



## Press regulation: international comparisons

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This Note provides a brief overview of systems of press regulation in a number of foreign countries. Where possible, it details the sanctions available to the regulator in the event that a newspaper breaches a voluntary or statutory code of industry practice. If there is an established mechanism for the arbitration of press complaints, this is noted.

Unless otherwise stated, information in this Note was supplied to the House of Commons Library by the research services of the relevant parliaments.

A companion Note, *Press regulation: the debate*, looks at the position in the UK.

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## **Andorra**

There is no statutory regulation of the press in Andorra. The Andorran Constitution recognises the right of reply and the right of rectification. There is a voluntary code of practice between the editors of private newspapers concerning the principles of free expression, communication and information, the rights of reply and rectification and professional secrecy.

Where a newspaper has broken the constitutional principles, the courts are able to pass sentence. Most commonly the courts would give the right of reply in print, requiring that the newspaper correct an error or publish an apology.

There are no legal means for the arbitration of press complaints in Andorra.

## **Australia**

The Australian Press Council (APC) was established in 1976 to promote freedom of speech through responsible and independent print media and to foster adherence to high journalistic and editorial standards. The APC deals with complaints and concerns about material in newspapers, magazines and journals, published in print or on the internet and supports initiatives by the print media to address the causes for readers' complaints and concerns. It also has other functions, including keeping under review and where appropriate challenging, developments which may adversely affect the dissemination of information of public interest and may consequently threaten the public's right to know. The APC is funded by the newspaper and magazine industry.

The APC does not set rules by which publications should govern themselves. In considering complaints the APC considers certain [general principles](#), including that publications should take reasonable steps to ensure reports are accurate, fair and balanced and that they should not deliberately mislead or misinform, and that where it is established that a serious inaccuracy has been published a publication should promptly correct the error. When the APC issues an adjudication, the publication involved should publish the decision promptly and with due prominence. The APC has also established a code of practice in relation to respect for the privacy of individuals.

The APC will attempt to resolve complaints through mediation. If the matter is sent to the APC the complainant and publication have the option of attending a meeting of the Complaints Committee, which then makes a recommendation to the Council on the matter. Other methods of resolution are referring the complaint to another organisation (such as the Advertising Standards Board) or asking the complainant to decide if they would prefer to proceed through the courts, if legal action is thought likely.

## **Austria**

There is no statutory regulator of the press in Austria. The Austrian Press Council was re-established in 2010 as a voluntary body for self-regulation. The Press Council covers all printed periodicals and media whose primary purpose is to supplement printed periodicals, such as online editions of printed products.

The Press Council has established a 'Code of honour for work in journalism' which builds on legislation and sets ethical guidance for those involved in journalism. This code is the basis for decisions taken by the Senate of the Press Council.

The Press Council may impose as a sanction the publication of its decision in the respective medium and decisions are published on the Press Council's website.

The complaints procedure before the Press Council is designed as an arbitral process. The complainant and respective medium must undertake to recognise the Press Council as an arbitral authority and to waive appeal to the ordinary courts. Proceedings before the Press Council are free of charge.

## **Belgium**

Newspapers regulate themselves, administered by the Council for Journalism in Flanders and the Council for Ethical Journalism in the French and German speaking part of Belgium.

The Council for Journalism and the Council for Ethical Journalism both enforce their own codes of practice.

The Council for Journalism and the Council for Ethical Journalism cannot impose legal sanctions such as fines or other financial penalties. They can require that a newspaper publishes a rectification or that a wronged person is given a right to reply. The right of reply is guaranteed in Belgium by law and everyone who is mentioned in a newspaper article has the right to reply in order to correct errors or to defend his or her reputation. An illegitimate refusal of the right to reply can lead to penal sanctions.

The complaints procedures of both the Council for Journalism and the Council for Ethical Journalism are arbitral procedures. Within the Council for Journalism, the Secretary-General mediates when a complaint is filed and will try to achieve an 'out-of-council' settlement. Only where this is not possible will the complaint be brought before the Council.

## **Canada**

There is no statutory regulatory body which oversees the newspaper industry in Canada. There are some self-regulatory practices. Newspapers publish corrections to previously printed news editions and also publish letters to the editor, which may include complaints. Members of the public are encouraged to contact the editor or publisher of a newspaper regarding complaints. Some provinces and regions have press councils and some of these have codes of practice.

