Regulation of communication in latin america, spain and portugal: overview of the proffessional codes of ethics

María Antonieta Rebeil Corella[1]

Abstract

If professional ethics is defined as "the set of principles, attitudes, virtues and ethical standards and specific ways to judge the ethical conduct that characterizes a particular group of professionals" (Prado, 1999, p. 27); in the case of communicators it is essential not only to act in accordance with these principles, but even to ensure the compliance of the same in the institutions for which they work.

The professionals linked to the communication field work with messages that can affect perception (Blázquez, 1994), and for that reason deontological ethics is very suitable for establishing guidelines for the performance of the profession. Based on the foregoing, this research offers an overview of the application of ethical principles in the organizations that are related with journalists and communicators in Latin America, Spain and Portugal: professional associations, civil society organizations having an observer status in the ethical aspects of communication, trade union bodies and public and private media.

Key Words: ethics, deontology, Latin America, Spain and Portugal, associations, media.

Introduction

In recent decades the challenge of implementing ethics to the problems presented by the social reality has made several thinkers return their gazes toward confronting this challenge. Among other issues, the problem of the media and the Internet, its growing influence, and the need to find ways for their social practices that are narrower in ethics and do not only seek out economic gains and of power, it has generated the need to create a set of agencies and social agents that oversee this in society. These social agents have generated a series of forms of action, and various forms of regulation that counteract the negative impact of the media and enhance the positive influence of the same in society. Some examples of these actions are: media education, the content classification, the organization of civil society, and even present-day aspects of regulation and self-regulation.

The purpose of this work is to provide a description and analysis of its existence and content in light of the principles of the UNESCO, the International Commission of Human Rights and the World Summit on the Information Society, existing codes of conduct in the Latin America, Spain and Portugal Region in four types of organizations that are related to the media: civil associations, professional associations, media trade unions and the media themselves. For this purpose a content analysis of the web pages of these organizations was performed and whose

---

[1] Director of the Research Center for the Applied Communication (CICA), School of Communication, Universidad Anahuac México Norte. Executive Coordinator of the International Network of Investigation and Consultancy in Communication (RIICC)
arebeil@anahuac.mx

results were quantified to reach final conclusions that indicate the need to increase the participation of the civil society in the work on media influence and on the professionals who work with information in the society.

Applied ethics in communication
Human acts have intentionality (motivation) and always have consequences. These two conditions are those which allow that human acts can have some form of regulation, and of course, that may be reviewed, tried and questioned. It is not to say that any other motivation is exempt from being judged, more if it is a concerted action by several people with a massive scope, as is the case of actions that may arise from the exercise of professional communication. In this case, both the professionals and the institutions that are dedicated to the communication field have to start from the fact that their decisions have a very important relevance, given the range and level of penetration that they have on the development of the consciences of their respective audiences.

For all who are gathered here in the Second International Congress on Communication Ethics there are fundamental questions that we are asking ourselves. For example: how and with what principles should we use to prepare norms that are appropriate for the communication field. The constant within the last few decades is the development of codes of conduct that govern the professional activity of communication, and without having comparative and critical work to analyze the implementation of such codes. This is a very important labor that has emerged from the same ethical demand, which is to analyze and question the performance of communication institutions. If this is not done, ethics would be voided due to a pragmatic performance that would supplant other principles, for example, the use of simple monetary gain as an ultimate reference.

As such, applied ethics in communication has a dual field of contemplation. First, the role of responsible subjects who can be professionals, audiences, workers, government, as well as the same institutions that are dedicated to communication, in the preparation of the content and channels that are used to communicate such content. Second, the relationship between communications professionals and their audiences, which can be close to ethics or totally detached from it.

