CAPÍTULO 51

<u>"Ética, rendición de cuentas en los medios de comunicación y sus contenidos aplicados al Servicio de Defensoría de la empresa Brasil de Comunicación"</u>

"Media Accountability System, ethics, and its features when applied to the Radio Ombudsman services of Brazilian Public Broadcaster"

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Resumen:

El texto busca analizar y promover parámetros éticos para el servicio de Defensor de los oyentes, considerando la experiencia del Defensor en la EBC, la empresa pública de comunicación envuelta con el pluralismo em Brasil. La EBC es compuesta por una televisión pública, ocho estaciones de radio y una agencia de noticias. Su público puede enviar sus críticas, elogios y quejas para la Defensoría.

La experiencia de Defensoría puede ser considerada una práctica de rendición de cuentas. Su tarea es asegurar que el contenido transmitido siga los principios éticos establecidos. Los autores hicieron una revisión de la literatura y analizaron los mensajes encaminados entre 2008 y 2010.

Ellos entienden que el desempeño de la Defensoría proviene visibilidad y transparencia a los errores y dilemas asociadas com las funciones de los medios, traendo más credibilidad y dialogo com el público, y encorajando una cultura de rendición de cuentas entre los profesionales.

Los investigadores revisaron los documentos éticos y percataron la importancia del canal de mediación, que proviene visibilidad por intermedio del programa semanal. La iniciativa promove un ejercicio de disciplina y cuidado por parte de los profesionales y el público de la Empresa Pública de Comunicación

Abstract: This paper goal is to analysis and provide ethics parameters for Radio Ombudsman services, considering the experience of the Ombudsman at the EBC, it is a public company engaged with the pluralism in Brazil. The organization is composed by the Public TV, eight radio stations, and a news agency. Its audience can rely on the Ombudsman service as a direct channel for criticism, reviews and complaints.

The Ombudsman experience may be considered a Media Accountability System. Its task is to assure that the broadcast content will follow ethical principles established.

The authors accomplished a literature review and analyzed emails sent between 2008 and 2010.

They find that the ombudsmen performance provides visibility and transparency to errors, issues and dilemmas associated with the media functions, stimulating more credibility, prompt discussion with public, and encourages a culture of greater accountability in the newsroom.

From the review of ethical documents, also, they came across with the fact that the EBC Ombudsman sought to be a mediation channel that provides visibility to matters raised up during a weekly program. The initiative can also inscreasily promote an exercise of discipline and care on the part of public communication institutions and its professionals.

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EBC is a public communication company engaged with the right to access information, the pluralism of opinion and Brazilian social and cultural diversity manifestation. The organization is composed by the new Public Communication TV (established in 2008), eight radio stations, a news agency and other services. It is managed with society control through an autonomous Board of Trustees. Its audience can rely on the Ombudsman service as a direct channel for criticism, reviews and complaints.

The Ombudsamn experience may be considered a MARS, Media Accountability System (BERTRAND, 2002), focused not only on journalism but music and entertainment. Its task is to assure that the broadcast content will follow principles established by federal law 11,652/2008.

The authors accomplished a literature review and analyzed letters sent between July 2008 and December 2010.

They find that the ombudsmen performance may be a MARS, since it provides visibility and transparency to errors, issues and dilemmas associated with the media functions. Thus it stimulates more credibility, prompt discussion with readers, listeners and viewers, and encourages a culture of greater accountability in the newsroom.

Also, they came across with the fact that the EBC Ombudsman sought to be a mediation channel that provides visibility (SILVA, 2008) to matters raised up during a weekly program: "Radio on Debate". The initiative can also inscreasily promote an exercise of discipline and care on the part of public communication institutions and its professionals.

From the review of ethical documents (Radiobrás Writing Manual and the Ethics Code of Brazilian Journalists) and the broadcasters editorial statements, the department has sought to point paths to Brazil Communications Organization radios ("Rádio Nacional do Rio de Janeiro", "Nacional de Brasília AM", "Nacional de Brasília FM", "Nacional da Amazônia", "Nacional do Alto Solimões", "MEC AM", "MEC FM" e "MEC Brasília"), considering audience demands through letters and during the broadcast interviews.

