

DRAFT

THE INSTITUTIONAL DEVELOPMENT OF MEDIA SELF-REGULATION SYSTEM

Media self-regulation is a component of social accountability that will help the media to be independent and free from the control of the state and owners in terms of editorial policy, not to act solely as for-profit structures, but to bear a certain responsibility towards the society, taking into account the information needs of its different segments.

The social accountability model suggests that the media are willing to respond to consumers' complaints and suggestions about the content disseminated by them.

1. IMPORTANCE AND RELEVANCE OF THE PROBLEM

The role of the press is vital in a democratic society. The media play an important role in the creation and the development of a democratic culture. They provide people with information, which influences the process of shaping opinions and attitudes and of making political choices. In particular, in a modern democratic environment, they perform fundamental political, social, economic and cultural functions. They cover issues of public interest and play a crucial role in shaping public opinion.¹ The media play a key role in the protection of human rights. They expose human rights violations and provide space for public debate. Therefore, the media must be free, pluralistic and independent, and at the same time they should voluntarily assume social accountability.²

The commitment of the media to be **socially accountable** in a democracy is emphasized by international human rights organizations. This implies not only positive expectations (what the media should do), but also restrictions (what the media should not do) to better serve the public interest.³

The system of media self-regulation is of fundamental importance in the formation of socially accountable media. The European Commission for Democracy through Law (Venice Commission) states that "self-regulation can set principles for accountable media coverage".⁴

¹ CDL-AD (2005)032 Guidelines on media analysis during observation missions, prepared in co-operation between the OSCE's Office for Democratic Institutions and Human Rights, the Council of Europe's Venice Commission and Directorate General of Human Rights, and the European Commission, adopted by the Council for Democratic Elections at its 14th meeting (Venice, 20 October 2005) and the Venice Commission at its 64th Plenary Session (Venice, 21-22 October 2005) (Executive summary, para. II).

² Media and democratic culture, PACE Committee on Culture and Education, 1999, <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=8666&lang=EN>

³ CDL-AD (2005)032 Guidelines on media analysis during observation missions, prepared in co-operation between the OSCE's Office for Democratic Institutions and Human Rights, the Council of Europe's Venice Commission and Directorate General of Human Rights, and the European Commission, adopted by the Council for Democratic Elections at its 14th meeting (Venice, 20 October 2005) and the Venice Commission at its 64th Plenary Session (Venice, 21-22 October 2005) (Executive summary, para. II).

⁴ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2009\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2009)031-e)

International experience shows that media self-regulation system is ***useful primarily for the media itself***. By promoting ethical standards, self-regulation helps maintain the media's credibility with the public. Media self-regulation helps convincing the public that the free media are not irresponsible. At the same time, self-regulation protects the right of journalists to be independent, and to be judged for professional mistakes not by those in power but by their colleagues⁵. Thus, the system of self-regulation reduces state interference with the affairs of the media.

The system of self-regulation is also good for the public. It is quite natural for media consumers to seek guarantees about the value of journalists' information. When journalists act in line with ethical standards (based on the principles of accuracy, fairness, independence and accountability), they provide the public with accurate, fair and verified information. The review of possible violations of the rules of ethics in press councils or similar bodies also contributes to "quality insurance".⁶

It should be noted that the review of complaints against the media in a self-regulatory body has some advantages over the review of claims against the media in courts. In particular:

- the review of complaints in a self-regulatory body is free of charge;
- in a self-regulatory body, the review and resolution of complaints is carried out in a shorter period of time;
- dispute resolution in a self-regulatory body is also distinguished by the efficiency and flexibility of the review procedures, at a higher professional level of the self-regulatory body⁷.

At the same time, there is evidence that fines are not always an efficient sanction for the media, as a story violating a person's rights can be "sold" for more than the court-ordered compensation⁸. Self-regulatory mechanisms, as an alternative way of resolving disputes, also ease the burden on the courts by reducing the number of lawsuits against the media.

As Miklos Haraszti, OSCE 2004-2010 Representative on Freedom of the Media, notes, media self-regulation is important for the following reasons:

- *it preserves editorial freedom;*
- *it helps to minimize state interference;*
- *it promotes media quality;*
- *it is evidence of media accountability;*
- *it helps readers access the media.*⁹

⁵ Haraszti, M. 2008. The OSCE Media Self-Regulation Guidebook: all questions and answers, Vienna: OSCE, p. 11, <https://www.osce.org/files/f/documents/1/d/31497.pdf>

⁶ Ibid.

⁷ Hulin, A., 2014. 'L'autorégulation des médias: Glaive ou bouclier pour la liberté?', La Revue Européenne des Médias n°30-31, Paris. <https://la-rem.eu/2014/10/lautoregulation-des-medias-glaive-ou-bouclier-pour-la-liberte/>

⁸ Haraszti, M. 2008. The OSCE Media Self-Regulation Guidebook: all questions and answers, Vienna: OSCE, p. 10

⁹ Ibid. p. 12, <https://www.osce.org/files/f/documents/1/d/31497.pdf>

The OSCE reports on “Self-Regulation of the Media” define media self-regulation as follows: “Media self-regulation is a joint endeavor by media professionals to set up voluntary editorial guidelines and abide by them in a learning process open to the public. By doing so, the independent media accept their share of responsibility for the quality of public discourse in the nation, while fully preserving their editorial autonomy in shaping it.”¹⁰

2. HISTORICAL STAGES OF SELF-REGULATION

The idea of self-regulation of the journalistic community in Europe and the United States originated at the turn of the 19th and 20th centuries. The need to create such a system arose due to the emergence of large monopolies in the newspaper market. The tools for manipulating the readers were concentrated in the hands of monopolists and used by them without obstacles.¹¹ As a result, consumers' trust, journalist's professional reputation, demand for news products had fallen sharply.

The first self-regulatory bodies appeared at the beginning of the 20th century. In 1916 the first press council was set up in Sweden and functioned as a court of honor. However, the broad institutional system of media self-regulation began to take shape after World War II. The Hutchins Commission¹², which operated in the United States in the mid-1940s, has played an important role in the development of journalistic self-regulation in the world. The final report of the Commission was published on March 26, 1947¹³ and set out the main principles of media accountability that have become the basis for media self-regulation around the world. The Commission adopted a position that the press must be free to serve democracy. The adherence to ethical standards and development of self-regulatory mechanisms by the media are among the key objectives for this purpose. This theoretical thesis has remained at the core of the work of international organizations defending media freedom.

Thus, the report of the Hutchins Commission can be considered the first scientific justification of the need for journalistic self-regulation, most of its provisions starting to come into force a decade later in the United States and Europe.

The first reliable information on the official adoption of a Code of Ethics dates back to 1918. It was then that the National Union of French Journalists adopted the Code of Conduct. National codes of ethics gradually began to appear in other European countries

¹⁰ Ibid., p. 9

¹¹ Авраамов Д.С. Профессиональная этика журналиста. М.: Изд-во Моск. ун-та, 2003, стр. 55

¹² Robert M. Hutchins, President of the University of Chicago, was commissioned and funded by media mogul Henry Lewis, then owner of Time, Life, and Fortune magazines, to study the current state of media freedom and accountability in the United States of America. For four years, the members of the Commission, which included leading experts in the field of mass communication theory, social sciences and philosophy, worked on the study of the American media.

¹³ Свободная и ответственная пресса. М.: ВК, 2005, <https://ruslania.com/ru/knigi/1058765-svobodnaja-i-otvetstvennaja-pressa-obshchij-doklad-o-sredstvah-massovoj-kommunikatsii/>

as well. In 1923, the American Newspaper Publishers Association adopted the “Canon of Journalism”.