In addition, there are ethical foundations that the United Nations (UN) had established from the Declaration on Human Rights, where it is enshrined in article 13, as the freedom of expression of all people. Later, the Organization of the United Nations Educational, Scientific and Cultural Organization (UNESCO), a UN agency whose mandate is to defend the freedom of expression and freedom of the press; developed and consolidated the rights and duties of the media, through the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to the strengthening of peace and international understanding, to the Promotion of Human Rights and the fight against racism, apartheid and the incitement to war (UNESCO, 1978) and the International Code of Journalistic Ethics UNESCO (1983).

And not only that, the Declaration of Principles on the Freedom of Expression of the Inter-American Commission on Human Rights (IACHR, 2011) and the World Summit on the Information Society (Geneva 2003 - Tunis 2005) reflect the genuine interest of global organizations in providing ethical principles in the media - and more rooted in

the exercise of journalism - to respond to the demands of the flow of information and current communicative processes.

Many competent international bodies in the promotion and protection of human rights have recognized, with authority, the fundamental human right of information access held by public bodies, as well as the need for effective legislation to ensure respect for this right in its practice. These include the United Nations, regional human rights bodies and mechanisms of the Organization of American States, the European Council and the African Union and other international organizations that mandate human rights. (Mendel, T., 2008, p. 7)

The Universal Declaration of Human Rights (UDHR) adopted by the UN in the General Assembly of 1948 is considered as the standard on human rights. Article 19 - binding for all States under customary international law - guarantees the right to freedom of expression and information in the following terms: every person has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and convey information and ideas through any means regardless of borders. (Mendel, 2008, p. 9)

In its 1999 Annual Report, the Inter-American Commission on Human Rights stated the following: "The right of access to official information is one of the cornerstones of a representative democracy." (Mendel, 2008, p. 10)

And as such, the Principles that recognize the Right to Information are:
a. Every person has the right to access to information about themself and their property in an expeditious and not onerous manner, whether it is contained in a public database or in private records, and if necessary, update, rectify and/or amend it.
b. Access to information held by the State is a fundamental individual right. States have the obligation to guarantee the full exercise of this right. This principle allows only exceptional limitations that must be previously established by law in the case of a real and imminent danger that threatens national security in democratic societies. (Mendel, 2008, p. 10)
By the principles set forth, it is clear that there are solid foundations to defend ethics in communication within the human rights framework, upon which lies a general agreement of minimum indicators that should be considered in assessing the performance of individuals and institutions related to communication.

I. **People responsible for the ethical regulation in the communications field: civil associations, professional associations, media and trade unions**
For purposes of this research, four social agents are taken into account, which of whom are organizations that are linked to the media that analyze its proposals and view the scope of them in regards to code of conduct development.
a. Civil Associations. A civil association that is understood as a private legal entity formed by a group of natural persons (partners) that, with the prior permission of the State, join forces to carry out activities that tend to the common good, they do not pursue commercial or economic gain and this is why they are also called non-profit organizations. (City and rights, 2013)
b. Professional associations. These are groups that are legally constituted, composed of people having the same profession for purposes related to their professional activity. (Social channel, s/f).

c. Unions. Trade unions are known as permanent worker associations whose purpose is to defend themselves and to negotiate with employers on wages and other working conditions that are favorable to their guild. (Pampillón, R., 2007)

d. Means of communication. Are public or private organizations that have systems in place for the transmission of messages through which they inform and communicate, on a massive scale, to the contemporary society. Their purposes are varied and mixed: from disseminating information of public interest to seeking profit. (Library Luis Angel Arango, s/f).

II. Mechanisms that come between social actors for the ethics, regulation, democratization and inclusion of the media and other related associations.