The press councils cannot impose fines and do not provide arbitration.

## **Croatia**

The Croatian Media Council was established in 2011. It is a self regulatory body which monitors professional journalistic ethics.

Publishers must adhere to professional ethical principles which are contained in the Universal Declaration of Human Rights, the European Convention on Human Rights and in the documents of the Council of Europe.

A publisher or broadcaster found to be in violation of the principles must publish the Croatian Media Council's conclusion on the matter and rectify any inaccurate information that has been released. An internal reprimand to a journalist, editor or media outlet is issued for lesser breaches of the principles. The most severe violations are entered into a special register maintained by the Croatian Media Council and all media encompassed by the Croatian

Media Council are obliged to release this decision. The Croatian Media Council does not impose fines.

There is no system of arbitration for press complaints in Croatia.

## **Cyprus**

There is no statutory regulation of newspapers in Cyprus. A Journalistic Ethics Commission (Cyprus Media Complaints Commission) is charged with monitoring the implementation of the Journalists' Code of Practice which is signed by the Union of Cyprus Journalists, the Cyprus Publishers Associations and the Owners of Electronic Mass Communication Media. The code applies to all media (print and electronic). The Commission receives and decides upon complaints about alleged violations of the code. It also issues interpretive guidance notes. The Commission may, exceptionally, deal on its own initiative with a case which may constitute a breach of the code, because of its seriousness and importance.

The Commission is not entitled to impose any penalty or to award compensation. The decisions and findings of the Commission are published. The journalist or the media found in a decision to have breached the code has an obligation to publish the relevant decision.

## **Czech Republic**

In the Czech Republic there is no press regulator established by law. The Syndicate of Journalists is a voluntary professional association of journalists.

Members of the Syndicate of Journalists are required to follow the code of ethics of journalists.

There is no legal means of arbitration in the Czech Republic.

## **Denmark**

Denmark has a Press Council established pursuant to the Danish Media Liability Act. The Press Council is an independent, public tribunal which deals with complaints about the mass media. The Press Council can rule in cases relating to whether a publication made is contrary to sound press ethics and whether a mass media is under an obligation to publish a reply.

The Media Liability Act does not give a complete description of 'sound press ethics'. However, 'sound press ethics' is interpreted in the light of the [Press Ethical Rules of Guidance](#) which formed part of the Media Liability Bill of 1991. The "sound press ethics" standard keeps pace with developments in the determination of what is unethical, and adopts standpoints on new situations that arise.

The Press Council cannot impose a sentence on the mass media or award the complainant financial compensation. In cases concerning sound press ethics the Press Council can express its criticism. In cases about reply the Council may direct the editor of the mass media in question to publish a reply. In both types of cases the Council may direct the editor to publish the decision of the Council to an extent specified by the Council.

There is no other body which deals with press complaints in Denmark.

## **Estonia**

There is no specific law regarding the press in Estonia. There is a self-regulatory system with two press councils. One press council acts on behalf of the non-profit organisation Public Word and aims to protect the freedom of press, to examine complaints about the media with regard to good conduct, and to support the development of journalists' perceptions of and adherence to ethical standards. The other press council is a voluntary, self-regulating body which deals with complaints from the public about material in the media.

In 1997, the Estonian Newspaper Association, the Association of Estonian Broadcasters and the Estonian Press Council introduced the Code of Ethics for the Estonian press.

The Estonian press councils cannot impose serious sanctions against perpetrators of violations of the code, so following the code is voluntary. If the press council decides that a complaint should be upheld, the medium involved must announce the full text of the decision within seven days. If they do not follow this rule then the council will make the decision public by other means.

There is no system of arbitration in Estonia.

## **Finland**

In Finland the Council for Mass Media was established in 1968 by publishers and journalists as a self-regulating committee. The Council for Mass Media does not exercise legal jurisdiction.

The Council for Mass Media has [Guidelines for Journalists](#). The guidelines state that they have been drafted specifically for the purpose of self-regulation and are not intended to be used as grounds for criminal liability or damages.