Rules of ethics are now the most accessible and widely used mechanism for media self-regulation in the world. As various studies show, national regulations are used in most of the European states and a number of other countries.

Meanwhile, some media took a different path and decided to create their own institution of internal ombudsman. The first permanent media ombudsman was the former media department head of the US Louisville city the Courier Journal in 1967. He was commissioned by the newspaper to deal with the relations between the editorial office and the readers. The institution of Media Ombudsman was established in 1970, when the Deputy Executive Secretary of the Washington Post was given the right to not only review readers' complaints, but also to draw up internal memoranda and express his opinion in a special column of the newspaper.

This mode of operation is widespread all over the world, despite the fact that the percentage of media with internal ombudsmen still remains low even in the United States (about 2% of the total number of dailies). Nevertheless, in many countries there are media whose activities are overseen by the ombudsman. At the same time, another widespread practice is the combination of the internal ombudsman of individual media and press councils in general. 48 ombudsmen of certain media are united in the Organization of News Ombudsmen (ONO)¹⁴.

3. TYPES OF SELF-REGULATION AND ACCOUNTABILITY

The main mechanisms of media self-regulation in the world today are codes of ethics, press councils¹⁵, other analogous structures and ombudsmen.

CODES OF ETHICS

Codes of ethics publicly define the functions, rights and duties of journalists and thus provide journalists with guiding principles on how to best exercise their profession¹⁶.

The codes of ethics in general contain the same principles of journalistic conduct, which differ only in the details related to the issue. Some codes list the main points of journalistic activity, others provide detailed recommendations based on precedents, and some even list the sanctions that may be imposed on those who would violate the code.

The following 6 main principles of journalistic work in one way or another included in all current codes can be distinguished:

¹⁴ <https://www.newsombudsmen.org/>

¹⁵ The term “Press Council” is used in the Concept to indicate the media self-regulatory body

¹⁶ Haraszti, M. 2008. The OSCE Media Self-Regulation Guidebook: all questions and answers, Vienna: OSCE, p. 21-22

- 1) accuracy and veracity of the published information;
- 2) integrity in methods of collecting information;
- 3) freedom of expression, plurality in journalistic pieces;
- 4) elimination of discrimination based on racial, ethnic (national), gender differences, religious beliefs, social status, and any other characteristics of a person or group;
- 5) respect for the source of the information, copyright and quoted text;
- 6) activities independent of political and economic forces.

Several types of codes can be singled out in the current journalistic environment. The *general codes* of professional conduct for journalists are adopted by a certain country's professional associations with large journalistic membership. They include not only journalists of different profiles, but also publishers. Documents adopted by collective associations, councils and commissions, established to resolve disputes between the self-regulation, the media, citizens or the public, are also referred to this type.

Group codes are created by journalists specialized in a particular field (for example, associations of business journalists or sports journalists).

Sectoral codes unite professionals of a particular branch of the information industry (television employees, photojournalists, multimedia professionals, sectoral associations, such as of audiovisual journalists).

Operational codes are created by employees at the same level of media production process (publishers, editors, managers).

Editorial codes, the observance of which is essential for working in the media, at the same time act as instructions for the personnel and unique trademarks.

International codes are created to set common standards for journalists in the world or in a certain region. As a rule, they are more general and declarative in nature, as they are to be acceptable to different countries and cultures.

The debate continues to this day as to whether the code should simply include the rules of the game, be a voluntary contract that supplements or replaces legal regulations, or whether the principles of professional conduct should relate to ethical issues, perform a value-based, indicative function, and give a meaning to the mission in the society.

PRESS COUNCILS

As mentioned above, the first Press Council was founded in 1916 in Sweden. It was set up by the three main journalistic organizations - the Swedish Union of Journalists, the Association of Newspaper Publishers and the Publicists' Association. The Code of Ethics was adopted by Swedish journalists in 1923 and initially served to regulate contradictions between journalists and publishers.

In the late 1920s press councils appeared in other Scandinavian countries, namely Finland and Norway. After World War II, they spread throughout Europe.

Press councils and other similar bodies oversee the compliance with the requirements set out by the Codes of Ethics. The Press Council is, in fact, a means of regulating journalistic conduct for the media. It provides an opportunity to file a complaint against a media publication, if in the complainant's opinion, the journalist or the editor violated the deontological principle in the report¹⁷.

While all European countries have professional codes, there are only 31 press councils and analogous bodies, which are members of the Alliance of Independent Press Councils of Europe (AIPCE) (soon the Lithuanian Press Council will also become a member of AIPCE)¹⁸. Swedish journalism theorist Professor Karl Nordenstreng explains this by the fact that it is relatively easy to create professional regulations, "while the consent of different parties is required to create a council, and the adoption of one resolution is not enough to ensure the work of a council."

A Press Council is the most accepted form of self-regulation. It is an important platform for media criticism. In most of the countries, press councils have been set up voluntarily, and are comprised of three entities (owners, journalists, representatives of the public), with the aim to:

- protect media freedom;
- review complaints against the media with the involvement of the public.

By making joint decisions, the press shows that it attaches importance to the quality of information, media professionals are accountable, and there is no need for state intervention.

The main functions of press councils are the following:

- *to receive complaints;*
- *to determine compliance with the norms of ethics;*
- *to discuss complaints;*

¹⁷ Ibid.

¹⁸ <https://www.presscouncils.eu/>

- *to act as mediators between media and complainants;*
- *to make fair decisions;*
- *to record violations of norms of ethics;*
- *initiate discussions;*
- *represent the interests of media;*
- *to develop standards and regularly review the existing rules;*
- *to support research and training.*

Press councils usually publish their judgments on their websites. In some countries the councils oblige the media to publish their judgments or correct errors.

The Alliance of Independent Press Councils of Europe (AIPCE) was established in 1999 in London. AIPCE is a network of independent press and media councils in Europe to enhance cooperation and exchange of information. Its annual conferences provide a forum for media and press councils' representatives to discuss topical issues, to exchange ideas and to offer and receive advice.

The Alliance's statement of aims sets out the core beliefs of the participating organizations: in particular that the regulation of editorial content in the media should be independent of government; the writing of Codes of journalistic ethics and their administration is the business of journalists and publishers, who take into account public feelings, and not the business of governments.

Budget and financing of Press Councils

The structure and budget of press councils differ significantly from country to country. However, there is an apparent link between the amount of the press council budget and the number of complaints received. The more complaints the Council receives, the bigger is the budget. At the same time, a reverse interdependence may also be argued, namely if used efficiently, it is the large budget that contributes to the increase in the number of complaints also due to the transfer of information disputes from courts to the system of self-regulation.

80% of the budget of the European Press Councils is allocated for personnel costs. In Austria, for example, 85% of the budget is spent on personnel costs, 8% on office rent, 7% on representation expenditures, office supplies, communication and travel.

Most of the traditional press and media councils in Europe are fully funded by the media itself. This is the case in Denmark, Estonia, Ireland, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom. This method of financing is key to the independence and efficient operation of the self-regulatory system in the country.

The activities of some other press councils rely on a mix of both media and state funding. For example, the press councils of Germany and Finland receive state funding, since they contribute to the reduction of disputes that would otherwise be forwarded to the judiciary. At the time of the creation of the Council in Finland in 1968, state funds accounted for 50% of the budget. The state got convinced that without self-regulation of the press, the complainants would go to court and add their burden. Taking this into account, the Ministry of Justice decided to finance the press council to avoid greater expenses. In Finland, state funding for the council has recently been reduced to 30% of the budget.