a. Codes of ethics and their importance. The deontology is a set of principles and rules that guide professional conduct. A code of ethics is the body of norms that are applied to a group of professionals performing a role from a set of rules. Both ethical codes as well as PROFFESSIONAL CODES OF ETHICS contain moral character precepts whose goal is to ensure honest practice and honorable conduct among the members of a profession. With the growing influence and penetration of ICT's on the disclosure of information, codes of ethics have become a source of research on the statements and principles of great interest to professionals as well as various social actors. It is therefore essential that organizations develop and/or strengthen their implementation of their own codes of ethics. (Vidal, M., 2009)

b. Education of audiences. When media audiences are exposed to these, they define - according to their own criteria - the meaning of various television programs. Therefore, what occurs is that although TV (or other media) does not educate, they can still learn from it. The education or pedagogy of audiences seeks out the transformation of these mediation processes and enriches them through workshops and conferences in order to form active audiences; the research and publication of reports on the quality of media content; the opening of spaces for self-criticism in the media, among other activities. (Orozco, G. ,2001)

c. Defense of audiences. The idea of audience defense emerged in Sweden at the beginning of the twentieth century, derived from the figure and functions of an ombudsman, who acted as mediator between citizens' and different instances of political power. This case summarizes the two ethical principles essential to the operation of communication media: self-regulation and transparency in the social processes of public information management. The Swedish Council for Press, founded in 1916 and funded by four private associations of journalists was the first agency to put these principles into practice. These defenders are institutions that have contributed to the opening of communication channels and audience interaction for socialization, discussion of the relevant ethical principles and citizen participation, especially from the continuous public audience intervention that challenges and expresses -through social networks, above all - their disagreement about mass media, their content, their regulatory frameworks and driving forces, for example. (Dorcé, A. , s/f)

III. Methodology of the analysis (through which categories and samples)
a. Sample of social actors by country
We took a sample of three communication media, three professional associations, three trade union associations and three civil associations of each country in Latin America, Spain and Portugal. Regionalization and its denomination was made on the basis of a renowned study in 2009 that was made by UNESCO and Felafacs. The

countries in this study correspond to six regions and 20 countries distributed as is shown in Table 1:

Table 1 Regions and countries in the research [2]

Region	Number of Countries Considered	Countries Considered
Southern Cone	4	Argentina, Chile, Paraguay and Uruguay
Andes	5	Bolivia, Colombia, Ecuador, Peru and Venezuela
Central America y Caribbean	7	Costa Rica, Cuba, Guatemala, Honduras, Nicaragua, Dominican Republic and El Salvador
Mexico	1	Mexico
Brazil	1	Brazil
Iberia	2	Spain and Portugal
TOTAL	20	

b. Categories for analysis

The ethical categories under which media organizations in Latin America, Spain and Portugal were evaluated belong to three of the statements of human rights principles accepted and consolidated internationally, namely:

1. There is or there is not a Code of Ethics in the organization.

2. Organizations who have implemented the *Declaration on Fundamental Principles concerning the Contribution of the Mass Media to the strengthening of peace and international understanding, to the Promotion of Human Rights and the fight against racism, apartheid and the incitement to war* (UNESCO, 1978).[3]

3. The implementation of the Declaration of Principles on Freedom of Expression, of the Inter-American Commission on Human Rights (CIDH, 2001) in organizations. [4]

---

[2] It should be noted that not all countries have each type of the three organizations (media, professional associations, trade unions and civil associations), which are considered the most representative and whose web sites are available.

[3] Article 1. Free circulation and wide dissemination of information; Article 2. Freedom of opinion, freedom of expression and access to information, promotion of human rights and safe practice; Article 3. International cooperation for peace and promotion and encouragement of public policies for inclusion, diversity and non-discrimination; Article 4. Promotion of citizen participation; Article 5. Right of reply; Article 6. Global Linkage between media; Article 7. Promotion of a more just and equitable economic order; Article 8. Professional organizations, as well as the people that participate in the professional training of journalists… should agree on the particular importance of the principles of this Declaration in the code of ethics that they establish and should ensure its application. (Not applicable to study); Article 9. Openness to external monitoring, favorable conditions of the State toward the media, encourage and develop exchanges of information between bilateral and multilateral states.