Where the Council for Mass Media has established that good professional practice has been breached, it issues a notice which the party in breach must publish within a short timescale. Under certain circumstances involving important principles, the Council for Mass Media can initiate an investigation. It can also issue policy statements regarding questions of professional ethics.

Arbitration is possible in some legal cases but not generally in defamation cases.

## **France**

France has no regulatory body created by law.

A law of 1881 on freedom of the press created a number of fixed obligations (publication of a correction, a right of reply, prohibition of incitement to commit a crime, defamation). It is for a judge to determine whether journalists have upheld these obligations. This law sets no ethical framework. However, the profession has chosen voluntarily to create non-binding charters of ethics. The first document, the "charter of duties of journalists," was written in 1918 by the National Union of Journalists. The latest, the ["charter of professional ethics of journalists"](#), was developed in March 2011 by the same union.

Under the 1881 law, public servants have the right to correct inaccurate reports of actions performed as part of their duties. The editor is required to publish corrections, on penalty of a fine of 3,750 euros.

A similar right of reply belongs to any other person when so determined by a judge. The managing editor of a daily is required to insert, within three days of receipt, the person's response, under penalty of a fine of 3,750 euros, without prejudice to other penalties and damages to which the article could lead. In non-daily periodicals, the publishing director is required to insert the answer in the next number of the magazine, or risk a similar fine. The response should be in a similar position and similar typeface to the article that provoked it. The right to reply can only be refused if the reply is prejudicial to the law, to morality, the legitimate interests of third parties or the journalist's good name. The person refused may still exercise a right of "forced insertion" within three months of the date of publication.

There is no arbitration process that would avoid a trial. However, there are emergency legal proceedings, applicable to the press under Article 9 of the Civil Code. Indeed, for the protection of privacy, Article 9 of the Civil Code specifically authorises judges "to prescribe any measures, such as sequestration, seizure and other measures to prevent or stop an invasion of privacy; these measures may, in an emergency, be ordered in chambers."

### **Georgia**

In Georgia there is an independent, non-statutory body, The Charter of Journalistic Ethics, which was founded in 2009. The Council was established by journalists.

Every journalist or editor who is a signatory to the Charter assumes responsibility to uphold the Charter's principles, including that the media have a duty to rectify substantially inaccurate information that has been published which may mislead the public and that journalists and the media shall respect the right to privacy of the individual and not interfere in someone's private life if no special public interest is present.

### **Germany**

There is no specific law regarding the press in Germany. The German Press Council, which was founded in 1956, works in conjunction with the law to encourage a system of voluntary self-regulation. The media must respect individuals' right to privacy and the freedom of speech, as enshrined in the Constitution, and has a responsibility to be diligent about accuracy. The authority for specific legislation relating to the press resides with the individual *Länder*, although the press conforms to general country-wide norms.

The Press Council and other media organisations agreed upon a code in 1973, which is based around the principles of "common sense" in journalism. Compliance with this code is based around voluntary self-regulation. This encompasses all media outlets with the exception of radio.

Anyone can lodge a complaint against a media publication (with the exception of radio) with the Press Council for free, although the Press Council is not responsible for retractions of statements or compensation. If the Council supports the complaint, the respective newspaper is expected to publish the Council's ruling. The decisions are taken on the basis of the press code, which is regularly updated.

There is no arbitration system in Germany.

### **Greece**

In Greece the press is regulated by the Constitution, according to which every person offended by an inaccurate publication or broadcast has the right to reply, and the information

medium has a corresponding obligation for full and immediate redress. Every person offended by an insulting or defamatory publication or broadcast also has the right to reply, and the information medium has a corresponding obligation to immediately publish or transmit the reply.

In terms of self-regulation, the Unions of Journalists have a Code of Ethics and Social Responsibility which describes the rights and obligations of journalists. According to the provisions of the code, apart from other obligations, journalists should redress without delay, through proper presentation and by giving the same amount of emphasis, false allegations and inaccurate information which impair a person's reputation and dignity. In case of breach of these obligations, disciplinary sanctions may be imposed on journalists by the Disciplinary Boards of the Unions of Journalists pursuant to provisions of their statutes. Sanctions include reprimand, display of the decision concerning the reprimand in working areas, recalling to order and temporary or permanent strike off.

There is no special system of arbitration in Greece for the settlement and resolution of this kind of dispute.