In Austria, Cyprus and Russia, self-regulatory bodies are mainly state-funded. The Austrian Press Council receives about 75% of its budget (150,000 out of 236,000 EUR) under the Press Financing Act. The rest of the budget is formed from the sums paid by journalists' and publishers' associations. Meanwhile, in Cyprus and Russia, councils receive grants from the state to carry out their activities.

Finally, in some countries, especially in South-East Europe, international donors fund press councils. The codes of self-regulatory bodies in those countries envisage a token membership fee for media that joined the system. However, in practice there are almost no resources generated, as most of the media do not fulfill their membership fee obligations. In Bosnia and Herzegovina, the annual membership fee of a media is 45 euros, about 5% of the total budget of the Press Council. Although the Code stipulates that if a media does not pay a membership fee for more than 3 months, it is excluded from the organization, no media has paid a membership fee since 2014, and the organization keeps surviving on grants by international donor organizations.

MEDIA OMBUDSMEN

In international practice, there are three main models of media ombudsman institution:

- a. American model - A lawyer appointed by the newspapers and broadcast media, who receives and reviews the complaints of the readers, tries to mediate between the parties;
- b. Swedish model - A special officer filtering complaints appointed by the press council, who reviews relatively easy-to-resolve disputes and develops judgments him/herself, and submits more serious complaints to the press council for discussion;
- c. Third model – The 18th century Swedish tradition of Public Defender, which is essentially similar to the institution of the Public Defender, but with a broader mandate.

The first model is more popular internationally. In order to provide feedback to consumers and be accountable to them, individual media set internal editorial rules, envisaging the establishment of a media ombudsman institution, publication of readers' letters, obligation to comply with ethical standards, service of internal monitoring, and introduction of other mechanisms. The media ombudsman appointed jointly by media owners and representatives contributes to the development and dissemination of the concept of media

accountability. The internal ombudsman, as a rule, works in only one media. He/she communicates with the media's staff and its audience (readers, viewers or listeners), receives their remarks, comments and complaints, trying to settle contradictions between the two sides.

For a media ombudsman who is directly involved in the work of the editorial office, it is extremely important not to be a part of it, but to remain neutral in the disputes that arise. The appointment of the ombudsman is the initiative of the media itself, namely the editorial office or the owner. According to the general scheme of activities of the "readers' editor" (as some media call their ombudsman), the editor-in-chief not only has no right to dismiss the ombudsman, but can not veto his work directions and make changes in the materials prepared by him/her.

The ombudsman monitors the compliance with the basic editorial principles of the media:

- 1) provision of more accurate, complete and unbiased information;
- 2) clear distinction between facts and comments;
- 3) correction of errors;
- 4) maintaining plurality;
- 5) respect for the right to privacy.

In practice, the ombudsman collects, oversees critical responses and complaints against the editorial office on a daily basis, receives editorial staff comments on them, and reconciles the parties. In addition to acting as a mediator, the ombudsman examines the activities of the editorial office and points out deviations from the set ethical standards. As a rule, all these points are regularly covered in a special column (for example, that of the "readers' editor") or in the respective programme of a broadcast media.

The positive effect of the ombudsman's work is that the reader who applies to the person in charge of that mission in the media gets a prompt response. Added to that, regardless of the nature of the response, the reader feels that "he/she has been heard." And if the complaint is fair, the media may publish a refutation or apologize the very next day. Another important point is that, unlike legal services, this type of assistance is always free.

The presence of the ombudsman is beneficial not only for the audience, but also for the media. Lawyers of the British "The Guardian" believe that having an ombudsman reduces the number of defamation complaints by one third. Added to that, the number of complaints to the regulatory body is significantly reduced.

NATIONAL OMBUDSMAN

The internal ombudsman of the media should be distinguished from the national ombudsman of the media. The national one, as a rule, is a member of the national Press

Council and deals with complaints related to all the media in the country concerned (provided that the powers of the Press Council are not limited to the print media, and that all media are part of the self-regulatory system). There are only a few national media ombudsmen in the world, such as the ones in Sweden, Ireland and South Africa. They are the first ones to get all the complaints received by the national press councils. The ombudsman attempts to resolve the dispute on his/her own. If this fails, the complaint is sent to the press council. A complainant dissatisfied with the ombudsman's decision can apply immediately to the council.

Thus, it can be concluded that media self-regulatory systems in different countries have their own features and vary according to their setup, composition, sources of funding and ways of operation. This is conditioned by the peculiarities of the formation and historical development of the civil society of those countries. But the collective image of the self-regulatory body can be overall described as follows: it is a non-profit organization created by professional and/or public organizations, associations, trade unions, composed of journalists, media owners, representatives of civil society, and in some cases, of the judiciary. It is a quasi-judicial body that helps to resolve disputes in the field of professional ethics, its powers are between those of a “court of honor” and “expert advisory committee”, decisions are usually of advisory nature, and are made in good faith. Organizations of this kind have two primary goals - to protect the media from excessive state control, and the civil society from dishonest journalism. The institution of the internal ombudsman is another type of self-regulation system, which, at the same time, can be both an alternative to the press councils and a complementary element.

4. CURRENT INTERNATIONAL SELF-REGULATION MODELS

Media self-regulation system is characterized as being created on a voluntary basis by media professionals to ensure that their professional and ethical principles are respected. Nevertheless, a part of experts believes that state bodies should support such systems to increase their efficiency¹⁹. This implies, first of all, that the self-regulatory body and its decisions are recognized by law, which is often called statutory media self-regulation²⁰ or co-regulation²¹.

The term “statutory” refers to any regulation that is implemented by law. It is commonly confused as a synonym for “state regulation”, which would be the performance of regulatory activities directly by government bodies. It is important to highlight that statutory regulation does not mean government control²².

¹⁹ Palzer, C. 2003. “La corégulation des médias en Europe”, Strasbourg, Observatoire européen de l'audiovisuel <https://rm.coe.int/16807834a8>

²⁰ HULIN A, 2014. ‘L'autorégulation des médias: Glaive ou bouclier pour la liberté?’, La Revue Européenne des Médias n°30-31, Paris, p.1

²¹ European co-regulation practices in the media: Comparative analysis and recommendations with a focus on the situation in Serbia, Reinforcing Judicial Expertise on Freedom of Expression a the Media in South-East Europe (JURFEX), *commissioned by the Council of Europe*, 2017, p. 50 <https://rm.coe.int/european-co-regulation-practices-in-the-media/16808c9c74>

²² Iglesias, C. n.d. Varieties of statutory regulations, LSE media policy project, <http://eprints.lse.ac.uk/78566/>

The Resolution 428 of the Parliamentary Assembly of the Council of Europe (PACE) on the Media Declaration of Human Rights (1970) recommends that journalists institute two forms of self-regulation (codes of ethics and press councils).

In several European countries, the system of media self-regulation has been incorporated in legislation, in line with this approach. At the same time, the review of experience shows that in one case, these countries limited themselves to enshrining regulations promoting membership in the system of self-regulation, in another case, to expanding the scope of coordination, defining also the main components and the general procedure of the self-regulation system. Let us look at some of those countries.

Denmark

In Denmark self-regulation is recognized at the legislative level and is binding. According to the “Media Liability Act” (hereinafter referred to as the “Act”), the content and conduct of the media must comply with common ethical standards. Complaints on violations of the relevant rules can be filed with the media or directly with the Danish Press Council. To be covered by the Act, the media must be registered with the Council.