[4] Freedom of expression; freedom of opinion; right to information (Article 19); the access to information in the State's hands is a fundamental individual right; Prior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated violates the right to freedom of expression; journalistic activities must be guided by ethical conduct, which in no case can be imposed by States; preconditions, such as truthfulness, opportunity or impartiality on part of the States is incompatible with the right to freedom of expression; The right of social communicators to the reserve of their sources of information; murder, kidnapping, intimidation, threats to social communicators, as well as the destruction of material of communication media, violates fundamental individual rights and severely restricts the freedom of expression. It is the duty of the State to prevent and investigate these facts, to punish their authors and to ensure that victims receive adequate reparation; privacy laws should not inhibit or restrict research and the dissemination of information of public interest. The protection of reputations should be guaranteed only through civil sanctions, in those cases in which the person offended is a public official or public or private person who has voluntarily become involved in
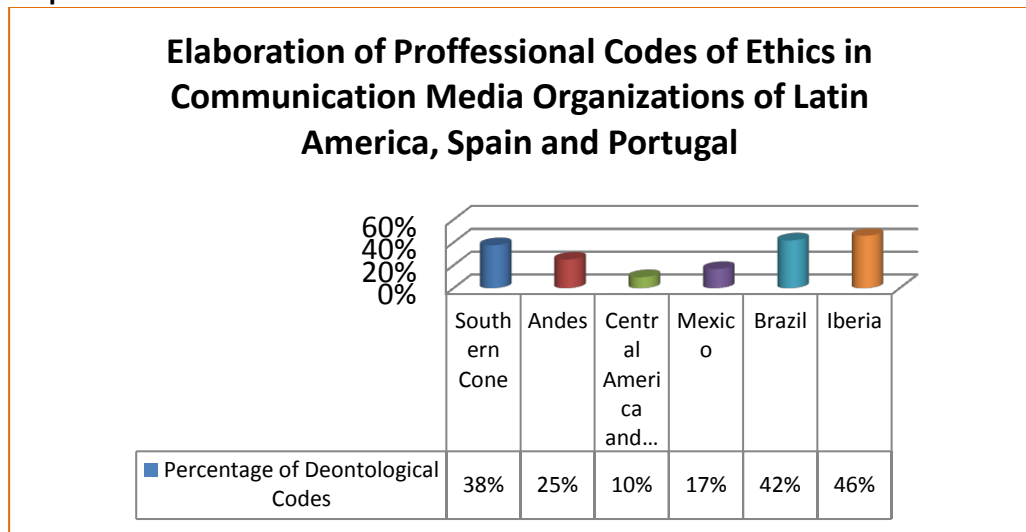
4. The implementation of the principles of the World Summit on the Information Society (Geneva 2003 - Tunis 2005) in organizations.[5]

It should be noted that since some of the principles are common in the three statements set forth, they are graphed as a single category. For example, the principle on freedom of expression is common in the statements of UNESCO, the IACHR and the World Summit on the Information Society; therefore, the result of this category is indicated as one indicator, not as three.

IV. Analysis of the commonalities in the activities carried out by institutions dedicated to communication in relation to their respective audiences.

Graph 1

Elaboration of Proffessional Codes of Ethics in Communication Media Organizations of Latin America, Spain and Portugal

	Southern Cone	Andes	Central America and…	Mexico	Brazil	Iberia
Percentage of Deontological Codes	38%	25%	10%	17%	42%	46%

It is clear that the codes of ethics reflect the interests and the provenance of the associations that promote them. This highlights trade unions as social associations of workers with more advanced democratic approaches (Graph 1).

The existence of codes of conduct in various associations related to the media in Latin America, Spain and Portugal is medium-low. Considering the different regions

---

matters of public interest; the laws that criminalize offensive speech directed to public officials, generally known as " laws of contempt" violate the freedom of expression and the right to information; monopolies or oligopolies in the ownership and control of the media should be subject to anti-trust laws as they conspire against democracy by limiting the plurality and diversity that ensures the full exercise of the citizens' right to information; The use of State power and public finance resources; the granting of tariff patronage; the arbitrary and discriminatory allocation of official advertising and government loans; the granting of radio and television frequencies, among others, with the aim of pressuring and punishing or rewarding and privileging social communicators and the media in terms of their informational areas, undermines the freedom of expression and must be expressly prohibited by law. The social communication media have the right to carry out their work independently. Direct or indirect pressures aimed at silencing the information work of social communicators are incompatible with freedom of expression.