1. Means to Ensure the Social Responsibility of the Media (MARS)

The activities of the media, understood as the set of communication institutions (RIBEIRO, 1996), should provide citizens with the information they need for the process of circulation and political decision-making. As such it becomes necessary to debate and implant Media Accountability Systems, a term initially defined by Claude-Jean Bertrand as "the means to ensure the social responsibility of the media"

(BERTRAND, 1997), a concept used in the article, in accordance with Bertrand (2002), as "Means to Ensure the Social Responsibility of the Media (MARS).

For Bertrand, the irreversible mediazation of public space in contemporary societies produced the need to create mechanisms "designed to help the respect for deontological principlesxiii, maintain the confidence of the public, and defend the respective freedom from the threats of the powers that be and the market" (BERTRAND, 1997, pg. 16). This opinion is shared by Wisconsin University professor David Pritchard, for whom "media accountability actually functions [...] from the perspective of consumers of media content; accountability is conceptualized as a process set in motion by people who complain, who seek to hold media accountable." xiii The mechanisms of promoting the social responsibility of communication institutions are, therefore, distinguished from censorship, which is perceived as advance prohibition, and self-censorship, perceived as journalistic omission.

The possible paths are reported by Claude-Jean Bertrand as ways to promote ethical conduct and quality in the functioning of the media: a) the "free" market in the operations of communication institutions; b) the action of the State; and c) the quest to construct cooperative spaces, insofar as:

Some claim that freedom, by itself – the "market"- resolves the problems: let the consumer, the people, decide what they want and need. Others argue that only the law and regulation are worth trusting: the market, once it is free to act, produces only trash and exploitation. Nonetheless, in recent years a third theory ended up emerging, the national that quality can come from the combination of the market, law, and ethics. A triple solution for a capital problem. An offensive waged on three fronts on behalf of excellence. Three pillars of support for the media building (BERTRAND, 2002, pg.25).

The cooperative approach is also present in the formulations of Hugo Aznar, professor of Ethics and Moral Principles in Information Sciences at the CEU San Pablo de Valencia (Spain), who, in his article "Means of Communication and the Public Sphere", proposes the need to promote complementary measures between legal norms and mechanisms of social participation. Aznar believes that it is necessary to encourage the public, beginning with the idea that in the same way as the media evolved and is increasingly powerful technically and more influential culturally, "society can also acquire – through mechanisms of self-regulation – greater awareness and knowledge of the ethical and moral principles that should govern its labor." (AZNAR, VILLANU-EVA, 2000, pg. 9).

At times the debate about the possibilities of promoting MARS is tied to the idea of market freedom, since "many media professionals would prefer doing without this great source of power constituted by the public" (BERTRAND, 2002, pg. 23), whose participation is seen by them as an unwarranted interference instead of a way to improve the quality of journalism. The justification often offered is that, following the historical struggle on behalf of freedom of expression (chiefly in the countries that underwent periods of political dictatorship), some professionals wind up regarding it as a supreme value and "not a condition for serving the public" (BERTRAND, 2002, pg. 24).

Moreover, according to Bertrand, there are journalists who fail to perceive how limited their professional freedom actually is, since, in the majority of cases, control over the content transmitted, salary, and career advancement lies in the hands of the owners and administrators of the communication institutions. Bertrand (2002, pg. 43) types and classified the MARS (System of Media Accountability) in three ways, named

according to the origin of the activity:

- 2. Initiatives internal to the communication institutions: Media Desk or Program, Letter by the editor, internal memorandum, consumer advisory, Awareness-building Program, Space for correcting errors, Code of ethics, media reporter, consumer reporter, ethics committee, evaluation commission, editorial committee, filter agency, internal study of problems, research on the readership, and ethical audit.
- 3. Initiatives external to the communication institutions: Alternative Media, Research without profit goals, Journalistic magazine, opinion research about the media, media literacy campaigns, film/report/critical book, "Media in the school" program, website related to the media, petitions to pressure the media, citizens' association, public declaration of the executive in charge, non-governmental organization focused on the media, higher education for journalists, course in ethics, and independent regulatory agency;
- 4. Cooperative forms: Letter to the editor, Readers'/Viewers' Club, online messages, local Press Council, Ombudsman, Annual Conference, Complaint Center, National Press Council, session of consultations with consumers, questionnaire on preciseness and honesty, Association link to the media, international cooperation, public meeting, non-governmental organization for training, continued education, media users panel, prizes and other rewards, and citizen participation in the Editorial Board.