## **Hungary**

The National Media and Infocommunications Authority is an autonomous administrative body which is governed by the Constitution and reports to the parliament annually. Its task is to ensure the undisturbed operation of the media, in compliance with legislation.

The Association of Hungarian Journalists is an independent organisation which deals with cultural and advocacy issues relating to journalism. It has an 'Ethical Code of the National Association of Hungarian Journalists'. The Community of Hungarian Journalists also has a Code of Ethics.

If a publication has violated the legislation on media services and mass media, legal consequences may apply. The Media Council or Office may request that the infringer cease the unlawful action within 30 days and refrain from infringement in the future. In cases of repeated infringement, the Media Council and the Office has the right to impose a fine on the senior officer of the infringing entity. Under the Civil Code, individuals have the right to demand that false or inaccurate information concerning them be publicly identified and corrected by the publication involved. This rectification must happen within eight days.

## **India**

The press is monitored by the Press Council of India, which was first set up in 1966 by the Parliament on the recommendation of the first Press Commission. The current Council functions under [Press Council Act 1978](#).<sup>1</sup> According to the *Act*, the purpose of the Council is to preserve the freedom of the press and to maintain and improve the standards of newspapers and news agencies in India. The Council is funded by fees levied on registered newspapers in the country on the basis of their circulation. No fee is levied on newspapers with circulation of less than 5,000 copies. The deficit is made good by way of a grant from central government through the Ministry of Information and Broadcasting. It offers potential redress both to individuals with complaints about their treatment in the press and to journalists who feel "aggrieved by any action of any authority that may impinge on the freedom of the press". It is open to any person to lodge a complaint with the Press Council

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<sup>1</sup> As published on the [Press Council website](#)

against a newspaper for “a breach of the recognised ethical canons of journalistic propriety and taste”:

If on inquiry, the Council has reason to believe that the respondent newspaper has violated journalistic norms, the Council keeping in view the gravity of the misconduct committed by the newspaper, warns, admonishes or censures the newspaper or disapproves the conduct of the editor or the journalist as the case may be. It may also direct the respondent newspaper to publish the contradiction of the complainant or a gist of the Council's decision in its forthcoming issue.

Similarly, when the Council upholds the complaint of the aggrieved newspaper/journalist the Council directs the concerned government to take appropriate steps to redress the grievance of the complainant. The Council may, if it considers necessary, make such observations, as it may think fit, in any of its decisions or reports, respecting the conduct of any authority, including Government.

The Council's [website](#) provides further information on the history of the Council, its functions and powers. The website also includes the latest version of the [Norms of Journalistic Conduct](#).

## **Ireland**

In Ireland, since 2008, the press has been regulated by an independent, voluntary body called the Press Council. The Press Council is not a statutory body but is recognised in legislation (the *Defamation Act 2009*) as being responsible for receiving, hearing and determining complaints concerning its member publications. The *Defamation Act 2009* also provides the Press Council with powers to deal with complaints. In addition to the Press Council there is the Press Complaints Ombudsman. Both the Press Council and the Press Complaints Ombudsman are funded through a levy paid by each member title based on circulation. Newspapers voluntarily become members of the Press Council

Members of the Press Council are subject to the Council's Code of Practice.

Punishments are listed in the Press Council's Code of Conduct; for example, when appropriate, a retraction, apology, clarification, explanation or response shall be published promptly and with due prominence. Neither the Press Council nor the Press Ombudsman can levy fines.

There is no arbitration process. People can complain to the Office of the Press Ombudsman and the Press Ombudsman will first try to resolve the issue through direct contact with the editor or through a conciliation process.

## **Israel**

In Israel the Israeli Press Council, a voluntary body founded in 1963, sets and enforces rules of ethics for the press. The council handles complaints from the public. In Israel anyone wishing to publish a newspaper must apply for a licence. Under certain conditions the Minister has the authority to close a newspaper.

The Israeli Press Council has rules of professional ethics.

The Israeli Press Council maintains ethics tribunals which can try newspapers and journalists suspected of practices which violate the code of ethics. Punishments vary, including warning, advertising of an apology by the newspaper, suspension from the Council and cessation of



work or employment of a journalist. The ethics tribunals also discuss complaints against journalists and media who are not members of the Press Council. In this case, the only punishment that can be imposed is publication of the decision.

