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# Enforcing ethical standards to safeguard the credibility and legitimacy of public media corporations: The role of News Ombudspersons in Spain and France

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**Abstract:** This study introduces a cross-country comparative analysis of the role of News Ombudsperson in the public media corporations in Spain and France. It investigates the specific media self-regulatory processes established to reduce reputational risks and increase the trust and credibility of the media organisations. It aims to fill in the gaps in prior research by applying a qualitative framework developed using indicators derived from scholarly work on regulation and governance and media management. The variables selected for the analysis are extracted from prior interdisciplinary research and focus on media self-regulatory processes, complaints management mechanisms, election, reporting procedures, checks and balances, roles, visibility and transparency of News Ombudspersons in two countries which represent the Polarised Pluralist media system category. Research questions are raised in relation to the main variables identified for the comparative analysis. Data were collected from multiple publicly available international sources, including public media organizations databases, national media regulatory authorities, and academic studies. Results reveal cross-country variations. The systematic investigation of different forms of self-regulatory procedures might lead to concrete recommendations and best practice models for media organizations beyond the European Union. Further research could address the role of media audiences as relevant stakeholders in media governance processes.

**Keywords:** Europe; media governance; public service media; self-regulation; reputational risks; media systems

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## 1. Introduction

The rapidly changing international media ecosystems and the unprecedented access and exposure to a wide variety of news sources call for increased scrutiny of audience consumption habits and the ways in which public media organizations are managing their relationships with their publics, implementing media accountability and transparency policies (Aramburu et al., 2023; Jacobs et al., 2022; Rivera Otero et al., 2021; etc.). Rooted in traditional public service values (Medina and Allam, 2023), the core mission of Public Service Broadcasting (PSB) is to provide “high-quality news, educational content, cultural enrichment and entertainment as free public goods” (Martin, 2021). PSB organizational accountability, institutional credibility, trust in media reporting and enhanced journalistic performance are linked with the existence of News Ombudspersons Services (Ferrucci, 2019). When addressing complaints received from their publics, media ombudspersons act as audience advocates, placing themselves at the forefront of the discussion on the media organizations’ self-imposed contracted accountability (de Haan and Bardoel, 2011) and responsive measures

undertaken with the aim to enabling public participation in media governance processes (Azurmendi et al., 2018; see Franquet i Calvet et al., 2013 for an analysis of PSB' role in promoting participative strategies and engagement with audiences in five European markets).

Scholars have examined the role of the ombudsperson, arguing that “the ombudsman is not a static position; it is a role constantly shaped, altered, and reified over the years” (Ferrucci, 2019). Acting as intermediaries bridging the gap between the public and media corporations, ombudspersons engage in media criticism, while also acting as defenders of the media organisations' image. Various strands of academic scholarship—literature on media regulatory regimes and theories of media systems—highlight the ongoing dialogue regarding the importance of News Ombudspersons as main examples of self-regulatory mechanisms within public media organisations (Ferrell Lowe et al., 2018; Palau-Sampio, 2017; Evers, 2012; see Jacobs et al., 2022, for a discussion on how opinions formulated by ombudspersons are used to operationalize public accountability processes). Self-regulatory bodies such as press councils, media ethics councils or news ombudsperson services within the newsroom are shown to play an important role in protecting the interests of media audiences while also safeguarding the credibility and legitimacy of media organisations (Eberwein et al., 2017; Just et al., 2017; Campos-Freire et al., 2021). The Ombudsperson is an institutional actor that is responsible for acting as an intermediary between the news outlet and the public by addressing complaints, observations and feedback received from a station's viewers and listeners. If public broadcasters facilitate transparent information on the viewers' Ombudsperson, then PSB show that they are committed to improving their management systems “based on the opening of data, the dialogue with stakeholders, and the diversity of opinion in news” (Rivero Otero et al., 2021). The novel study published by these authors is assessing the transparency policies found in a sample of nine Western European countries and shows that transparency policies are based on the validity of values of public broadcasters which are institutionalized. By looking at the extant transparency policies and their communication at the public broadcasters of Spain, Portugal, France, Italy, the United Kingdom, Ireland, Germany, Belgium, and Sweden, the authors show that the production of information, participation and inclusion of Viewers' Ombudsman represents a composite indicator of the PSB commitment to good governance, thus delivering social value. Other studies address how public broadcasters are promoters of participative processes and how that digital technology is used to stimulate audience engagement (Franquet i Calvet et al. 2013). Scholars also measure the perception of journalists on media responsibility and show that respondents consider themselves as media accountability agents, acknowledging that ethical standards guide their journalistic decisions (Chaparro Domínguez et al., 2019).

