

Media Self-regulation: Rules for a New Reality

**Outputs of the seminar co-organized by the
CJEU and the OSCE Support Programme for
Ukraine**

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Introduction

What we have learnt and are yet to learn while putting up a full-scale resistance to the Russian invasion will definitely be useful in peacetime. We cannot know if our tasks will be easier then. Yet we do know that all the skills acquired today are going to benefit the Ukrainian society, which will emerge after and as a result of the victory. That is why the Commission on Journalistic Ethics continues working to improve and harmonise the professional standards. Another reason why we have to go on learning in the times of war is that too many lives of our colleagues have been claimed by the Russian aggression, so our function is to be skilled, versatile and diverse to mitigate, at least to some extent, the aftermath of the loss.

The CJE and the OSCE Support Programme for Ukraine held a seminar «Media Self-Regulation: Rules for a New Reality» to discuss important aspects of media regulation, co-regulation and self-regulation. Participants focused on international and Ukrainian experience in improving the quality of media content through better self-regulation, co-regulation and state regulation, and emphasised the importance of recognising the specifics and division of responsibilities in each of these processes. Chair of the Commission on Journalistic Ethics Andriy Kulykov: «I see the conclusions and recommendations formulated by the participants as an important result and achievement of this seminar. They demonstrate that the topic of the seminar is particularly relevant at the current stage of the journalism development in Ukraine. Key speakers analysed, in great detail, all aspects of the issues at hand, as well as some systemic solutions. In turn, the seminar participants who represented 25 different media outlets – both national and local (including those from Ukraine's border and frontline regions) – shared their experience of operating in the context of war, discussed the complex problems they face and offered their vision. I think these recommendations will be useful for all Ukrainian media and applicable in the daily work of journalists and editorial boards».

Conclusions and Recommendations



International experience shows that the media need self-regulation as an effective alternative to excessive state regulation and attempts at censorship. In most civilised countries, issues of content quality and media accountability to the audience belong to the competences of self-regulatory bodies, which exist in various shapes and forms but are always guided by basic documents such as Codes of Ethics/ Codes of Conduct.



In the context of the war in Ukraine, shouldering of responsibility and self-regulation are of particular importance.



Quality journalism and truth – as opposed to lies and manipulation – represent a great value; they are essential not only for the public awareness but also for the society's very life, resilience and mental health.



The journalists' rights, protection of their lives and promotion of their right to professional activity are within the purview of the Verkhovna Rada Committee on Freedom of Speech. The Committee members are open to dialogue.



The National Council of Ukraine on Television and Radio Broadcasting has got a new tool for engaging with the Ukrainian media: a co-regulation mechanism introduced by the Law of Ukraine on Media. Once properly implemented, this mechanism will ensure closer collaboration between the media and the regulator, with the media taking on certain obligations and participating more actively in rule-setting. This should lead to fewer violations, irregularities and penalties.



The difference between the mandates of co-regulatory bodies (CRBs), on the one hand, and the CJE and other ethical initiatives, on the other, is that CRBs create mandatory media codes to be approved by the National Council, while CJE advocates and promotes voluntary, non-binding ethical standards.



The co-regulatory body does not provide opinions on the ethical or unethical nature of the material or on compliance with journalistic standards; it is up to a self-regulatory body, such as the CJE, to do so.



The emergence of artificial intelligence tools is a new challenge for the media. Whenever journalists and the media use these tools in their professional activities, they should comply with certain ethical rules (as clarified in the CJE recommendations and publications).



As the process of self-regulation in Ukraine is evolving, some stakeholders seem to misinterpret the role, significance and mandate of the Commission on Journalistic Ethics. The CJE is not about either coercing or punishing journalists or the media. The CJE main mission is to foster high-quality publications in the media through encouraging compliance with the Code of Ethics for Professional Journalists, and to protect the audience from manipulation and violation of rights.



Public discussions play a key role in upholding and promoting the idea of self-regulation in Ukraine. They help elucidate the nature and importance of self-regulation for creating a quality media environment and building up trust in the media and journalists.



Self-regulation is crucial and beneficial for both the society and the media and journalists as it contributes to strengthening their reputation and credibility. The audience's trust is the highest value for the media; amid the hardships of war, it could help media organisations survive and stay afloat.



The self-regulation process has various forms and formats. What matters most is the meaningful participation of each and every one of us, and assuming of our own responsibility. Therefore, the «do no harm» principle should guide the work of journalists and the media today.



Self-regulation in Ukraine will be effective only when a critical mass of journalists and editorial boards become ambassadors of this process.



Journalistic education is growing in importance now that we are witnessing a change of the media generation. So, journalism schools need support and methodological assistance.

Below are the ideas shared by the journalists who took part in the seminar:

- ➔ Self-regulation, as well as co-regulation and state regulation, have different spheres of influence, capabilities and roles. All of them should be used according to their respective intents and purposes.
- ➔ The main task in the process of self-regulation is to make sure that the media are ready and willing to assume responsibility for the content and quality of information, for compliance with the standards and for serving the interests of the audience.
- ➔ Special attention should be paid to military topics and war coverage, while continuing to focus on the important social role of the media and the need to build up the public trust.
- ➔ The media play a notable role in Ukrainians' life today for a number of reasons, not least because the society is traumatised. Therefore, it is important to tell the truth, to unite, and not to add to the existing trauma.
- ➔ There is a demand for effective tools in the interaction between journalists and the authorities. An example is the discussion about censorship, i.e. the boundaries of «official information» and «forbidden topics».
- ➔ The war is still underway, and it is critical to be honest with our audiences. Yes, we should help people to be united, but it is equally important to be honest with them.
- ➔ Being critical of the government does not necessarily mean pointing out faults. It also means proposing solutions where they are available.
- ➔ It makes sense to acknowledge the use of artificial intelligence as the case may be. The audience needs to know this, but AI should be used to help the media improve the quality of their materials.
- ➔ It is important to keep the focus on complying with the standards while making money. It's about «green earnings».
- ➔ The same goes for headlines – when trying to make them «clickable», one should remember about the trust, about doing no harm to the audience.

- ➔ Journalistic education is a separate important area, as a lot of students majoring in journalism already work in the media. Developing their knowledge and skills is therefore crucial for the quality of today's, let alone tomorrow's, media.
- ➔ Editorial policies should be made by newsrooms themselves, rather than copied from others, because policy is a document guiding the media organisation's work, it is not targeted at anyone else.
- ➔ Enabling «complaints about a publication», introducing gender policies, policies on the use of AI, and editorial policies add value and open up opportunities for media organisations. They testify to the media's responsible attitude to content and openness for dialogue with the audience, as well as boost their reputation and credibility.
- ➔ The seminar participants are willing to continue sharing information, experience and expertise.
- ➔ They have also agreed to concert efforts in conveying Ukraine's key messages to the world, in updating the international community about developments in our country, since there is shortage of and demand for this information in different languages: English, German, French, Italian, Spanish, Arabic, Chinese, etc.

This rather long list is certainly not exhaustive. Every day, our attention is grabbed by something we did not even think about the day before or, even if we did, we doubted it was well-timed. Such surprises will continue to happen after we return to peaceful life, and the biggest surprise may be that there will be no surprises. Yet let's not indulge ourselves in this tempting hope. Let's prepare to work hard and impeccably in accordance with professional standards and ethical principles of the industry. Let's regulate the industry on our own, because those who work in our industry know it best. Therefore, they are capable of offering the best solutions. Let's make efforts to implement those solutions with due regard to whomever we can and should cooperate with in fulfilling this important and exciting task.