The Act regulates the process of the formation of the Press Council composition. In particular, it should include a chairman, a vice-chairman and 6 members appointed by the Minister of Justice. The chairman and his/her deputy must be lawyers, and they are appointed at the suggestion of the President of the Supreme Court of Denmark. Two members of the Press Council should be nominated by the Danish Union of Journalists (Dansk Journalistforbund), two more should represent the media leadership (one for print and the other for broadcast) at the suggestion of those media. The remaining two seats of the Press Council are for members of the public, which are nominated by the Adult Education Council of Denmark. The Danish Press Council reviews cases that contain violations of ethics, decides on the response to the media, including its content, the form and place of publication. The Act also determines the timeframe and procedure²³ for the review of the complaint by the Press Council.

Sweden

For decades Swedish media organizations have sought to protect the freedoms guaranteed by the Constitution. In 1916 the Swedish Union of Journalists, the Association of Newspaper Publishers and the Publicists’ Association founded the Swedish Press Council, which was the first organization of the kind in the world. In 1923 the Publicist’s Association adopted the Code of Journalistic Ethics for the first time. After some amendments in 1994, it was approved and adopted in its current form by journalists, publishers and broadcasters.

²³ “Media Liability Act” - <https://www.pressnaevnet.dk/media-liability-act>

The Code aims to ensure the observance of high ethical standards and, first of all, protection of citizens from interference in their private lives, libel and dissemination of other information harmful to them.

The office of the Press Ombudsman was established in Sweden in 1969. It oversees the maintenance of ethical standards in the media. Complaints should be addressed to the Press Ombudsman, who may act at his own initiative. The Ombudsman's office may reject the complaint if they deem it ungrounded, or if the media agrees to publish changes or a refutation that are acceptable to the complainant.

If the Press Ombudsman considers that the complaint needs a more serious discussion, he/she forwards it to the Press Council, which ultimately releases a statement justifying or condemning the media. Apart from publishing a refutation, the media that violated the Code is obliged to pay a fine.

The Swedish Press Council is composed of 6 members, two of whom are prominent public figures, three are delegated by media organizations, the sixth, which acts as chairman with a decisive vote, as a rule, is a judge of the Supreme Court.

It is noteworthy that the Press Council, Press Ombudsman and the Code of Journalists Ethics form a purely voluntary, non-governmental system, which is regulated and financed by the press itself.

Germany

The German Press Council was established in 1956 and has significant similarities with the former British self-regulation body (Press Complaints Commission). It is an independent non-profit organization. It is financed by:

- media owners - 57.5%
- journalists - 17.5%
- government - 25%

Only professional journalists can become members of the Council: representatives of civil society, for example, cannot do so. The Council consists of 15 departments, in line with the number of federal lands. There is one more general department for Berlin and Brandenburg. The chairman and the Council members are elected for a period of 4 to 8 years. The Press Council performs all the basic functions characteristic for the European councils, including resolution of disputes. Any citizen can file a complaint with the Council. The Press Council discusses the complaint and conducts an investigation. If the complaint is fair, the judgment of the Council, based on its regulations, is published in the same media outlet. The German Press Council reviews about 700 complaints a year.

The Netherlands

The founders of the Netherlands Press Council in 1960 were the representatives of the Union of Journalists, the Society of Chief-Editors, the National News Agency, a number of

other media organizations and state regulatory bodies. In the 2000s “Planet Internet” organization joined them. The Council is composed of 16 members, 8 of which are from the media community and 8 from the general public. The Dutch Press Council publishes its annual activity report.

In contrast, for example, to Denmark and Sweden, in the Netherlands and Belgium not only individual citizens, but also organizations (including commercial ones) can file complaints about violation of ethics, distortion of facts or libel. The peculiarity of the Dutch Press Council is that, similar to Sweden and Denmark, the chairman of the Council must be a lawyer. The Council secretary must also have a legal background. The engagement of lawyers is an additional guarantee of efficiency of the work of self-regulatory bodies. By participating in the activities of self-regulatory bodies, lawyers often use their professional experience in law to resolve media disputes and confrontations based on moral, ethical and corporate standards. Thus, the Dutch Press Council not only relies on the existing regulations, but also generates new criteria through its judgments, practicing a case-based approach.

The Dutch Press Council is predominantly financed by media owners (90%).

Ireland

Under the Irish “Defamation Act”, courts take into account whether the media targeted by complaint was part of the Press Council, whether its conduct in the case under consideration met the standards of the Press Council and the decisions of Press Ombudsman and Press Council.

According to this Act, the Minister of Justice “may by order declare that such body as is specified in the order shall be recognized for the purposes of the Act, and a body standing so recognized, for the time being, shall be known, and in the Act is referred to, as the “Press Council”. Accordingly, the act sets out the minimum requirements for the Press Council. The main goals of the Press Council are:

- a) ensure the protection of freedom of expression of the press;
- b) protect the public interest by ensuring ethical, accurate and truthful reporting by the press;
- c) maintain certain minimum ethical and professional standards among the press;
- d) ensure that the privacy and dignity of the individual is protected.

The Press Council must be independent in the performance of its functions. The owner of any periodical in circulation in the State or part of the State is entitled to be a member of the Press Council. The number of directors of the Press Council is 13, of whom 7 represent public interest, 5 represent the interest of owners and publishers of periodicals, 1 represents the interests of journalists. The Press Council has authority to receive, hear and determine complaints concerning the conduct of its members. The Press Council

appoints a person to investigate, hear and determine complaints. The procedures for investigating, hearing and determining a complaint to the Press Ombudsman should provide for the expeditious and informal resolution of the matter between the complainant and the member of the Press Council. The procedures should also provide for the determination of the matter by the Press Ombudsman, where all reasonable efforts made in relation to the matter have failed. The decision of the Press Ombudsman must be published by the Press Council members in respect of whom the complaint was made as he or she directs, and in such form and manner as he or she directs. A determination of the Press Ombudsman in relation to a complaint may be appealed to the Press Council. Where an appeal is brought against the determination of the Press Ombudsman it should be determined by the directors of the Press Council. The Press Council also adopts a code of standards which shall specify the standards to be adhered to, and the rules and practices to be complied with by the members of the Press Council²⁴.

A study of the Irish legislation shows that it not only contains provisions promoting the membership of the media in the self-regulatory system, but also details on the composition of the self-regulatory body, the procedure for reviewing complaints and the types of decisions to be made.

Belgium

There are two Press Councils in Belgium - the ones in Flemish (Flanders) and French (Vallonia) communities. There are also Audiovisual Media Councils for both linguistic communities, which review complaints against broadcasters. Press Councils are “closed” structures, since they are created exclusively by representatives of the professional journalistic communities. Belgian Press Councils have 18 “main”, as well as 18 “reserve” members, who participate in sessions, but have no vote in decision-making.

Additional members are involved in the activities of the Council also in Sweden, where such members actively participate in the Council sessions, and in Denmark, where they have limited powers. In Belgium Press Councils receive 50/50 support from media owners and representatives of the professional journalistic community.

Bosnia and Herzegovina

The Press Council of Bosnia and Herzegovina is registered as a civil society organization by the Ministry of Justice. It is composed of 9 main members, and two more can replace them if needed. The five members must have a journalistic background, and four are selected from those who have never been involved in journalism: usually these are lawyers and representatives of academia. It is noteworthy that none of them should be a politician or be engaged in political activities. The Press Council reviews complaints (no personal interest is required), and may come up with judgments regarding certain publications on its own initiative (at the suggestion of the chairman or his/her deputy). The Press Council also conducts a preliminary conciliation of parties through mediation. As in

²⁴ “Defamation Act” - <https://www.irishstatutebook.ie/eli/2009/act/31/enacted/en/pdf>

other voluntary systems of self-regulation, the crucial sanction of the Press Council is the publication of its critical decision. The Council is not authorized to impose fines. The Press Council may also decide on the publication of complainants' responses, apologies, refutations, etc.²⁵

5. SELF-REGULATION EXPERIENCE OF ARMENIA

Armenia has quite extensive experience in media self-regulation. To date, numerous attempts have been made to develop and enforce ethical regulations.