The role of media in society and the nexus between media systems, political systems and the regulatory regimes were studied extensively by scholars (see Mutu, 2015 for an in-depth analysis of the interdisciplinary scholarly work on audiovisual media regulation and media regulatory policies). Normative theories of audiovisual media regulation reflect multidisciplinary concerns and orientation towards methodologies used to assess the characteristics of the national media systems or media regulatory regimes (Mutu, 2018a; 2018b). The nexus between the management

of public broadcasters, journalistic performance and media accountability was introduced in the seminal book *Comparing Media Systems* authored by Hallin and Mancini (2004). The authors advanced the idea that the relationships among media and political systems, which vary significantly in form, play a role in determining the institutional design and independence of public service broadcasters. The two authors classify media systems in 18 countries within North America and Western Europe, conceptualising three media models: the Polarised Pluralist model, the Democratic Corporatist model, and the Liberal model. Four basic regulatory models of public broadcasting were identified. In the government model, public broadcasting is directly controlled by the government or by the political majority. Examples of countries within this model are Greece, Portugal, and Spain. The second regulatory model of public broadcasting is the professional one, where there is a strong tradition of political independence. Examples of countries within this model are the UK, Canada, the USA, Ireland, and the Scandinavian countries. The third regulatory model of public broadcasting is the parliamentary or proportional representation model, which is representative of Italy. The control over public broadcasting is divided among political parties by proportional representation. Finally, the fourth regulatory model of public broadcasting is the civic or corporatist model. In countries such as Germany, Austria, and the Netherlands, the control of public service broadcasting is distributed among various social and political groups.

Trust, independence, accountability, and responsiveness of media organisations are among the key characteristics influencing journalistic performance across media systems (Haan and Jo Bardoel, 2011; Brants and De Haan, 2010; McQuail, 1997; Eberwein et al., 2011). Media scholars draw attention to the critical role played by public media organisations, media regulatory bodies and media councils in the age of digital transformation, where disinformation, misinformation, fake news or deep fakes can undermine the reputation of professional journalists and the organisational credibility of media players. Trust in the media is shown to be established based on the relationship between stakeholders, as Blumler and Gurevitch (1995) suggest: “The psychological root of media power stems from the relations of credibility and trust that different media organisations have succeeded in developing with members of their audience. This bond is based on the fulfilment of audience expectations and the validation of past trust relationships, which in turn are dependent on legitimised, institutional routines of information presentation evolved over time by the media”. On the other hand, media accountability aims to “improve the services of media to the public; restore the prestige of media in the eyes of the population; diversely protect freedom of speech and press; obtain, for the profession, the autonomy that it needs to play its part in the expansion of democracy and the betterment of the fate of mankind” (Bertrand, 2018).

Exploring the role of ombudspersons and the institutional mechanisms through which their roles and functions are formalised attracted the interest of scholars, policymakers and international organisations active in the field of media regulatory affairs. A systematic investigation of different forms of self-regulatory procedures within public media organisations, ethical media principles and codes of conduct could help news media executives improve standards of professional news reporting, journalistic culture and newsroom management. Although this topic was addressed in

prior research, further investigation is needed to analyse the role of news ombudspersons, their interactions with media audiences and with other relevant stakeholders in media governance processes.