## **Italy**

In Italy regulation of the press is governed by principles contained in the constitution which includes the principle that the press cannot be subjected to authorisations or censorship. The right to publish news and comments in the newspaper press is regulated by a law. The activity of journalists is recognised in law as being of social significance when performed as a professional intellectual activity and those exercising this activity must be entered in a professional register.

The law in Italy makes provision for self-regulation of journalists. The register is administered by journalists elected to perform the task. The journalists' register is a central collegiate body, the National Council, and a series of peripheral collegiate structures, the regional and interregional councils, incorporated under public law. The councils oversee admission to the Professional Register and expulsion from it, which may be imposed for various reasons including the loss of civil rights or citizenship, criminal conviction or the loss of professional exclusivity.

Each council seeks to protect the title of journalist and the conduct and proper behaviour of registered journalists and takes all necessary action to combat the illegitimate exercise of the profession. The council may take disciplinary measures against journalists guilty of acts incompatible with their decorum or professional dignity, or acts detrimental to their own reputation or the dignity of the profession. Punishments range from warning, imposed in the case of minor breaches and involving calling the journalist to order, to censure in the case of serious breaches or omissions and taking the form of formal reprimand, to suspension from the exercise of the profession, to striking off the register where a journalist has seriously impaired his or her professional dignity.

Legislation recently introduced compulsory arbitration for cases involving libel by the press which must be performed prior to undertaking a civil case.

## **Lithuania**

In Lithuania, both the newspaper press and other forms of media are regulated by the Law on the Provision of Information to the Public, the implementation of which is supervised by two institutions, the Ethics Commission of Journalists and Publishers, and the Inspector of Journalist Ethics. The Ethics Commission of Journalists and Publishers is a collegial self-regulatory body which consists of fifteen members who represent fifteen organisations, which include a human rights organisation and organisations of journalists and publishers. It examines violations of professional ethics and disputes between journalists and publishers regarding violations of the Code of Ethics of Lithuanian Journalists and Publishers. The Inspector of Journalist Ethics is a state budgetary body that investigates the complaints of individuals who feel their rights have been violated by the media. Amongst other functions, the Inspector supervises the implementation of the Law on the Protection of Minors against the Detrimental Effect of Public Information.

The Ethics Commission of Journalists and Publishers and the Inspector of Journalist Ethics must follow the norms enshrined in law and the Code of Ethics of Lithuanian Journalists and Publishers. This Code requires that all producers of public information have their own internal

regulations or code, although if the internal code conflicts with the Code of Ethics of Lithuanian Journalists, the latter prevails.

If the Ethics Commission of Journalists and Publishers decides that there has been a violation of the ethical standard, the decision must immediately be published in the medium in which the offence was committed. If it is not published within two weeks, the decision is published in the first programme of the National Radio of Lithuania, and on the Commission's website. The Inspector of Journalist Ethics may make a number of decisions when considering cases of violations of professional ethics. It may:

- request that the producer of the information publically refute the information or provide the person affected with the chance to refute the information;
- apply to the competent state institutions and the Ethics Commission of Journalists and Publishers regarding the violations of the law;
- issue a warning to producers and disseminators of public information and people responsible for the content of the media about the violations of the law and request that the violations be eliminated;
- draw up reports of administrative offences; and
- consider cases of administrative offences and imposing administrative penalties.

Fines can be imposed for failure to comply with the Inspector of Journalist Ethics' decision.

## **Macedonia**

There is no regulator established by law in Macedonia. There is a self-regulating mechanism, the Council of Honour, within the Association of Journalists of Macedonia. The Council of Honour applies and promotes the ethical principles and standards contained in the Code of Journalists of Macedonia. The Association of Journalists of Macedonia is also in the process of establishing a Press Council, which would have similar functions to the Council of Honour but would be entirely independent from the Association of Journalists of Macedonia. It is expected that this new Press Council will be more influential than the Code of Honour. The Press Council is planned to be established by the end of 2012.

In 2001 the Association of Journalists of Macedonia adopted the Code of Conduct of the Journalists. This document is not legally binding but is well known within the profession.