Some MARS, such as the sending of messages to communication institutions, were facilitated by the rise of the internet. In Brazil and number of users of the worldwide web surpassed 20 million in 2005, according to the Internet Management Committee in Brazil (CGI.BR). In 2007, when the entire population with access to the internet anywhere (at home, work, school, cybercafés, and libraries) is included, there were 39 million users, more than 20% of the Brazilian population, according to a report by Ibope NetRatings.

The internet has assisted in the implantation of media watchdogs. In 1994 the Gutenberg Institute (www.igutenberg.org) was created by the journalist Sérgio Buarque de Gusmão, and the Press Observatory (www.observatoriodaimprensa.com.br) appeared in 1996. The National Network of Press Observatories (www.renoi.blogspot.com) was formed in 2005. The solutions offered are all consistent with the principles established by the Theory of the Social Responsibility of the Press (GOODWIN, 1993), and, even though they are different, they don't compete with one another. They all seek to contribute to the construction of a more balanced media.

Since credibility is one of the chief goals of the media, especially when it comes to journalism, the participation of the public, just like the resulting correction and prevention of errors, can be made a part of internal campaigns, since "ethics sells" (CAMPS, 1995, 54), that is, sales can also be measured in terms of the symbolic weight of trust, the credibility of the media, the deontological commitment to its respective

publics.

Deontological codes or codes of professional ethics were established in various countries in the 20th century. With respect to the functioning of the media, the codes reveal the behaviors considered most adequate, following debates related to professional issues. Principles such as veracity and honesty are included in the majority of codes throughout the world, as one can observe in the table below, based on a study conducted by Hugo Aznar in thirty European countries:

Table 1: Most frequent ethic principles in European deontological codes (AZNAR, 1999b, pg. 30):

Principles	Frequency
Veracity, honesty, and preciseness of information	90%
Correction of errors	90%
Non-discrimination on the basis of race, ethnicity, and religion	87%
Respect of privacy	87%
Prohibition of bribery and other benefits	87%
Honest methods in obtaining information	84%
Refusal to bow to outside pressures in the exercise of the role of journalist	84%
Non-discrimination on the basis of gender, social class, etc.	81%
Freedom of expression, commentary, and criticism	74%
Protection of sources	74%
Refusal to take advantage of the role of journalist to obtain personal benefits	68%
Contextualization between sources and contents of news stories	65%
Distinction between facts and opinions or suppositions	65%
Prohibition against omission and distortion of information	65%
Respect for intellectual property and citation rules	65%
Special care in the treatment of crimes, accidents, etc.	61%
Consult all the sources involved in the story	58%

Prohibition of calumny, defamation, and unfounded accusations	58%
Presumption of innocence	58%
Conscience clause	58%
Separation of publicity from editorial content	58%
Responsibility for what is reported	55%
Struggle against censorship	52%

2. The Ombudsman as MARS

The creation of a deontological code does not in itself ensure that communication institutions conduct their activities in adherence to ethical principles. Nevertheless, the definition of deontological norms may point out a path to be followed and contribute to the operations of instruments, such as MARS, which promote and safeguard the professional norms determined, ideally, in a cooperative manner among owners, professionals, and the public.

According to the Ombudsmen News Organization (ONO), at least 30 vehicles around the world have undertaken experiences with ombudsmen in their newsrooms. The experience, which was originally conceived in Sweden (in Swedish, ombuds: public, man: representative), has been the theme of continuous debates. The post that goes by this name was created in 1809 and given the responsibility of receiving and expediting the claims of citizens with regard to the functions of the government and the public administration. Since then the experience has been imitated and adapted in other countries.