Based on this background, this paper introduces a preliminary in-depth analysis of the self-regulatory mechanisms within public media organisations across France and Spain, focusing on the role of the Office of the Ombudsperson in the public media corporations. The countries selected for the analysis are included in the Polarised Pluralist media systems category, as conceptualised by Hallin and Mancini (2004). The study introduces a literature review on the normative theories of the media, discussing the interdisciplinary approaches of media regulation, based on political and media management scholarship. The variables selected for analysis are the media self-regulatory processes within public media corporations, the regulatory procedures of the Office of the Ombudsperson, appointment, extant complaints management mechanism, election, checks and balances, and transparency. Data was collected from publicly available national and international sources. The contribution of this work is threefold. First, the extensive literature review assesses the interdisciplinary theoretical frameworks on media regulation. Secondly, the exploratory qualitative cross-country comparative analysis provides an in-depth look at the institutional arrangements across Spain and France. Third, the study contributes to the scholarship on audiovisual media regulation at an international level.

## **2. News Ombudspersons as agents of trust. A literature review**

The role of News Ombudspersons has generated scholarly and policy debates on the rationale of media self-regulatory instruments (Ferrell Lowe et al., 2018; Palau-Sampio, 2017; Evers, 2012; see Jacobs et al., 2022, for a discussion on how opinions formulated by ombudspersons are used to operationalize public accountability processes). Self-regulatory bodies such as press councils, media ethics councils or news ombudsperson services within the newsroom are shown to play an important role in protecting the interests of media audiences while also safeguarding the credibility and legitimacy of media organisations (Eberwein et al., 2011). The News Ombudsperson is considered to be an example of a media self-regulatory instrument within a media organisation, and “may have both a preventive as well as a corrective function, which emphasizes the processual character of media accountability” (Fengler et al., 2011). The Ombudsperson is an institutional actor that is responsible for acting as an intermediary between the news outlet and the public by addressing complaints, observations and feedback received from a station’s viewers and listeners. Scholars advanced that the News Ombudspersons are key internal stakeholders that help media corporations to be accountable and credible (see Quintas-Froufe and Vázquez-Gestal, 2020, examining the issue of public participation from the perspective of audience complaints about public service media, looking the case of the RTVE audience Ombudsman as a mediator in the resolution of parents’ complaints about children’s channels).

Establishing self-regulatory mechanisms within public media organisations is a defining component of Western European media regulatory regimes. In most of the European countries, this type of institutional figure exists in the public media

corporations (Ferrell Lowe et al. 2018), except for the Western Balkan countries. As highlighted by Marko (2018), out of ten broadcasters, only three countries including Croatia, Albania and Montenegro have established an ‘ombudsman’ function within the public media corporations. Eberwein et al. (2011) provide an extensive comparative overview over media accountability mechanisms across 12 European member states and two Arab countries, Tunisia and Jordan. The authors show that media responsibility to society is related to the “responsiveness” of media professionals towards their audiences, suggesting that Ombudspersons play a crucial role in the dialogue between media corporations, journalists, and viewers. Audiovisual media Ombudspersons are mandatory in Switzerland, while “ombudsmen (for the press, broadcasting or both) exist in Austria, Germany, the Netherlands and the UK; Readers’ Advisory Boards/Councils (in Austria and Switzerland) and correction corners or boxes in the newspapers (Germany, the Netherlands) complement regular media-critical pages in the quality newspapers (the UK, Germany, the Netherlands)” (Eberwein et al., 2011). Flemish public media organizations have an ombudsperson to whom the public can address. In Estonia, the National Broadcasting Act (2007) established the figure of an independent Ethical Advisor for the Estonian National Broadcasting Company. “The Ethical Advisor deals with complaints from the listeners and viewers, monitors the programs and makes appropriate proposals for resolving problems. The incumbent advisor does not always act with full transparency for the general public, but often glosses over problems and criticizes the rest of the media rather than bringing any acute ethical issues of public broadcasting to the public agenda” (Loit et al., 2011).