On January 9, 2007, Yerevan Press Club issued an address to the media community of Armenia, suggesting to jointly develop the norms of professional ethics. YPC expressed a wish that "the norms be acceptable for as many media and journalists as possible and be applied by them in their day-to-day work".

On February 2, 2007 at the meeting of media representatives, supporting the YPC initiative, a working group was formed that developed the Code of Conduct of Media Representatives and the Declaration on Election and Referendum Coverage Principles²⁶, narrated in the Appendix to it. On March 10, 2007 at the meeting of heads of media and journalistic associations these documents were adopted and signed. At the meeting of March 10, 2007, the **Media Ethics Observatory (MEO)** was also elected and listed 7 members. The mission of MEO is to review complaints about violations of the Code and to issue judgments based on the results of the examination. The MEO activities are carried out according to its approved Regulations²⁷. Currently MEO has 14 members (in 6-4-4 ratio: heads of media, journalists and civil society representatives, respectively).

As of today, the Code has been signed by 69 media operating in Armenia, and is supported by 8 journalistic associations. Media representatives, who signed the Code of Ethics, acknowledge the right of MEO to examine the conformity of their acts and publications to the provisions of the Code and state their willingness to publish decisions of MEO in their media²⁸.

The main function of MEO is to review complaints against the media. If the complaint relates to a member of the self-regulatory initiative, MEO drafts a judgment, whose publication/broadcast is mandatory in the media that is the object of the complaint. If the complaint relates to a media that has not signed the Code, MEO, based on the public outcry of the issue, may develop an expert opinion, which is disseminated through its available channels of communication. If MEO notices a professional ethics-related general tendency of concern in the Armenia media field, it may adopt and disseminate a relevant

²⁵ Catherine Speller, [A needs-assessment of the Media Councils in South East Europe](#), UNESCO, 2015, p. 13-15,

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/news/assessment_media_councils_south_east_europe_1.pdf

²⁶ https://ypc.am/wp-content/uploads/2021/05/Code-of-Ethics_eng_May-15_2021.pdf

²⁷ https://ypc.am/wp-content/uploads/2021/06/MEO_Regulations_May-15-2021_arm.pdf

²⁸ https://ypc.am/wp-content/uploads/2021/06/MEO_Regulations_May-15-2021_arm.pdf

statement. In addition, in order to promote ethical journalism, MEO regularly develops thematic guidelines.

MEO also acts as a mediator to reconcile the parties, develops and disseminates thematic guidelines clarifying the application of the principles of professional ethics of media. Added to that, MEO may, at its own initiative, monitor the activities of the media on the basis of its Regulation and publish its results.

The judgments and expert opinions of MEO are adopted on the basis of the Code of Ethics of Armenian Media and Journalists, the RA legal acts, as well as international legal acts and judicial precedents. According to the decision of the General Meeting of Participants of the Self-Regulation Initiative, the Media Ethics Observatory of Armenia starting from May 2021 has been mandated to review and release a statement or judgment not only on information disputes related to media, but also any entity officially carrying out a journalistic activity.

In the case where the person filing a complaint with MEO turns to court on the same grounds, MEO suspends the review of the complaint until the court decision enters into force. MEO resumes the review of the complaint only in cases when its judgment or opinion is important for the trial, or when the complainant is not satisfied or is partially satisfied with the court decision and requests a resumption of the review.

The Media Ethics Observatory of Armenia is a member of the Alliance of Independent Press Councils of Europe, and also the co-founder of Media Self-Regulatory Organizations Network (uniting the self-regulatory bodies of 7 former Soviet republics).

On February 14, 2022, a memorandum of cooperation was signed between MEO and the RA Commission on Television and Radio (CTR), which aims to contribute to the observance of the rules of professional ethics in the audiovisual media operating in the territory of the Republic of Armenia, authorized and licensed by the Commission. This implies adoption of rules of professional ethics by the actors of the field, based on the best international practice, continuous improvement of the rules, clear interpretation and free, non-discriminatory application.

A study of the MEO activities, however, shows that in case of violations of the Code of Ethics by the media, people are reluctant to turn to MEO. At the same time, a study of the list of media that have signed the Code of Ethics of Armenian Media and Journalists²⁹ shows that a large number of media operating in Armenia, as well as major media players, are not members of the self-regulatory system.

Year	Number of complaints reviewed by MEO ³⁰	Number of defamation and insult court cases against the media ³¹
2021	9	50

²⁹ https://ypc.am/wp-content/uploads/2021/12/List-of-Members-as-of-June-2021_Eng.pdf

³⁰ <https://ypc.am/self-regulation/activities-of-the-media-ethics-observatory/>

³¹ Data extracted from <https://khosq.am/en/reports/> website

2020	10	61
2019	10	89

Although since the beginning of 2022 the number of complaints has significantly increased, the statistics, nevertheless, continue to show that the public turns to court 4.5 times more often than to MEO on the grounds of possible violations by the media. The initiators of the Armenian self-regulatory system consider that it is still in the experimental stage and should pass a certain way of institutional development to be shaped as an institution.

Thus, it can be concluded that the media in Armenia have been able to develop their own system of self-regulation, which, in fact, mainly corresponds to the systems of self-regulation operating in advanced European countries. At the same time, the institutional development of this system should be promoted, its efficiency should be enhanced by including the main part of the media field, the level of awareness on the system should be raised so that in case of ethics violations the public applies more to the self-regulatory body, given the indisputable advantages of the MEO complaints' review process over that of courts.

It should also be noted that a number of Armenian media outlets have adopted their own codes of ethics, but they mainly serve only as a tool for maintaining professional standards within the editorial office and do not envisage a mechanism of review of the complaints from the audience. According to a survey among 100 Armenian media conducted by "Region" Center in late 2021, half of them said they either joined the YPC initiative and signed the general code, or adopted their own code, or combined the adherence to both codes.

Several Armenian media have also certain experience in introducing the institution of internal ombudsman ("Aravot" daily, "A1 +" and GALA TV companies), but these initiatives have been temporary. In accordance with the requirements of the RA Law "On Audiovisual Media", starting from 2020, the TV and radio companies participating in licensing competitions, which had not joined the self-regulatory initiative in 2007, developed their own codes of conduct and set up complaints' review mechanisms. However, their effectiveness may need to be studied.

Since 2011, another extrajudiciary mechanism for resolving information disputes has been established in Armenia, namely **the Information Disputes Council (IDC)**. The IDC does not have the status of a legal entity and is composed of 7 leading specialists in the field. The IDC studies and publishes expert opinions on information disputes of legal nature, both on the basis of a complaint and at its own initiative. To date, the IDC has published 87 expert opinions.

The IDC has the power to:

- present legal cases related to the media or professional opinions on the event;
- ensure public awareness on various issues of media legislation;

- organize training of target groups and thematic workshops;
- develop research-based manuals and educational guidelines.