[5] Promotion and development of ICT's; information and communication infrastructure; access to information and knowledge (right to information, which is Article 19); Promotion for the development of the skills and knowledge required to understand the Information Society and knowledge economy; confidence-building and security in the use of ICT's; environments conducive to national and international levels for the development of ICT's in favor of the Information Society; promotion of cultural diversity and identity, linguistic diversity and local content in ICT's; Adherence to the principles of the freedom of the press and freedom of information, as well as the independence, pluralism and the diversity of the media; adherence to ethical dimensions of the Information Society: Liberty, equality, solidarity, tolerance, shared responsibility, dignity, value for the human person, family protection and respect for nature; international and regional cooperation.

that make up this set of countries, it is very clear that in Spain and Portugal the largest part is found, with 46% of the total number of codes of ethics in the Latin America, Spain and Portugal region. Brazil also stands out in this set with 42% of their associations having code of ethics. The Southern Cone accounts for 38 %, the Andean Region with 25% and Mexico with nearly 20 %. Other regions referred to: Central America and the Caribbean are in the 10 %. There is an uneven development in the terms of codes of ethics referred to in the region. Clearly Spain is the country that has been setting the standard in terms of their level of sensitivity to the needs of the codes of ethics presence that contributes to a better and more democratic performance of media in society.

However, in regard to the existence of codes of conduct by type of organization in the study, it was found that half of the professional associations have codes of conduct that define them and that in the lower end, a fifth part of the media analyzed also have them. Clearly the media are not agencies that are the most sensitive to the need for codes of ethics that govern professional behavior in their organizations. The media are, by nature, institutions that have a greater impact on society due to their ability to influence the consciousness of their audiences.

Graph 2
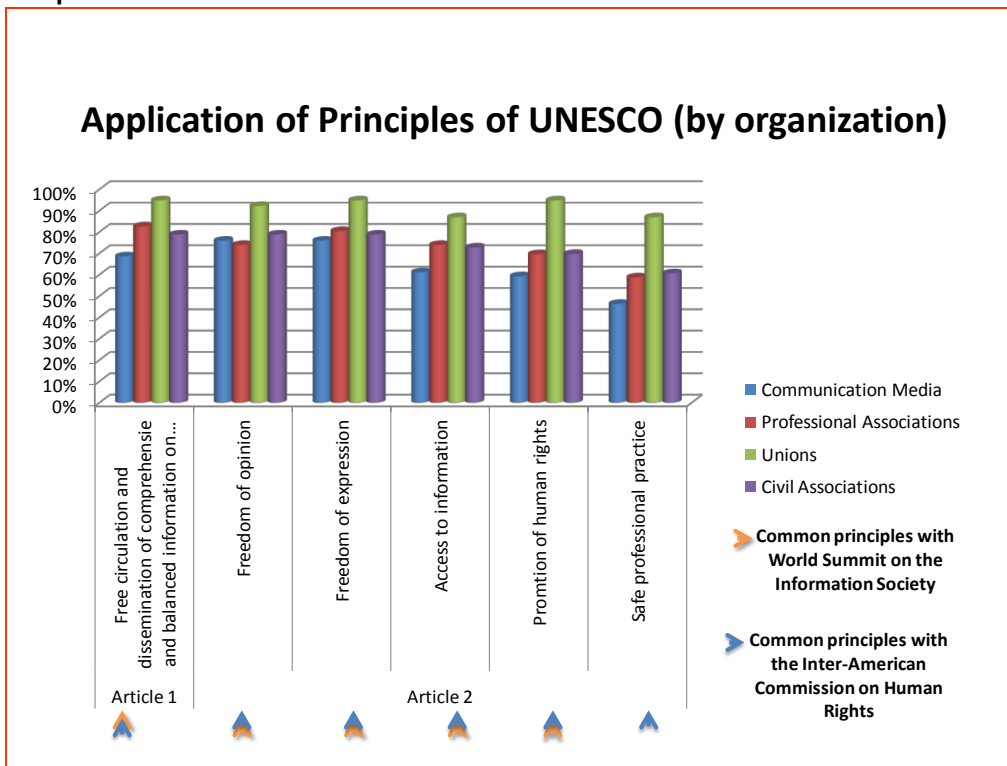
In terms of the type of principles that these codes of conduct reinforce, it is precise to say that there are coincidences with the approaches identified by UNESCO. Clearly the trade unions are those who have proposed, with greater force and determination, the principles of the UNESCO, namely: free circulation and dissemination of comprehensive and balanced information of public interest; freedom of opinion; freedom of expression; access to information; promotion of human rights; safe professional practice. Among the different types of associations the trade unions are known as the main promoters of the principles of UNESCO (Graph 2). These are the civil associations that place a special emphasis on the

