procedure (20); a defined contact person within each media outlet (20); assigning the role of mediator to the secretariat/office of the Council (16); media questioning their own problematic practices (15); having the parties meet (14); favouring written communication (14) and favouring oral communication (12).

On the other hand, **several aspects are merely obstacles** – thus likely to complicate the process – for a majority of respondents: parallel proceedings (i.e., with the media regulator, the mediation/ombudsman service of a media outlet, courts and tribunals) (20); several complainants in the same case (17); many ethical breaches at stake (15); no personal stake for the complainant (12) and a non-member media outlet as subject of the complaint (12).

Respondents agree on a series of **consistently recurring strengths**, particularly in contrast to the formal complaints procedure. Although fewer respondents pointed to these, a number of weaknesses are also identified (which, for some, depend on their particular model). In any case, strengths in resorting to mediation are far more often listed than weaknesses. These can be summarised as such:

| +   | -  |
|---|--|
| <ul style="list-style-type: none"> <li>• <b>Mutual satisfaction</b></li> <li>• <b>Flexibility</b></li> <li>• <b>Speed</b></li> <li>• <b>Confidentiality</b></li> <li>• <b>Diversity of solutions</b></li> </ul> | <ul style="list-style-type: none"> <li>• Lack of willingness of parties to try it</li> <li>• Too formal/strict rules or no precise procedure</li> <li>• Lengthy procedure in case of meeting</li> <li>• Possibility to withdraw at any time before the final agreement</li> <li>• Lack of initiative from the Council (where not mandatory)</li> <li>• Lack of concrete solutions</li> </ul> |

If several respondents explain that mediation has become easier with time (because media outlets are more aware of it and keen on “doing the right thing”) or on the contrary, harder (because some media outlets might still be hostile to participate in it or because of the lack of self-regulation of online media), most of them consider that the process has remained **relatively consistent**, albeit punctual changes (mostly related to individual media outlets) or a growing mistrust of the public. The latter reflects exactly why press and media councils should ideally propose mediation. Indeed, if practically all respondents (21) agree on the fact that mediation **benefits media self-regulation**, a vast majority considers that it is also an asset for media and journalists (19), as well as the public (18).

In the end, do European press and media councils believe that mediation strengthens the dialogue between them? Broadly speaking, respondents fall into three categories. First, most councils agree on the fact that **mediation can increase the trust of the public in media**, because – as explained by some – it “leads to a better understanding of each other” and “helps provide the public with reassurance that their concerns can be addressed directly by the publication, restoring faith in the media and providing insight into how the media operates”. Furthermore, as “a flexible and personalised solution that extends the range of actions taken by press councils”, mediation can resolve grievances “more easily and harmlessly in a professional environment”. To put it briefly, “mediation offers one format where disputes can be resolved, where both parties’ interests are aired and accounted for”.

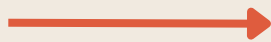
Several councils express reservations, explaining that “it goes too far to speak of a dialogue between media/journalists and the public, because it always involves mediation between two parties that no one else is aware of (...) but it is about restoring trust between the individual complainant and the individual journalist/medium”. In other words, mediation strengthens the dialogue between both parties **“to a limited extent”**, in individual cases. These respondents also insist on the fact that media must be “genuinely interested in resolving a complaint” and that “it must be done transparently and can't replace complaints resolving”. Finally, a few press and media councils are **more sceptical**. For them, even if mediation “may strengthen the trust on self-regulation mechanisms”, “the process and the results remain between the parties” and therefore “doesn't reach the wider public”. As pointed out before, at least nine councils do not communicate on mediation results at all, or only in general terms. In addition to helping restore public trust in the media/journalists (20), respondents identify **crucial advantages** in resorting to mediation, notably: enabling media and journalists to question and improve their practices (15); promoting self-regulation among media and journalists (14) – and, more incidentally: reducing the waiting time before closing a case (10); reducing the number of complaints cases (and therefore of potentially upheld/founded complaints) (nine); discussing journalistic practices with the public (eight) and allowing media/journalists and the public to meet in a neutral environment (eight).

## CONCLUSION

This study has highlighted a number of avenues for reflection on the form(s) that mediation can take within a press or media council, as well as the many reasons for offering such a service. Despite the variations observed, it appears that mediation is indeed a possibility that is sometimes not sufficiently well known but is nonetheless **important, serious and effective** when handling complaints, and which can benefit all the Council's target groups. Indeed, mediation promotes self-regulation; it contributes to media education by making journalistic practices more understandable; it enables media and journalists to question and even improve their practices and it shows them that a press or media council can also provide support. For everyone involved, it sparks rewarding conversations, and helps to restore bonds of trust – even more so in a context that has been further weakened in recent years.

Nevertheless, it is important to stress that the different approaches regarding mediation reveal **two fundamentally different conceptions of journalistic self-regulation**. On one hand, many councils consider that resolving all complaints through mediation would in the end be detrimental to self-regulation, as some cases reveal serious ethical breaches. They will therefore propose accessory mediation in minor cases only, sometimes by delegating the decision to resort or not to mediation to a deciding body. In their eyes, press and media councils should first and foremost make public statements regarding media ethics. On the other hand, many other councils consider mediation to be essential, thus a goal in itself. Such organisations will try to mediate in the first instance and/or to follow the will of both parties, whatever the ethical issues at stake.

To conclude, it is undeniable that a successful mediation can help some complainants regain lost confidence towards media and journalists. However, others will need a motivated decision from a moral authority (i.e., the Council) in order to find that trust again. In the end, is the primary role of a press or media council to be **an arbiter of media ethics or a conflict resolver**? According to a majority of 15 respondents, one cannot go without the other.







# SELECTIVE BIBLIOGRAPHY

- Hanot, M. (2008). *La médiation comme outil de régulation audiovisuelle*. In Janssen, M. (ed.), *Régulation – Médiation et régulation audiovisuelles* (pp. 4-7). CSA.
- Hanot, M. (ed.), Michel, A. (ed.), Peten de Pina Prata, H. (2023). *Articulations between Self-regulation and Regulation in the Field of Information and Journalism: A Comparative Analysis of European Practices*. AADJ/CDJ (CDJ: Recherches et Enjeux 3).
- Harder, R., Knapen, P. (ed.) (2021). *An inquiry into the practices of media self-regulatory bodies in the media landscape of today*. Vereniging van de Raad voor de Journalistiek.
- (2024, February 15th). Comparative data on media councils. Retrieved on February 23rd, 2024, from the website <https://www.presscouncils.eu/comparative-data-on-media-councils/>
- (2024, January 28th). Alternative dispute resolution for consumers. Retrieved on March 19th, 2024, from the website [https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/resolve-your-consumer-complaint/alternative-dispute-resolution-consumers\\_en](https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/resolve-your-consumer-complaint/alternative-dispute-resolution-consumers_en)
- (2023, August 10th). Cahier de la médiation 2018. Retrieved on February 16th, 2024, from the website <https://www.lecdj.be/wp-content/uploads/2019-Cahier-mediation-version-web.pdf>
- (2023, March 28th). Compulsory information about services of Press Councils. Retrieved on February 16th, 2024, from the members area of the website <https://presscouncils.eu/>



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

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

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

AADJ/CDJ

Residence Palace (Rue de la Loi, 155  
1040 Brussels, Belgium)

[www.lecdj.be](http://www.lecdj.be)

@Deontoloj

---

[www.presscouncils.eu](http://www.presscouncils.eu)

@PressCouncilsEU



Co-funded by  
the European Union