The presence in the media of the ombudsman or linguistic variations such as defender of the reader (Spain), mediator (France), and servant of the readers, listeners, and viewers (Portugal), arose as a form of promoting journalistic deontology in communication institutions. The idea began in 1967 in the Louisville Courier-Journal and the Louisville Times in the state of Kentucky in the United States. Professor Mário Mesquita (1997, pg. 37) defines seven levels of activity of the ombudsman in the media:

- 2. Critical and symbolic function: discusses the newspaper in its own pages, extending to the space of the public the debate about editorial decisions that are traditionally confined to the newsroom and the journalistic milieu;
- 3. Mediating function: establishes a bridge com the readers, answering their complaints and criticisms;
- 4. Corrective function: takes care of the correction of imprecise and incomplete facts, appealing to experts if necessary;
- 5. Persuasive function: recommends measures meant to remedy actions prone to violate the rights of the readers
- 6. Pedagogical function: explains the mechanisms of journalistic production to the readers, ranging from the relationship with sources to the selection of information;

- 7. Dissuasive function: through his(her) criticisms, the ombudsman can eventually affect the decisions of editors and reporters;
- 8. Civic function: the activity of the ombudsman can foster debate on political, economic, and social issues.

According to Hugo Aznarxiii, receiving and responding to the claims of the public is the chief function of ombudsmen, "which implies a significant compensation for the traditional deficit of the media in moments of paying due attention to the public." The complaints can be divided into three major groups: a) those that refer to errors and inexactnesses involving minor details; b) those tied to more serious errors and controversial issues involving the treatment of information and other media contents; and c) those voiced by people who see themselves as affected by a story with which they are dissatisfied. Ideally, through contact with the parties involved, the ombudsman makes a decision guided by deontological codes, the editorial manual of the communications institution, or criteria associated with professional practices. After analyzing the case in point, the ombudsman makes the situation public in his(her) column (or radio/television space), which appears at regular intervals.

In the Brazilian experiences, the ombudsman's column (or program) is published (or broadcast) once a week, providing those who made complaints and the general public an analysis with an explanation of the case. A controversial aspect of the ombudsman's function has to do with the exercise of criticism by someone who, in the majority of cases, was already part of or occupied a professional role in the communications institution itself, which has the potential for raising constant doubts about the impartiality and balance of his(her) actions. In any case, the presence of an ombudsman can improve the image of the institution and contribute to mediation and the stimulation of new experiences of MARS, as one of the Council of Europe's reports on press self-regulation and co-regulation states: "the ombudsmen (...) are legitimate editorial instruments and can carry out useful functions in conjunction with genuine press councils."xiii

3. The Ombudsman of the Brazil Communication Company

In Brazil the concept of a public broadcasting service is not easy to grasp, since information and entertainment are in large part transmitted by privately owned communications institutions. In May, 2007, the Ministry of Culture sponsored the First National Forum of Public TVs, organized in partnership with the Brazilian Association of Public, Educational, and Cultural Broadcasters (ABEPEC), the Brazilian Association of University Television (ABTU), the Brazilian Association of Community Channels (ABCCOM), and the Brazilian Association of Legislative Televisions and Radios (ASTRAL). Representatives of the Radiobrás and the Roquette Pinto Educational Communication Association (ACERP) also attended the event.

The discussions involved various sectors of civil society, including academic specialists, communicators, filmmakers, journalists, and directors of non-commercial radio and television stations, as well as organizations committed to reflections about communications. The Forum declared itself to be in favor of the creation of a public TV system, which the Presidency of the Republic (PR) pledged to implement. Five months after the Forum, the PR published Temporary Decree 398, later transformed by the Congress into Law 11,652/2008, which created the Brazil Communication Company (EBC), assigned the task of unifying and managing the radio and television stations heretofore under the control of Radiobrás (National TV, National Radio of Rio de

Janeiro, National AM and FM Radio of Brasília, National Radio of Amazonia, and National Radio of the Upper Solimões) and ACERP (Educational TV of Rio, Educational TV of Maranhão, MEC AM Radio, MEC FM Radio, and MEC Brasília Radio).

Law 11,652/2008 regulatedxiii part of article 223 of the Federal Constitution, which stipulates that the State, private, and public systems complement one another and included the Ombudsman as an instrument of service to the public. Its primary function is to complement the activities of the Council of Trustees of the EBC in the social control of the company, acting as an intermediary and seeking responses from those in charge of the operations of the broadcasters to the criticisms, complaints, and suggestions of viewers, listeners, and other users. The law provides for the Ombudsman to discharge his accountability to the public through weekly 15-minute segments on the EBC radio and television stations, offering criticisms and suggestions to improve the contents that are transmitted.