freedom of expression. Professional associations place a greater interest on the free circulation, wide and balanced dissemination of information of public interest and show a lower rate of interest (interestingly) in the safe exercise of the profession. One would expect just the opposite: that the professionals would be the most concerned about ensuring safe practices and freedom from aggression in their work. In summary, the media advocates with greater emphasis the freedom of expression, the professional associations in the wide dissemination of information of public interest, civil associations in the freedom of expression and the trade unions in the defense of human rights.

If analyzed by region, according to this study, a greater importance is given to the free flow of information and broad public interest in the Iberian region, Brazil, the Southern Cone and Mexico. On the contrary, a behavior was observed in all the regions that gave lesser importance to safe professional practice. It is paradoxical that in places such as Mexico, Colombia and other countries, which have the highest rates of aggression and violence by journalists, existing codes of ethics show that this is not a priority. Another trend worth noting is that in the Iberian regions and in Brazil information access is of greater importance than the right to freedom of expression.

Graph 3
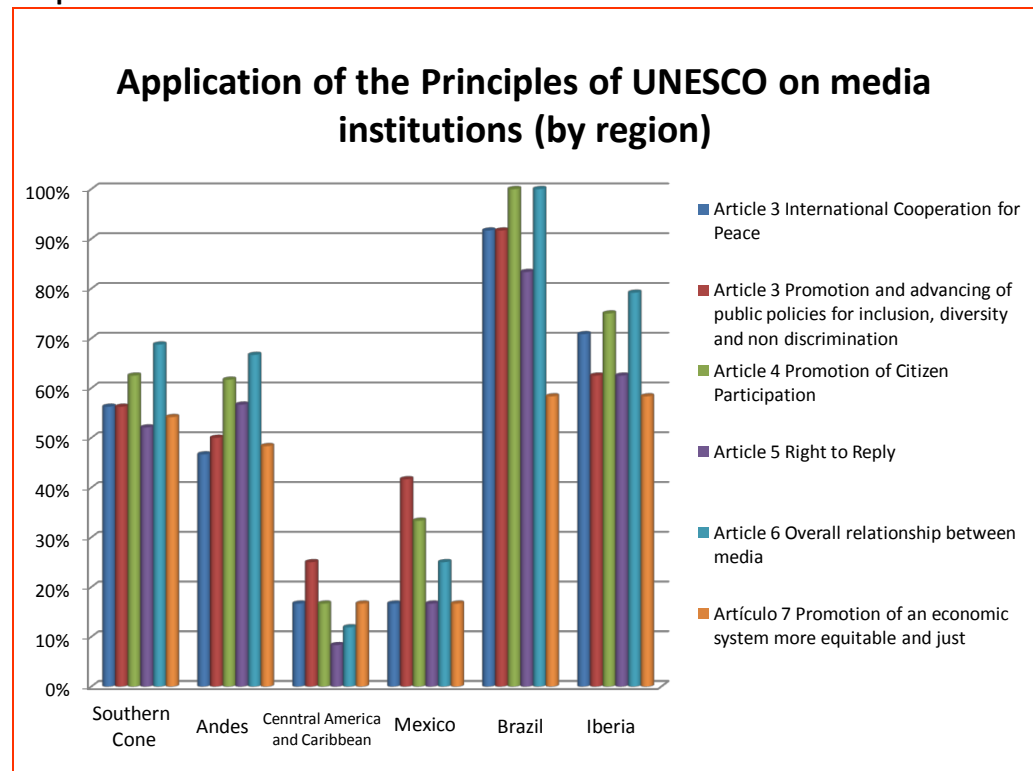
If someone was to concretely ask which articles of UNESCO organizations and associations related to the media consider in their codes of ethics, it is interesting to see that almost all the regions have as point of reference with the greatest importance as the global networking between media, which is a clear indication that they see the benefits of being able to join with others in order to deal with problematic situations that they see as threatening. On the other hand, it is clear that the idea of citizen participation is one that has permeated throughout years through the insistence of the defenders of audiences and here there is evidence that at least it is expressed decisively in writing (Graph 3).