6. APPLICABILITY OF SELF-REGULATION MODELS IN ARMENIA

The discussions and practice of the last few years allow to conclude that the mixed model of self-regulation is applicable in Armenia, where the media (including broadcast media) can decide for themselves which self-regulatory mechanism contributes most to enhancing the quality of work of the editorial office. Individual organizations and persons positioned as mass media producers are expected to unite with other media in the existing or newly emerging structures of self-regulation, create their own (internal) accountability mechanism, or combine the two options. In particular, the media may choose one of the following opportunities for self-regulation:

1. **Internal self-regulation.** In this case, a media outlet sets its code of ethics, the manner of ensuring its provisions and creates/appoints a body (subdivision) or a person (ombudsman) in charge of it.

2. **Several media can unite and agree on common rules of ethics (code)** with an obligation to adhere to it, jointly decide the method (procedures) for resolving disputes and complaints by forming a relevant body (media council).

3. **The formation of a unified body could be a best solution for the Armenian media field.** And the Media Ethics Observatory initiated by YPC and in action for many years can be considered the prototype of such a body. Within the frames of state policy promoting media self-regulation and with the consent of the member media, MEO is capable of expanding its scope of activities, forming commissions and working groups, holding educational events, awards, encourage the media and journalists following high standards of ethics.

All the procedures for complying with the rules of ethics, as well as the review of complaints from citizens or organizations should be carried out in accordance with the procedures of the relevant self-regulatory initiative or body.

Moreover, at the beginning several structures acting as press councils could be taken into consideration, so that the most viable ones remain in the future. Such a precedent is observed, for example, in the United Kingdom, where, following the dissolution of the Press Complaints Commission, IMPRESS (Independent Monitor for the Press) and IPSO (Independent Press Standards Organization) have been competing for the role of its “successor”. Added to that, the UK citizens’ complaints against the broadcast media are reviewed by the national communications regulator Ofcom.

Discussions may address the recognition of self-regulatory systems at the legislative level, which will be called upon to set certain minimum criteria for relevant initiatives. The respective provisions of the RA Law “On Audiovisual Media”, as well as the guidelines of the Commission on Television and Radio, developed in 2020 for the launch of licensing

competitions for public multiplex slots, may serve as a precedent for such a process. One of the issues that can be regulated by law is the obligation to publish the code of ethics on the websites of the media. Although it is not mandatory in some European countries, in case of Armenia, where there is an apparent need to inform the public about media self-regulation, such an obligation by the state is undoubtedly expedient to make the system more recognizable.

In case of creation of a unified self-regulatory system, the institution of National Media Ombudsman may also be applicable in Armenia, which will be a part of the self-regulatory body and will be elected by the representatives of all the media and journalistic organizations that are members of the system. In that case, the Media Ombudsman with his/her team will settle the disputes on a daily basis, while the self-regulatory body will ratify those decisions and will solve the remaining issues.

The decisive factor for the efficient work of press councils and other bodies performing the same function is the ability to find a formula for balanced consideration of the interests of media owners (management), journalists (authors of pieces) and the public (audience).

At the same time, the independence of self-regulatory bodies may be questioned when their budget is replenished from one dominant source. In particular, the cause of the crisis in the British Press Complaints Commission was the accusation of its biased protection of the interests of the media to the detriment of the public interest and the principles of good-faith journalism.

On the other hand, the dominant volume of funding by the state contains risks of additional mechanisms of control over the information sphere. If in case of the countries where governments have historically played a positive role in establishing media freedom and independence that risk is relatively small, while, for example, in the post-Soviet area the attachment of self-regulatory bodies to state funding creates or will sooner or later create serious problems.

A summary of the experience of the most advanced European press councils allows to conclude that their optimal composition should include media managers/owners, reputable journalists and the general public. Given the fact that when reviewing complaints, it is important to address them not only from an ethical, but also from a legal point of view, the presence of a lawyer knowledgeable in judicial practice in information disputes is a necessity for the composition of the commission. This principle has been maintained in the Media Ethics Observatory of Armenia.

7. POTENTIAL FUNCTIONS OF SELF-REGULATION IN THE ARMENIAN CONTEXT

Codes of professional ethics, press councils, media ombudsmen perform several functions.

The first is the security function. Those who accept the general rules of conduct become members of the professional community and can receive professional assistance in case of problems or conflicts. Accordingly, those who ignore these rules may be left without the support of their partners and the general public (except the cases of blatant attacks against freedom of expression and press rights). Practice shows that the blind protection of partners reduces both the efficiency of individual actions and the “defense capacity” of the media in general. In other words, for solidarity to be effective, it must be coupled with principled position, responsibility and accountability. Now it is the security function that could be more attractive for Armenian journalism.

As a factor promoting the strengthening of the principles of professional ethics, self-regulation is significantly inferior to protection in the Armenian journalistic environment: therefore, it is classified as **second** here. The essence of the self-regulatory function of the codes is that the media as sustained, cohesive organizations, take group responsibility for disputes between themselves and citizens or between themselves and the public. Codes of professional ethics and structures similar to press councils, in a sense, act as laws and courts, relieving the state of its regulatory function in this area. In certain cases, self-regulatory mechanisms do not provide for a resolution of the dispute, hence it is transferred to the traditional jurisprudence. However, in countries where accountable, quality media have the leading role in the information market, such situations are rare.

The third function is maintaining the sense of professional dignity. The journalistic “elite” often raises the issue of professional badges. In Armenia there are also suggestions to issue special passes. However, even where professional passes have strong traditions, the attitude of the journalistic environment towards them is far from common. Under the conditions of Armenia, the formal recognition of professional qualities risks rapid devaluation. Nevertheless, nothing and nobody prevent the “journalistic elite” from proclaiming high professional principles and adhering to them.

The fourth function is educational. The rules of professional conduct of journalists are not merely a continuation of legal norms and texts substituting laws. They are based on the technologies of obtaining, processing and disseminating news, creating a quality information product. In other words, mastering the principles of ethics by students and novice journalists is an important element of their professional grow.

Finally, the **fifth** but highly important function is economic. The set of professional rules that is disseminated to the audience of information consumers creates a crucial element of a successful business: product confidence.

At the same time, we should not forget that the regulations are not a universal remedy. Even the best document cannot be automatically inserted into a new environment. It is the journalists and media operating in each information space, in each unique market that must themselves come to the need to adopt their own rules, draft the document consciously and voluntarily join it. It should be noted that the above-mentioned options are not exhaustive, and each media may set its own code of ethics and the means of ensuring its provisions in a different way.

8. NECESSARY STEPS IN RELATED AREAS IN ARMENIA

Given the development of the concept for promoting self-regulation/co-regulation included in the programme of Armenian government for 2021-2025, similar experiences in other countries are of particular interest to Armenia.

Media self-regulation is unable to develop in an isolated environment, it can progress in parallel with the creation and implementation of a state policy comprehensive strategy contributing to the development of quality media. The advancement of new media, new information opportunities, challenges reveal the level of impact on regulatory principles, rapidly changing media market, public and consumer perceptions, as well as new demand for journalism education. They imply that self-regulation should also experience constant progress, and the engaged specialists should respond promptly to new challenges and regularly update the development agenda. At the same time, certain reforms in the media sector perspectives and other components reflecting the "diseases" need to be carried out.

a. legislative regulation

One of the forms of implementation of the official policy in the field of self-regulation is the recognition of self-regulation bodies at the legislative level (Denmark, Ireland and a number of others).

Studies of self-regulation experience, carried out at national, regional or international levels, indicate the importance of a comprehensive approach to strengthening the quality media segment. Accordingly, the development of the self-regulation system is largely conditioned by the improvement in related fields.