The Ministry of Justice, in cooperation with members of the Association of Journalists of Macedonia is currently working on amending the Criminal Code in the area of libel and defamation so that these acts would be regulated by civil procedure. If this were to made law, the rule of publishing an apology would become a binding principle.

There is a general Law of Mediation. In addition, within the Association of Journalists of Macedonia there is a non-formal working group which is fostering the process of reconciliation between parties in cases of libel and defamation. In the past year this group has handled more than 50 cases involving journalists.

## **Moldova**

The Moldovan Press Council was founded in 2009 as an independent self-regulatory institution of the Moldovan press by six associations. The Press Council reviews complaints related to the editorial activity of the newspapers and magazines; the news agencies, their websites, and the informational portals. The Press Council also develops recommendations

on strengthening professional standards in the Moldovan press, drafts proposals of public policies for the media and carries out campaigns to promote accountability of journalism.

Having heard the parties involved, the Council negotiates compromise solutions acceptable both for the media and the media consumers, such as giving up the complaint, publishing the requested rectifications, or providing space for publishing the answers to the published material. If the parties do not reach a compromise themselves, the Press Council deliberates on the complaint and issues a decision. The Council does not impose pecuniary sanctions. The most frequent punishment is the public shame for being found guilty of violating ethical norms.

## **Netherlands<sup>2</sup>**

The Netherlands Press Council is an independent, self-regulatory organisation. It deals with complaints and also gives its views on issues relating to journalistic ethics more generally in public debate.

The decisions of the Netherlands Press Council contribute to the formation of an opinion on the journalistic codes of conduct.

The Netherlands Press Council can only pass judgment; it cannot impose any sanctions. It cannot force a journalist or medium to correct any erroneous reporting in a rectification and it cannot award compensation.

The Netherlands Press Council can mediate between the complainant and the medium or journalist involved in a dispute. If mediation fails, the complaint will be taken up by the Press Council.

## **New Zealand**

New Zealand has a [Press Council](#), which is a self-regulatory body whose jurisdiction extends to New Zealand's daily newspapers, and the publications produced by members of the New Zealand Community Newspapers' Association, the Magazine Publishers Association and the journalists' union. In New Zealand, the complainant must first try and resolve the issue with the news outlet/publication and if unsuccessful, then approach the Press Council. The Council is dependent on its industry members for its funding. Its primary function is to decide on complaints made against its members.

New Zealand's Law Commission produced a [paper](#) in December 2011 which includes an overview of the current regulatory system for both print and broadcasting media and looks at the news media and how it should be regulated in the digital world.

The Press Council has a [statement of principles](#) rather than a code of practice.

If the Press Council considers a publication has breached the Council's statement of principles and thereby falls short of the need for accuracy, fairness and balance, it will uphold the complaint. The Press Council's decision is communicated to the parties. If the Press Council upholds the complaint, the publication concerned must publish the essence of the decision, giving it fair prominence. There are no apparent mechanisms for the Press Council to enforce this requirement. The Press Council does not take disciplinary action against the journalist or impose financial penalties on the newspaper and it cannot award costs.

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<sup>2</sup> [Brochure of the Netherlands Press Council](#) (English), undated (accessed 29 March 2012)

New Zealand does not have a legal means of arbitration through which people who consider they have been libelled by the press can put their case other than the courts system.

## **Norway**

In Norway the [Press Complaints Commission](#) is an independent, non-statutory body which administers the system of self-regulation for the press. The Press Complaints Commission was established by The Norwegian Press Association in 1936. The Norwegian Press Association is an umbrella organisation which brings together a number of organisations and media companies. The Press Complaints Commission is funded by the press itself through the Norwegian Press Association. The Press Complaints Commission in Norway considers violations of the [Code of Ethics](#). Moreover, the Secretary General of the Norwegian Press Association can on his/her own initiative request the Press Complaints Commission to consider and deal with matters of great fundamental interest.

The Norwegian Press Complaints Commission enforces the Code of Ethics. Editors and editorial staff are required to be familiar with the ethical standards and to base their practice on the code.

When the Press Complaints Commission decides that a newspaper has broken the Code of Ethics, the newspaper is obligated to publish a statement as soon as possible, in an obvious place, with a particular logo. The newspaper, in this context, has no obligation to apologise. The Press Complaints Commission has no other sanctions. If an editor does not publish the statement, it risks nothing more than a new statement from the Press Complaints Commission.