The two public broadcasters in Denmark are mandatory by law to have ombudsmen who address media content and receive complaints from users (Blach-Ørsten et al., 2021). In Latvia, the Ombudsperson is elected for a term of five years by the Public Electronic Media Council, subject to prior coordination with the public electronic media ethics councils and must have prior work experience in the field of journalism (Cabrera Blázquez et al. 2022). “The Ombudsperson (Article 18 LSM-Act) monitors the conformity of the services provided by the Latvijas Televīzija (LTV) [Latvia’s public service TV broadcaster] with the objective laid down in Section 1 LSM Act and the basic principles for the operation of public electronic mass media laid down in Section 3 LSM Act, the code of ethics and editorial guidelines of public electronic mass media and, upon its own initiative or on the basis of the submissions of persons, provides an opinion on the conformity of the programmes and services of public electronic mass media” (Cabrera Blázquez et al., 2022). Revocation before the expiry of the term of office is possible if at least two thirds of the members of the Public Electronic Mass Media Council vote for this and if the Ethics Councils of public electronic mass media gives its consent. The Ombudsperson must assess the effectiveness of the implementation of the annual plan for the public service corporation.

The European Audiovisual Observatory published in 2022 an interesting report on *Governance and Independence of Public Service Media in Europe*, highlighting that institutional accountability and transparency of public broadcasting organizations could be achieved by putting in place “governance frameworks to determine to whom and on what the organizations are accountable, and how this accountability is

effectively achieved. PSM should not only inform the public about their activities and organizations, but also actively seek their feedback. Moreover, they should retain a permanent link with communities, organizations, and civil society in order to integrate the users of the services as co-creators as much as possible” (2022). Following the classification provided by the European Broadcasting Union, the European Audiovisual Observatory suggests that the ombudsperson could play the role of an in-house supervisory body, dealing with viewers’ complaints and suggestions.

The roles and responsibilities are usually established by specific Regulations and Procedures. The News Ombudsperson must ensure the quality of the broadcasted content and must watch over the interests and rights of the public. If public broadcasters facilitate transparent information on the viewers’ Ombudsperson, then PSB show that they are committed to improving their management systems “based on the opening of data, the dialogue with stakeholders, and the diversity of opinion in news” (Rivero Otero et al., 2021). The novel study published by these authors is assessing the transparency policies found in a sample of nine Western European countries and shows that transparency policies are based on the validity of values of public broadcasters which are institutionalized. By looking at the extant transparency policies and their communication at the public broadcasters of Spain, Portugal, France, Italy, the United Kingdom, Ireland, Germany, Belgium, and Sweden, the authors show that the production of information, participation and inclusion of Viewers’ Ombudsman represents a composite indicator of the PSB commitment to good governance, thus delivering social value. Muñoz Saldaña and Azurmendi Adarraga (2018) explain how public participation is mediated by the Spanish public media Ombudsperson: “RTVE relies on an ombudsman as the “defender of the viewer, listener and user”. This representative receives complaints and suggestions, completes reports each trimester on the fulfilment of regulations, and has a monthly television programme responding to issues. However, the information available on the related website is obsolete (...) and the lack of awareness is evident in the low popularity of the programme and the low numbers of complaints and suggestions received. Despite the positive aspects of having an ombudsman, the role reflects the traditional concept of the citizen only as a receiver and user, not as an active participant that is involved with the provision of public service in the digital age” (Azurmendi Adarraga, 2018). While the Ombudsperson is seen as a beneficial self-regulatory and participation tool, by handling viewers’ complaints, its effectiveness is criticized: “In practice, the right to access is geared exclusively for complaints regarding errors in news or other programming on the part of social or political representative groups within society” (Azurmendi Adarraga, 2018).

Palau-Sampio (2017) introduces a qualitative assessment of the complaints management systems implemented by 10 European public media corporations and analyzes the procedures, visibility and dissemination of results from behalf of the Ombudsperson’s Office. The author highlights that while this public figure is atypical, its importance in the newsroom is crucial. The sample selected for the analysis included the following public broadcasters (Palau-Sampio, 2017): ZDF (Zweites Deutsches Fernsehen, Germany); BBC (British Broadcasting Corporation, UK); FTV (France Télévisions, France); RAI (Radiotelevisione Italiana, Italy); RTVE (Radio Televisión Española, Spain); RTBF (Radio Télévision Belge Francophone, Belgium);