An internal company norm, authorized by the Administrative Council and the Council of Trustees, determined that the Chief Ombudsman be assisted by three Deputy Ombudsmen: one for the eight radio stations, one for the Brazil (news) Agency, and another for TV Brasil (the result of the merger between the former Educational TVs and National TV)xiii. All of them, like the Chief Ombudsman, receive a two-year mandate, an essential prerequisite for them to act with total independence of the executive board. Thus, the Ombudsman seeks to bexiii:

"one of the main doors opened to society by the EBC. Through it circulate the demands, the expectations, the suggestions, the compliments, and the criticisms of the public about their vehicle of communication. And, in return, in a two-way process, the responses, when required. But not them alone. Questions, too, insofar as it is up to the Ombudsman to prod the public to participate in this debate." xiii

Unlike an Ombudsman's service in a strictly journalistic vehicle, the Ombudsman in the broadcasting stations of the EBC also handles messages related to entertainment, technical aspects of wave reception, and the fulfillment of the editorial plans of the stations. The introduction of the Ombudsman's program into the programming of the radio stations and TV Brasil poses an additional challenge, since the public cannot avoid listening to the transmission of the Radio in Debate program, including individuals who have no a priori interest in the content that is transmitted, whereas in a printed or online vehicle they can skip reading the Ombudsman's column.

4. Radio in Debate: the Program of the Ombudsman on the Radio Stations of the EBC

Between October, 2008, and December 2010, the Chief Ombudsman and the Deputy Ombudsman in charge of the radio stations met with the people in charge of the operations of the radio stations of the EBC to define the formats and schedules for the transmission of the program of the Ombudsman. It was decided that the program would be broadcast on Fridays, with a retransmission on Saturdays. The program, called Radio in Debate, took its inspiration from national and internationalxiii practices, choosing a weekly themexiii of general interest to the EBC radio channels (National Radio of Rio de Janeiro, National AM Radio of Brasília, National FM Radio of Brasília, National Radio of Amazonia, National Radio of the Upper Solimões, MEC AM Radio, MEC FM Radio, and MEC Brasília Radio) to occupy the first two blocks of each edition. There

are very different profiles among the EBC stations, with contents that range, for example, from the needs of riverside inhabitants and indigenous communities in the northern region (National Radio of Amazonia) to the public that appreciates the concert music played on the MEC FM Radio in Rio de Janeiro.

What follows are some examples of mediation to demonstrate the specific characteristics of the activities performed. Between July 2008 and December 2010, the Ombudsman's Office responded to 276 demands from the public concerning the radio stations (57 for National AM Radio of Brasília, 88 for National Radio of Rio, 54 for National FM Radio of Brasília, 45 for National Radio of Amazonas, and 29 for the MEC AM Radio, MEC FM Radio, and MEC Brasília Radio). 170 editions of the Radio in Debate program were produced and broadcast, with the final four minutes devoted, sometimes, specifically to the transmission of criticisms, compliments, and suggestions that were received, together with the replies of those responsible for the operations of the stations and comments by the Ombudsman's Office, which has analyzed the consistency of the programming in terms of the principles and objectives of public communication.

When it comes to complaints about journalistic content, the Ombudsman's Office uses as references the Radiobrás Writers' Manual, published in 2006 and still valid, because the EBC has not formally replaced it with a new text, and the Brazilian Journalists' Code of Ethics (revised in 2007), both of which are aligned with the principles examined by Professor Hugo Aznar and presented above in Table 1. Nevertheless, the listeners' demands are not limited solely to questioning the news material that is aired. The EBC stations have editorial plans which define the profile of musical programming, a central feature of MEC FM Radio and National FM Radio of Brasília, and which serve as parameters for the actions of the Ombudsman's Office. A variety of issues has been raised by the public. The Ombudsman's Office has constantly received suggestions, for example, for the websites of the stations to offer online the contents that are broadcast on the air; this offering has, in part, been put into practice.