At the same time, regulations, which have a potential to negatively affect media quality and do not address the issue of media product quality, which could lead to unlawful or disproportionate interference, should be ruled out. Examples of such negative regulations are the criminalization of grave insults under Article 137.1 of the RA Criminal Code or the increase of the amount of material compensation for insult and defamation under Article 1087.1 of the RA Civil Code.

A progressive system of media legislation and high-quality jurisprudence on information disputes contribute to an environment in which self-regulation can occupy its niche and harmoniously interact with state regulation.

The experience of the European Press Councils confirms that self-regulation succeeds where the listed related fields have also proved their sustainability. This first of all applies to the Scandinavian countries, Great Britain, Belgium, the Netherlands, Germany. It is their models of media self-regulation that deserve particular attention.

There are no common solutions regarding the legal status of self-regulatory bodies, since the issue depends on the legislative system of a particular country and the nature of the state's involvement in the establishment and regulation of their activities. These can be

foundations, public (non-governmental, non-profit) organizations, legal entities of public law, etc.

b. state/public support

Media that adhere to professional standards and ensure the transparency of their real owners and financial activities should be promoted in various ways. The others should clearly see the benefits of creating self-regulatory mechanisms and responsibly following the ethical norms.

If there is constructive interest and good will, the state can play a certain role in the development of a self-regulation system. In this regard, the quality of information flows can be regulated through economic measures. Since publishing, radio and television are also businesses, different types of assistance in accordance with law may also be envisaged for this area. In particular, independent, unbiased media may receive various types of subsidies, tax relief, grants, etc. For example, this is what the state does in Denmark.

Added to that, at the regulatory and legislative level, certain standards for relevant institutions, measures to encourage the participation of the media in initiatives aimed at introducing mechanisms of accountability to society may be set.

One of the measures could be the state assistance in the creation of a non-governmental body to support independent and quality media, which would, inter alia, solve the issue of co-financing of self-regulatory bodies.

In Armenia, this function can be taken over by the Media Development Fund, in the creation of which, according to the preliminary elaboration of the idea, the involvement of the state, private sector, international donors, as well as fundraising through crowdfunding and investments from other sources are expected. It will enable to support the development of a more financially sustainable, independent, high-quality media ecosystem for the media to meet the challenges, which in its turn will help ensure a balanced, high-quality content offer to consumers.

The Fund is also expected to prioritize sustainable business models in the media sector. The main criteria of the beneficiary selection process may be the transparency of the ownership of media companies, editorial independence from funding sources, the institutional stability of potential grantees and the potential.

The existence of incentives for engagement in self-regulation is another essential issue. In Ireland, Great Britain and a number of other countries, the media that have signed codes of ethics enjoy certain privileges when lawsuits against them are examined by courts. In Serbia, the practice of consultations with the Press Council is used when deciding on the state financing of a particular media. In Spanish region of Catalonia, the signatories of the Code of Journalistic Ethics in the past benefited from the distribution of subsidies, while a similar possibility for the future is being considered in France.

c. modernization of media market and media industry

The media development strategy should include technical support to media aimed at introducing innovative, sustainable business models. Such support will help the media discover new profit opportunities and operate more effectively, strengthening the foundations of economic independence.

Efforts, enlightenment and explanatory work are needed for the media maintaining norms of ethics to be encouraged by the business world, including advertisers. They should be perceived as reliable partners, and when making a choice the business circles, which in their turn attach importance to business ethics and civilized models for running a business, should give priority to the media that have self-regulation and never breach the rules.

In this regard, the policy pursued by the state vis-à-vis the media market creates grounds for the development of independent media, which, unlike biased propaganda media, tend to operate within the frames of agreed rules.

d. institutional improvement of media

Setting standards of professional ethics can also lead to institutional improvement of media. Reforms in this direction may include the following areas:

- *enhancing the capacities of personnel*

Almost all media, especially regional ones, need high-quality journalists and other media specialists. The poor financial situation of most media does not allow them to send specialists to training courses, which would include teaching norms of ethics. Self-regulatory bodies, with the support of international donors and partner organizations, may take on the role of training the staff of the media that are their members, which will inevitably lead to higher staff qualifications. And the most active participants could be encouraged by participating in knowledge-sharing programmes and courses in European countries.

- *enhancement of research capacities of media*

Funds from international organizations should encourage the research capacity of media that are members of self-regulatory bodies, which will lead to the development of investigative journalism.

- *enhancement of media management capacities*

There are a number of problems in this area, whose roots go back to the traditions of media management of the Soviet years. The best international experience can be useful for the heads of the media that are members of the self-regulatory body, while for interested media managers study visits, business trips to leading European media editorial offices could be arranged.

- *enhancement of marketing capacities*

Effective multilevel media marketing and new monetization opportunities combined with the use of social networks can ensure a solid financial basis for the media, giving an opportunity to avoid dependence on political or economic circles. Here again the self-regulatory body together with its partners can assume the role of educator, transmitter of international experience.

e. education

Raising the level of journalism education contributes to the increase in professional standards in the media environment, allowing the self-regulatory system to raise the bar of ethical expectations from media representatives.

It will be possible to set a high standard of professional ethics in higher education institutions by creating and introducing a common curriculum on professional ethics and self-regulation in the faculties of journalism of the RA universities. In case of consent, the graduates of the faculties of journalism, after completing studies, should have the opportunity to voluntarily sign the Unified Code of Professional Ethics, committing themselves to observing the ethical norms during their journalistic activities.

Media should be interested in enhancing the professional skills of journalists. Trainings and extension courses should become a mandatory part of journalists' development. The practice of holding professional training immediately in editorial offices should also be applied, including with the involvement of foreign experts.

f. media literacy

The perception and assessment of the benefits of self-regulation by the public are directly linked to the level of media literacy of the population.

Media literacy is the ability to find, analyze, evaluate, create, and disseminate information. Critical thinking is the basis of media literacy. Media literacy helps the media user to distinguish propaganda from news, opinion from fact, to orientate him/herself correctly in information flows and be able to use media tools to exercise his/her rights. Media literacy is not about rejecting media and technology, but about understanding its shortcomings and advantages and using it wisely.

A media literate citizen should be able to:

a. **find** information, i.e. to use the media wisely, have the skills to find and separate the necessary information in the information flow;

b. **analyze and evaluate** information: the information conveyed by the media has an author and an audience, it cannot be fully impartial. While conscious of this, one should be able to critically analyze the author's message, understanding the possible hidden goals, consequences and impact, drawing conclusions on the credibility and quality of the piece;

c. **create and disseminate** information: modern media tools allow to create, express oneself, convey a message. The citizen must be able to use these opportunities properly to exercise his/her rights.

To make this provision a reality, it is necessary to activate the media education component in schools and universities, and apart from the technical side, pay attention to the content of media education as well.

Following the example of leading countries, media literacy may become a compulsory subject taught in educational institutions, journalists can teach it in schools.

Today, media literacy is taught in Armenia in some universities, community organizations, schools, based on the “Media Literacy” handbook recommended by the Ministry of Education, Science, Culture and Sport (MoESCS). The handbook was developed with the engagement of specialists from Media Initiatives Center (MIC) . It is a guide for teachers and includes not only lesson plans, but also educational materials, a computer game. The lessons created by the teachers based on them in 2021 were included in the list of winner projects of the MoESCS “Best of the Year” competition.

The state standard for general education approved in 2021 includes the proposals submitted by MIC.

An international conference and a workshop on media literacy have been held, a strategic document on media literacy development and a package of recommendations to include media literacy in education have been developed.