RTP (Rádio e Televisão de Portugal); ORF (Österreichische Rundfunk, Austria); SRGSSR (Schweizerischen Radio- und Fernsehgesellschaft, Switzerland) and RTÉ (Raidió Teilifís Éireann, Ireland). Results show that the high diversity of complaints systems depends on the PSBs' statutory documents, laws, statues and internal governance mechanisms: "the Western PSB map offers a majority of individual role players in charge of replying to viewers' complaints: defensor del espectador in RTVE, médiateur (médiatrice) in France TV, RTBF and French-speaking Switzerland, provedor in RTP, Head of Complaints in RTÉ, mediatore in the Italian-speaking Switzerland and ombudstelle or ombudsman (...) in the German-speaking SRF" (Palau-Sampio, 2017). In most countries, there is one body or department involved in reviewing viewers' concerns.

### **3. Methodology**

This research introduces an exploratory cross-country case study analysis of the News Ombudsperson in the public media corporations in Spain and France, focusing on the extant media self-regulatory instruments created to generate trust in professional journalism and to improve newsroom management. The two European countries selected for the qualitative analysis are included in the Polarized-Pluralist media system, as conceptualized by Hallin and Mancini in their seminal book (2004). The authors propose four media systems variables that could help explain the role of the media in various countries. These qualitative variables include the establishment and growth of the newspaper industry, the degree of parallelism between politics and the mass media, the level of professionalism in journalism, and the relationship between the government and the media. For the purpose of the analysis, the relevant media system variable selected for this study is the level of journalistic professionalism, which refers to autonomy, distinct professional norms, and public service orientation. The Polarized-Pluralist media system features the following characteristics: low levels of newspaper circulation; a tradition of advocacy reporting; instrumentalization of privately owned media; politicization of public broadcasting and broadcast regulation; limited development of journalism as an autonomous profession; delayed development of liberalism; weaker development of rational-legal authority; high political parallelism, and a prominent role for the state as an owner, regulator, and funder of media.

To reduce the selection bias regarding the country-specific and instrument-specific characteristics of the media self-regulatory practices, the main indicators used for this study were identified in prior research. The analysis covered the complaints management mechanisms, election, reporting procedures, checks and balances, roles, visibility and transparency of News Ombudspersons in the selected countries. A few research questions were raised: What are the extant media self-regulatory instruments within public media corporations in the selected countries? Do extant regulations provide guidelines to the functioning of the News Ombudspersons Departments? How do News Ombudspersons deal with viewers' complaints? Do News Ombudspersons have the obligation to disclose detailed information to the general public? Data were collected within the context of a three-year independent research developed by the author between 2019 – 2022. Data collection methodology includes extensive desk

research and consultation of academic references, policy studies, publicly available national and international reports, international media legislation and governmental documentation.

From a methodological perspective, there is a serious lack of systematic comparative works and quantitative data on the trust in public media organizations. Single-country or single-sector studies, rather than cross-comparative multiple case studies, predominantly form the research to date. Systematic overviews are limited. Therefore, building on prior research, this paper is largely exploratory, more for formulating concepts than hypothesis-testing and causal inference.

## **4. Analysis of the main findings**

### **4.1. Spain**

The figure of the Media Ombudsperson (Defensor del Espectador, Oyente y Usuario de Medios Interactivos) of the Spanish RTVE Corporation, the largest state-owned public media company, was created on 2 February 2006, by resolution of the General Directorate. In 2007 the Board of Directors of Corporación RTVE created the institution of RTVE's Interactive Media Viewer, Listener and User Ombudsperson and approved its statute. The Media Ombudsperson has the responsibility to deal with complaints and suggestions received from members of the public about the content of programmes, in a transparent, independent and accountable manner. The Ombudsperson's operations and powers are established by the Administrative Council of the RTVE. According to the Ombudsperson's Statute of Operation published on the website of the media corporation, the Ombudsperson is appointed by the chairman of RTVE Corporation, operating in a completely independent manner, receiving no internal or external instructions. The Ombudsperson does not deal with internal complaints made by employees in cases of violations of the law, internal rules, or interpersonal conflicts. Apart of the Ombudsperson's Statute of Operation, internal regulations and reference documents are published on the website of the RTVE Corporation, including the corporation's basic principles of programming, a self-regulatory code for the protection of minors' rights, the Broadcasting Law, the RTVE Corporation's framework mandate, the RTVE financing law, among others.