There is no system of arbitration particular to complaints against the press. There is a general process of judicial mediation as an alternative approach to settle disputes before going to full court proceedings.

## **Poland**

The Law on Press sets out the principles of press journalism, publications of corrections, rules of journalistic responsibility and other rules related to the press. It also established the Press Council. This is a consultative body which has no significant powers.

The Polish Journalists Association established the Code of Journalistic Ethics in 2001. However, membership of the organisation is voluntary.

Journalists, editors and publishers are covered by both civil law and the Penal Code. Personal interests such as dignity and privacy are protected by civil law and libel and slander are punishable by a fine, restriction of freedom or deprivation of freedom for up to one year under the Penal Code. The Law on Press requires, on request of the person concerned, publication of corrections of false or inaccurate information and factual responses to statements which threaten personal interests, both within seven days. A fine or restriction of freedom can be imposed for failure to publish a reply or correction contrary to the duty.

## **Portugal**

In Portugal the media is regulated by the Regulatory Entity for the Media which was established by law in 2005. There is also an independent, non-statutory trade union for journalists which works to uphold ethical duties of journalists.

Legislation sets out the organisational and operating rules of the Journalists' Professional Licence Commission and the professional duties of journalists. Since 1993, the trade union for journalists has had a Code of Ethics detailing the rules which responsible journalists should follow.

The Journalists' Professional Licence Commission (CCPJ) is responsible for journalists' licences, and approved the disciplinary regulations for journalists in 2008. The professional disciplinary sanctions which journalists can face are: recorded warnings; written reprimands; and suspension from practising as a journalist for up to twelve months. The sanctions are imposed according to the seriousness of the misconduct and any relevant professional disciplinary history. In order to establish the facts of the case, the CCPJ can ask the editorial board or director of the medium for whatever details it deems necessary. The penalty is published on the CCPJ website and within seven days of the decision being finalised it is made public by the medium involved.

## **Romania**

Romania has no regulator established by law. There are several press associations which are independent bodies based on voluntary membership.

The press associations have codes of practice which members are required to follow.

There is no punishment that can be imposed on newspaper in cases of breach of the codes of practice. The Romanian Press Club, one of the press associations, can make a statement disapproving the conduct of a newspaper which ignores a wronged person's request for the right of reply.

There is no legal means of arbitration for press complaints in Romania.

## **Russia**

The activity of the mass media in Russia is regulated by legislation. Freedom of mass information is guaranteed by the Constitution of the Russian Federation. The Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications is a statutory government executive authority which carries out permitting and licensing activities, validation and supervision in the areas of telecommunication, information technology and mass communications (mass media and newspapers). There is a Social Council which offers advice to the regulatory body on improvements to the legislation regarding mass media.

There is a voluntary 'Code of professional etiquette of the Russian journalist' which newspapers are expected to follow.

If the mass media violates the honour, dignity or business reputation of a citizen, the publication involved should refute the information and the person affected has the right of reply.

There is no legal means of arbitration in Russia.

## **Serbia**

In Serbia, the newspaper press is regulated by the Press Council, which is an independent, self-regulatory body. The Press Council is comprised of four members and four deputy members to represent the media industry, three members and three deputy members from

the Media Association, one member and one deputy member from the Local Press, four members and four deputy members from a professional journalist association, two members and two deputy members from the Independent Association of Journalists of Serbia, and two members and two deputy members from the Association of Journalists of Serbia. All media must comply with the Law on Public Information. There are no self-regulatory bodies for electronic media.

There is a Code of Serbian Journalists. The Press Council has formed the Press Complaints Commission which consists of representatives of the media industry, professional associations of journalists and representatives of the public. This organisation monitors whether or not journalists in print media comply with the Code of Serbian Journalists, and resolves complaints from individuals and organisations regarding print media.

If the Press Complaints Commission judges that there has been a violation of the Code of Serbian Journalists, the medium which published the content involved must announce the decision of the Commission.

The Press Council conducts mediation in cases where ethical standards have been violated.

### **Slovakia**

In Slovakia, the newspaper press is regulated according to the Press Act. The Ministry of Culture keeps a register of periodicals. The Slovak Syndicate of Journalists has an ethics code for journalists, but this is voluntary.