The approach of incorporating media literacy in the school curriculum is prevalent in EU countries. The subject of media literacy is also taught, for example, in Great Britain, Canada, Australia, USA. If in elementary school they learn the simple rules of journalism or advertising through games, then, for instance, in high school, they do serious research, prepare school programmes, meet active media professionals, discuss and critique the field.

According to another approach, these skills can be transferred not in the context of a single subject but of all school subjects: mastering media tools in computer science class; discussing media language in language classes; talking about the reproduction and possible distortions of historical events on the air in history classes; touching upon the impact of media on food and health when discussing the topic of healthy lifestyle; analyzing fake news and manipulative pieces in biology and physics classes; checking the statistics provided by the media within the class of algebra; and as a result, learning to be critical of media messages, analyzing and verifying them.

There is also a practice of involving libraries and librarians in this teaching of media literacy, turning the library into an information center where the student learns to work with sources and means of information, to find, check, process, create and disseminate information.

Armenia is in a quite leading position among the post-Soviet countries, as there is already a lot of accumulated experience, developed programmes and cooperation with the state. However, the large-scale introduction of media literacy in school and university programmes is delayed, and there is a need for process review and a sharp intervention.

In previous years, as a result of meetings and discussions with the leadership of the MoESCS, as well as other experts in the field and stakeholders, Media Initiatives Center proposed to focus on two main directions: introduction of media literacy in social sciences, computer science, and development of a separate subject for high school. It is expedient to view that proposal as a component of media sector development policy.

g. improvement of judicial practice

The benefits of media self-regulation mechanisms go beyond preventing unethical journalism. The system has a direct beneficial effect on media freedom. First and foremost, media self-regulation mechanisms help reduce the chilling effect of potential lawsuits against the media, which is a positive thing for media freedom. The chilling effect occurs when media hesitate to exercise their right to freedom of expression for fear of legal repercussions. By providing an alternative to courts for media users wishing to file a complaint against the media, self-regulatory mechanisms reduce the number of lawsuits against the media.

Courts have a special role to play in balancing rights amid the apparent restrictive tendencies in legislation in the past, as good judicial practice can restrain and prevent such regulations from becoming a means of suppressing freedom of speech, including freedom of the press, and especially critical speech. And on the contrary, in the absence of proper judicial practice, or in the absence of improved practice, the journalistic community will be deprived of effective judicial protection of freedom of expression and the means ensuring fair balance of other rights, which will have a chilling effect on the development of freedom of speech and the freedom of the press in particular.

In general, an example of a positive effect of judicial practice on freedom of the press is the regulation of the Constitutional Court on the application of material compensation under Article 1087.1 of the RA Civil Code following the decriminalization of insult and defamation, which sharply reduced lawsuits against the press. For example, by its DCC-997 decision of 2011 the RA Constitutional Court determined that “non material compensation shall be applied as a priority for the damage caused by defamatory expressions (actions). Material compensation must be restricted by reimbursing the immediate damage caused to a defamed person’s honor, dignity or business reputation, and it should be applied in cases when non material compensation is not enough for reimbursing the damage.”

Thus, the judiciary is the guarantor of the freedom of the press and the protection of journalistic freedoms, and its proper functioning contributes to the development of the press in the country. The current judicial system needs certain reforms in order to fully

accomplish its role in the field of freedom of the press and to ensure adequate coverage of the information field. Another important point in this process is the role of extrajudicial bodies to solve information disputes, which with their professional potential help the courts to develop a common advanced practice in the field of information, which meets the best international standards and practice.

Given the overload of courts, as well as the absence of judges specializing in freedom of the press, professional extrajudicial bodies (in particular, Media Ethics Observatory and the Information Disputes Council) should play a key role in resolving information disputes. They can help to resolve disputes in a short time, with high professional quality and are able to reduce the burden on the overloaded judicial system.

Extrajudicial dispute resolution bodies also help the judiciary to rely extensively on international human rights standards and best practices. When a dispute is transferred to court, at that stage too the extrajudicial structures can provide an impartial opinion on the dispute, helping the court to orient itself correctly in specific professional situations (as *amicus curiae*).

The *Amicus curiae* interventions could be crucial in setting sustainable legal precedents for the protection and promotion of a free, independent and pluralistic media ecosystem. They may also draw the attention of the general public to cases where the right to freedom of speech or the security of journalists are threatened. They could also be a legal and educational tool for judges, lawyers, and society at large.

h. technical and technological development

Weak economic activity affects the media industry and, taking into account financial risks and uncertainty about future development prospects and cash flows, it hinders serious investment in the sector. For some media the lack of material resources is felt even at the stage of covering expenses, paying staff, and many of them only dream of equipment, working capital, investments in new projects, creation of studios, pavilions, and other irreplaceable attributes of development. The equipment of a number of media is morally and financially obsolete and worn out.

At the same time, there is technical and technological progress in several media conditioned by the following circumstances:

- there are many free or affordable opportunities to publish and livestream content through social media platforms such as Facebook, YouTube, Telegram;
- free analytics tools of Google, Facebook, Yandex have enabled media to better understand the needs of their audience and measure their impact;
- new technologies such as Google AdSense, Facebook Instant Articles, Adriver, have made alternative revenue generation systems available to the Armenian media, although

sometimes they have to go through loops, as most such systems do not provide service and coverage in Armenia.

In the future, new technology platforms should provide more services and coverage in Armenia, as well as try to work with the Armenian media in the following main directions:

- restrict and block the dissemination of fake news and informational “fast food”;
- involve Armenian quality media in a revenue-sharing partnership to enhance their sustainability and limit their dependence on the tiny Armenian market.

i. international cooperation

The Alliance of Independent Press Councils of Europe (AIPCE) is the most efficient platform for exchanging practical ideas in the field of self-regulation. AIPCE has set out the following core beliefs as underlying its activities:

- the regulation of editorial content in the media should be independent of government;
- the writing of Codes of journalistic ethics and their administration is the business of journalists and publishers, who take into account public feelings, and not the business of governments;
- media content regulation, whether national or regional in its coverage, should be based on nations differing cultures;
- it is not possible to operate a universal code of ethics, and that the imposition of supranational Codes and regulatory organizations, either at the European or global level, should be opposed.

Along with AIPCE, a certain experience of international cooperation in promoting institutions of self-regulation in the field of journalistic ethics has been accumulated in the Network of Media Self-Regulatory Organizations (NMSO), which brings together relevant structures from 7 post-Soviet countries. The NMSO was established in 2011 as a kind of “section” within the AIPCE, designed to “elevate” the self-regulation bodies of the participating countries to the level of the leading European Press Councils. One of the innovative forms of interaction within the Network has been the practice of reviewing cross-country complaints against the media by an advisory commission composed of representatives of all the participating countries, and developing appropriate opinions.

The cooperation within the AIPCE and NMSO also provides an opportunity for exchange of information and best practices among member organizations. In order to develop the self-regulatory system, it is necessary to promote as much as possible the multilateral engagement of the relevant structures of Armenia within those networks. In particular, the holding of the annual AIPCE conference in Armenia in 2023 (on which there is a preliminary agreement between Media Ethics Observatory and the presidency of the Alliance) may play an important role.

Along with the development of the practice of internal media ombudsmen in Armenia, it is important to strengthen ties with another international body that promotes the idea of

media self-regulation, namely the Organization of News Ombudsmen (ONO³²). It has been operating since 1980 and unites 67 ombudsmen from 24 countries (“readers' representatives”, “readers' advocates”, “readers' editors”, “public editors”). Armenia is not yet represented in ONO, but in case of development of such an institution, it can both gain useful experience from that organization and contribute to its work.

³² <https://www.newsombudsmen.org/>