The Ombudsperson's Statute of Operation includes the following selected provisions:

... must act as a defender of the citizen's right to information and entertainment, as a factor of transparency, self-criticism and self-regulation of RTVE Corporation media and as a stimulator of a critical and direct relationship between audiences and professionals responsible for the production and dissemination of media content on various television, radio and interactive channels; its function is to defend the citizen's right to truthful, independent and plural information, in accordance with the public service function that Spanish Law 17/2006 of 5 June 2006 establishes for RTVE; will take into account the provisions of the State-Owned Radio and Television Law, the Framework Mandate approved by Parliament, the Basic Principles established by the Corporation and the Standards of Style or Deontology promoted by professional bodies and ratified by the Corporation's governing bodies.



The Ombudsperson must respond to complaints and suggestions about themes related to the right to private life, personal honour, children and youth protection, the principles of equality and non-discrimination of citizens and, in general, everything that can affect the fundamental rights and freedoms included in the Spanish Constitution. In addition, the Ombudsperson must answer to the request of viewers, listeners or media users, and can also intervene *ex officio* in issues considered of general public interest.

The appointment is for a period of three years, with the possibility of renewing the mandate only once. The Ombudsperson may resign only for the following reasons: end of term, voluntary resignation, incompatibility or conviction for frauds, and serious violations of professional obligations.

Reporting obligations are established, as mentioned in the Article 11 of the Statute: “In the first fifteen days of the mandate and at the beginning of each year, the Ombudsperson must communicate to the Board of Directors the objectives and priority actions that are intended to be carried out. The Council’s Public Service Commission will support and collaborate when necessary for the proper exercise of the Ombudsperson’s functions”.

Article 12 of the Statute provides that the Ombudsperson is obliged to:

- a. Receive complaints or suggestions from viewers, listeners and users of interactive media;
- b. Process and send them to the responsible departments, requesting explanations;
- c. Respond to viewers, listeners or media users within a maximum period of 30 days;
- d. Publish all complaints and suggestions considered of public interest through the Ombudsperson’s website. Report the most serious problems of the Corporation to the Board of Directors;
- e. Present a quarterly report to the Board of Directors and the Public Service Commission, which includes the most frequent complaints or suggestions, the answers provided and the reflections it deems appropriate;
- f. Present an annual report to the Board of Directors and the management of the company; this is a comparative report on the evolution of the issues raised.

RTVE professionals must respond to the demands made by the Ombudsperson within a maximum of 20 days. The Ombudsperson may request appropriate disciplinary measures. Complaints from viewers can be addressed by post, email or phone within a period that does not exceed one month after the airing of the specific programme against which complaints were brought. The Ombudsperson has a monthly programme, *RTVE Responde (RTVE Responds)* and recordings are published on its website. The Ombudsperson programme *RTVE Responds* aims to disseminate information on the Ombudsperson’s activity. Viewers can also participate in the RTVE show by submitting a “video complaint”.

## 4.2. France

The “Office of the ombudsperson” at France Television is composed of the Programme Ombudsperson, nominated by the Board of Directors, and the Information Ombudspersons, who are employees of the broadcasters. Their activity is regulated by the “France Télévisions Statute of Mediators”. The mediators are appointed by the

president of France Télévisions for a period of three years and have reporting obligations towards the president. They are independent of any hierarchy and do not exercise any editorial responsibility. The ombudsperson team review all claims and decide whether to pursue complaints received from the public. They intervene after a programme has been aired: “When the mediators are contacted, they get in touch with those responsible for the program or the editorial staff in question. They hear all the parties concerned and do not form their opinion until after these consultations. They have access to the elements necessary to process the case. They can consult internally and externally all the people whose point of view can inform the formation of their judgment. In agreement with the directors of the channels, they may be called upon to intervene in the programs of France 2, France 3, France 5 or France Ô. They can also be responsible, and only responsible, for a regular broadcast” (The France Télévisions program mediator, 2023).

