

## Frequently Asked Questions (FAQ) about Self-regulation

**What is self regulation?** It is a voluntary system run by the press itself to a cheap, simple, non-legalistic system by which people with a genuine grievance about the press can gain quick and easy redress, without hassle. It is free, fair and fast.

**How does it work?** Typically, the industry sets up (and eventually would usually fund) the system. It would work to a Code drawn up by the industry – often by, or with the consent of editors – and administered by an independent commission, with a lay majority to ensure fairness and impartiality. (And to protect editors from being solely at the mercy of their rivals when cases are considered).

**Why do we need it?** In an age of increasing accountability – often as a result of pressure from the media – it is probably no longer an option for the press itself not to be accountable. There is already accountability through the courts, but that is slow, expensive and accessible only to the rich and influential. Governments also try to control the press, through statutory press councils, like that previously operated in Sri Lanka. But they are very vulnerable to State interference and lead to public distrust, which is detrimental to freedom of expression and democracy.

**What the benefits for Sri Lanka?** The system is free – it is currently funded by Scandinavian and other donor organizations and the newspaper industry – and provides a very attractive alternative to legal proceedings. Most of the cases are settled by conciliation in weeks to the satisfaction of the complainants.

**Do newspapers face fines or pay compensation?** No. Most cases are settled by agreement, and may include a correction or apology, or even a private letter of regret. There are no fines or compensation, as these would involve lawyers, which would make the system slow, expensive and inaccessible, like the courts.

**What sanctions are there on the newspapers?** If they refuse to settle a complaint, and it goes to adjudication and they lose, editors are obliged to publish the critical adjudication in full. It is a powerful sanction, because it exposes papers to vigorous criticism from their own readers – and from their commercial rivals. To avoid this, if they are in the wrong, they like to settle it by conciliation.

**What other countries have self-regulation?** This system is increasingly seen as an important symbol of good governance – as it protects the press from state interference. It has been introduced widely in Europe and Australasia, but Sri Lanka is one of the first countries in Asia to have launched such scheme. The fact that it attracted donor funding as method of supporting increased democracy is a reflection of that. The Sri Lankan model could eventually provide a template followed by other countries in the region.

**So what happens if we don't have self-regulation?** Then there is a vacuum of accountability. It plays into the hands of governments, which very often can't wait to have some control over the press. Although Sri Lanka's Minister of Information says there will be no return to Statutory Press Councils, experience around the world suggests that changes of government often bring changes of mood. The press and public cannot rely on one friendly minister to protect them. They must protect themselves. Setting up a system that is seen to work, makes it more difficult for the state to interfere.

**Why is the Code written by editors only?** The idea is that if editors write the Code, they can't complain that it has been imposed upon them, and so are therefore more likely to comply.

**Don't ordinary journalists have a say?** There are genuine risks in making this a Code of Ethics – theoretical and undefined – rather than a down-to-earth practical system. First, the editor has to be the final arbiter of what goes in his or her newspaper. In practical terms, that means more junior staff referring up decisions, rather than making their own judgments based on interpretations of the Code that may or may not be accurate, and cannot be final. In the worst cases, they could be excising from copy important information, without giving the editor to make a proper judgment on it. Second, if staffs have issues with the Code, they should certainly raise them. But – in the busy production schedules of a newspaper – they have to realize that the editor's decision is the one that counts, as he is responsible both in law and practice. Having said, that most editors would listen hard to the views of senior staff on whose judgments they often depend.

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