The return of transmission of sporting events by National Radio of Rio de Janeiro was an attitude praised by listeners who were pleased over the move, but they frequently point to the need to expand the EBC sports-casting team, a step that, according to the Radio Superintendent's Office, awaits a decision by the General Directors' Office to hire new professional staff. Listener's also expressed a desire for the return of theatrical broadcasts on the programming of the stations, especially the National Radio of Rio, a station that constantly receives demands about access to the material in its archives.

The Ombudsman's Office received criticisms about the quality of the signal emitted by the stations, a problem most present in the short-wave transmissions of the National Radio of Amazonas, for which the solution, according to the technical personnel in charge, involves investment in equipment by the EBC.

Listeners of National FM Radio of Brasília questioned the formation of the National Informs link-up, which, every hour on the hour, interrupted the musical programming with news broadcasts. This demand was taken into account in an adjustment by the Directory of Journalism and the Office of Coordination of the National FM Radio, which suspended the mandatory link-up, allowing the radio to transmit news reports after the conclusion of the musical piece that was on the air. The Ombudsman's Office also engaged in dialogue with cultural producers in Brasília. One

of them suggestion that the programming of the National FM Radio include greater musical diversity, a suggestion that received subsequent follow-up through the creation of the mini-program, Music of the World, which began being broadcast in April. Also in 2009 April, the site www.radiomec.com.br began offering a Musical Chart of the contents broadcast by the MEC FM station and the possibility for listeners to hear some programs on podcast and make online suggestions of musical pieces to include in the programming. However, there was no definitive response by the Office of Informatics Management about when the entire broadcasting contents of the radio stations will be available on the www.ebc.com.br website, which depends upon the opening of a formal bidding process for the acquisition of equipment.

In the first semester Radio in Debate also provided information about the MEC Radio Seal, the correction of journalistic content that was broadcast (due to the use of inconsistent information derived from news agencies), and compliments on the nocturnal programming of the MEC FM Radio. Besides this, at the invitation of the of Office of Coordination the National Radio News (www.ebc.com.br/radioagencia), the Radio in Debate program has been available since May in the Program Bank and is downloaded each week by radio stations in various parts of Brazil. The June 12/13 edition, for example, was accessed by more than 60 radio stations, such as Penedo FM Radio (Alagoas), Laranjal FM (Laranjal do Jari-Amapá), Alvorada FM (Volta Redonda – Rio de Janeiro), and Aparados da Serra Radio (Bom Jesus – Rio Grande do Sul).

With regard to National AM Radio, National FM Radio of Brasília, National Radio of Amazonas, and National Radio of the Upper Solimões, some of the messages broach the possibility of partnerships between the Brazil Communication Company and organizations interested in the joint production of programs or events, such as the contact between the directors of the School of Music of Brasília and National FM Radio and the effectuation of the Sucupira Park Music Festival (organized by the Utopia FM Community Radio, with the support of the EBC, in partnership with the Ministry of Environment and the University of Brasília).

4. Final Considerations

Based on the experience of the Office of the Ombudsman of the EBC and the bibliographic review done for this article, it was perceived that the activity of ombudsmen can serve as a MARS, a means to ensure the social responsibility of the media, by providing visibility and transparency to errors, issues, and dilemmas associated with the performance of the media, thus stimulating greater credibility, motivating debate with the readers, listeners, and viewers, and fostering a culture of greater accountability in news rooms. The initiative can also stimulate a growing exercise of rigor and care on the part of public communications institutions and their professionals.

The activities of the Office of the Ombudsman of the EBC with respect to the radio stations have attempted to make it a channel of mediation and dialogue, giving visibility through the weekly Radio in Debate program to the majority of the demands received. Based on the deontological documents (the Radiobrás Writers' Manual and the Brazilian Journalists' Code of Ethics), the principles declared in Law 11,652/2008, and the editorial plans of the radio stations, the service has strived to establish parameters that indicate paths for the EBC radio stations, using as references as well the demands made by the public and the interviews with radio station workers and specialists

transmitted by the program.

Public participation can grow with actions that constantly stimulate the communication of demands and promote dialogue with radio administrators and professionals. Other initiatives on behalf of accountability, such as public hearings and the creation of councils of readers, listeners, and viewers, can be undertaken for the purpose of strengthening public communication on the basis of an even greater number of instruments to ensure the social responsibility of the media (MARS).

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