The mission of the mediators is to examine requests and complaints and decide on the legitimacy of the claims, as presented on the corporate website of the public broadcaster mediators: “The mediator and his team examine all requests and decide whether or not to follow up on the complaints. They communicate their opinion to the parties concerned and decide, if necessary, to make it public. The mediators can also be contacted by the president of France Télévisions, the directors of the channels or the editorial directors. At the same time as their process, they must contact the legal department for cases that may lead to proceedings. Finally, they can reflect on a certain number of recurring themes by involving program managers, editorial directors and external contributors whom they deem competent on the subject. This reflection, validated by the directors of the channels, can lead to the development of rules of good conduct on a particular topic” (The France Télévisions program mediator, 2023).

No response is offered to anonymous emails or letters. Complaints or suggestions can be submitted online via a specific form. Data protection mechanisms are in place. Program mediators communicate their opinion to the interested parties and decide, if necessary, to disclose the issue publicly. In situations where cases are beyond their remit, mediators work with legal departments. Once an investigation has been launched, mediators will inform and consult all interested parties, issuing an opinion. Mediators contribute with on-air interventions and publish information on the television corporation’s website. Internally, the mediators disseminate viewers’ observations to raise awareness on the issues detected. Annual activity reports are submitted to the president of France Télévisions and published on the corporation’s website.

Baisnée and Balland (2011) discuss the role of institutionalized journalism accountability instruments referring to the extant laws, codes of ethics, trade unions and professional associations in France. As the authors point out, ombudsmen appeared in France in 1994, initially in the printed press (*Le Monde*), followed by public broadcast channels France 2 and France 3. “Nowadays, the practice of ombudsmen is far from being generalized and depends on the will of press institutions to create one. (...) An initial observation of the profile of French media ombudsmen, whose work is to point out the unacceptable practices of their journalist colleagues, suggests that they have a higher degree of academic capital and sometimes hold an intellectual position; but their relative marginalization from other journalists also

suggests that being a media ombudsman is not the most prominent position in journalism. Indeed, the post of an ombudsman appears at best to be the last step on the career ladder for an experienced journalist and at worst as a ‘golden closet’” (Baisnée and Balland, 2011). The authors suggest that the “most efficient media accountability instruments are not necessarily the most institutionalized, but those which contribute practically to regulate the profession within the journalistic field (trade unions, ombudsmen, peer regulation)” (Baisnée and Balland, 2011).

Prior research analyses the activity of the three mediators of the French public broadcasting corporation. Palau-Sampio (2017) shows that their role and responsibilities are presented in the internal regulatory document published on the corporations’ website. Single members, rather than a committee, have self-regulatory attributions within the public broadcaster. The mediators must have previous working relationships with the corporation and the president has appointing powers. The possibility to appeal to independent authorities exists. Viewers can alert the French audiovisual media regulator, the Superior Audiovisual Council. Regarding the level of transparency in publishing the results of the Ombudsperson work, “the médiateur from France 2 publishes some answered questions and the most recent reports, while the médiateur des programmes and the France 3 médiatrice barely offers the last one or two reports” (Palau-Sampio, 2017).

## **5. Discussion and conclusion**

This paper introduces the results of a cross-country comparative analysis of the self-regulatory mechanisms within public media organisations across Spain and France, focusing on the Office/Service of the Ombudsperson in two countries grouped into the Polarized-Pluralism media systems typology. Based on an extensive literature review, this study aims to fill in the gaps in prior research by applying a qualitative framework developed using indicators derived from scholarly work on regulation and governance and media management scholarship, including internal regulatory procedures, handling of complaints, audience engagement, transparency and Ombudspersons’ visibility. In line with prior findings in academic scholarship, results reveal cross-country similarities in terms of internal regulatory procedures, handling of complaints, audience engagement and Ombudspersons’ visibility. One major point of difference between the institutional settings of the Ombudsperson in the selected countries is the fact that in Spain, the Ombudsperson is an individual actor in charge of monitoring compliance with internal codes, while in France, the “Office of the ombudsperson” is composed of the Programme Ombudsperson and the Information Ombudspersons, who are employees of the broadcasters. Criticism of media policies in the Polarized-Pluralism media systems was highlighted in prior research. E Silva and Diaz-Gonzalez (2020) introduce a cross-country comparison between Portugal and Spain looking at the austerity policies implemented by the Portuguese and Spanish public service broadcasters, showing that policies brought significant changes in the governance and funding models, and have negatively affected both public media services, losing social and cultural legitimacy, diminishing incomes and poor public support. In Spain, the weaknesses of these policies were also influenced by the delays in appointing the president and the Ombudsperson of the RTVE.