If the law is breached, the wronged person has the right of correction, of reply or of supplementary information. It is possible for financial penalties to be imposed on the publishers of periodicals.

### **Slovenia**

The Mass Media Act, which was passed in 2001 and amended in 2006, stipulates the rights, obligations and responsibilities of people and organisations in the area of the mass media. It is implemented by the ministry responsible for culture, as well as the Media Inspector and Directorate for Media, which are part of the framework of the ministry.

The Journalists' Ethics Council, a self-regulatory body which was established in 1997 by the Slovenian Association of Journalists and the Slovenian Union of Journalists, ensures that journalists respect the Code of Slovenian Journalists. Complaints concerning violations of the code can be submitted to the arbitral tribunal, the Journalists' Ethics Council. Proceedings before the Journalists' Ethics Council are public. There are four possible outcomes of proceedings before the Journalists' Ethics Council. There may be a verdict of infringement, a ruling that no infringement has taken place, a settlement between the journalists and the complainant, or a declaration of the Journalists' Ethics Council. In extreme cases, the tribunal can recommend excluding the perpetrator from the Slovenian Association of Journalists and/or the Slovenian Union of Journalists.

Under the Mass Media Act, any person has the right to demand that any report which violates the person's rights or which uses information concerning the person which is false be corrected free of charge. If the editor of the media concerned fails to publish a correction which has been demanded within thirty days of the publication of the report and in the manner required, the person who demanded the correction has the right to file a suit against the editor in a civil court. Fines can be imposed for violation of the Mass Media Act.

Complaints around violation of the Code of Slovenian Journalists can be submitted by anyone to an arbitral tribunal of the Journalists' Ethics Council, which is composed of nine elected journalists and editors, and two representatives of the public. The court system has for over ten years used Alternative Dispute Resolution methods, which involve arbitration, mediation and court action which encourages a court settlement. If the parties involved in the dispute agree on using these methods, they cannot then go to an ordinary court. Since 2009, mediation has been the first method offered to parties in legal disputes by the courts.

## **Spain**

In Spain there is no independent authority established by law or body which administers a system of self-regulation for the press. The main professional organisation of journalists (the Federation of Journalist Associations) has set up a Complaints and Deontology Commission which may be considered a voluntary system of self regulation.

Spain's constitution and legislation protect privacy and citizens have a right of reply in print.

## **Sweden**

In Sweden, regulation of the press is not based on legislation but is self-regulatory, voluntary and financed by four organisations: The Swedish Newspaper Publishers' Association; The Magazine Publishers' Association; The Swedish Union of Journalists; and The National Press Club. These organisations make up the Board of Press Cooperation, and are responsible for the Charter of the Press Council and the Standing Instructions for the Press Ombudsman. They also contribute to the financing of the Press Council and the Office of the Press Ombudsman. The Code of Ethics for Press, Radio and Television in Sweden was drawn up by these organisations. The Swedish Press Council was founded in 1916 and is comprised of a judge, a representative from each of the four aforementioned organisations and three representatives of the general public.

Any person can lodge a complaint with the office of the Press Ombudsman against newspaper articles which they consider to be violations of the ethical standards, but the person to whom the article relates must provide written consent if the complaint is to result in formal criticism of the newspaper. If the complaint is upheld, the Press Ombudsman may either decide that the matter is not serious enough to justify formal criticism of the newspaper, or that the evidence is substantial enough to warrant decision by the Press Council. Lodging a complaint with the Press Ombudsman is free of charge. If a publication is judged by the Press Council to have violated the ethical standards, it must publish the decision of the Press Council and pay an administrative fine.

## **Switzerland**

In Switzerland there is no regulator established by law. There is the Swiss Press Council which has a code of practice.

There is a right of reply under the Swiss Civil Code. Content of publications must not be false or inaccurate. The author of the reply must contact the publication within three months of publication of the contentious article, and the reply must be published as soon as possible. If the media company obstructs the right of reply, rejects the reply or fails to publish it correctly, the party in question may have recourse to the courts.

There is no arbitration of press complaints.

## **United States of America**

There is no federal regulatory body for newspaper in the USA. There is little or no regulation of newspapers.

There is a voluntary [Code of Ethics](#) written by the Society of Professional Journalists.