The analysis shows that in Spain, the RTVE's Ombudsperson plays the role of an in-house watchdog, being responsible for monitoring effective compliance with the PSB self-regulatory code. The Ombudsperson performs various tasks, including handling claims, complaints and suggestions, answering the viewers, listeners and online users, informing the Board of Administration about the most serious issues and submit a report on their evolution every three months, proposing measures to correct and prevent these problems, proposing topics on media and young audiences for the TV programme of the Ombudsman, supporting and participating in various institutional committees, and publishing explanations on the website of the public media corporation (Cabrera Blázquez et al., 2022). The Ombudsperson is appointed for a period of three years and renewal of mandate is possible only once. Resignation from office and reporting obligations are regulated in accordance with the Statute of the media corporation. In France, the mediators are appointed for a period of three years, they have reporting obligations towards the president of the public broadcaster and their institutional independence is guaranteed. The tasks are similar with the Spanish counterpart and include examining and solving complaints received from the public. In addition, the mediators must act with transparency, disseminating viewers' observations and publishing the clarifications provided. Reporting obligations include the submission of an annual report that must be disclosed to the public.

To sum up, this work adds to current research as it deals with the issues of media regulation and public trust, looking at how media self-regulatory instruments and trust relate, how individual actors such as News Ombudspersons can help assess the trustworthiness and effectiveness of European media self-regulatory regimes. The study enhances our understanding of the available media self-regulatory frameworks, by mapping out media governance arrangements, complementing previous research on media self-regulatory regimes across different media systems.

Departing from this study, further analyses could be carried out. Possible explanations for the similarities in institutional design choices of News Ombudspersons could be argued based on the configuration of national media systems. The implications of this study could be best addressed in relation to the ongoing technological advancements and challenges related to the novel ways in which media audiences access news information and the ways in which public media corporations adapt to the needs and interests of their viewers. Technological advances influence the way consumers access and engage with the media content in today's converging environment. An interesting avenue would consist of examining how public media organizations are encouraging audiences to engage and participate in the production of news content is worth addressing in future research. How can public broadcasters fulfil the principle of universality, enhancing public trust in professional news reporting and delivering high-quality content in the platform era is another interesting avenue for future research. On an institutional level, the current environmental, social and economic challenges faced by public media corporations require active intervention from stakeholders to restore trust and protect the public interest. Public Service Media corporations play a crucial role in restoring trust and credibility, as emphasised by the Public Media Alliance, the largest global association of public service media organisations. Multidimensional challenges faced by public media corporations and that must be tackled by policymakers and scholars include the lack

of education and public awareness regarding the value of Public Service Media (PSM), low awareness on sustainability, the rise of populism and political polarisation, along with declining levels of trust in the media, difficulties experienced by journalists, competition with platforms, broadcasting freedom and public funding mechanisms. Some of the core themes related to sustainability and the role of public media corporations include the requirement to create inclusive and diverse working environments, engaging and “educating audiences on sustainability and the role PSM plays in society, improving connections with other PSMs from around the world, enabling employees and PSM partners to be agents for change and able to engage in sustainability issues aside from their regular roles, encompassing sustainability in PSM decision-making from top to bottom” (Public Media Alliance, 2023). Proposals to achieve sustainability include enforcement of stakeholders’ collaboration, advancing new media business models to fuel technological innovation within newsrooms; in a nutshell, “building a business ecosystem that encourages all PSM partners to have similar sustainability values” (Public Media Alliance, 2023). The reform of public service broadcasting and the future of PSB in the age of social media networks and big tech platforms could be addressed in future research, to respond to the tensions and threats to editorial and institutional independence.

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