Graph 4

Application of the Principles of UNESCO on media institutions (by organization)
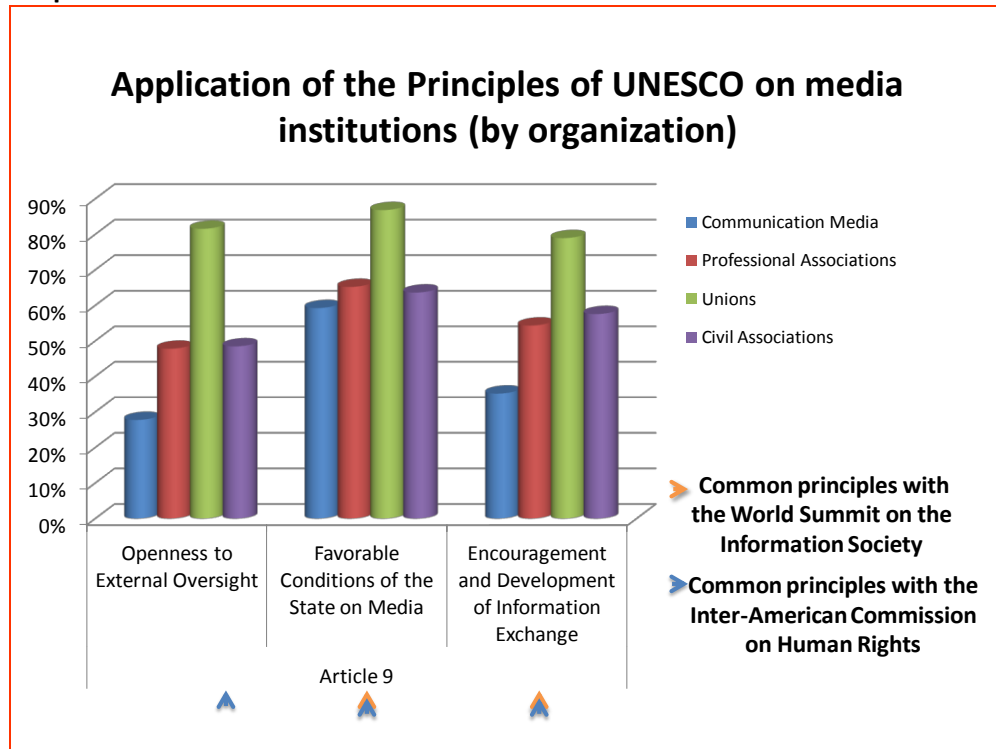
The World Summit on the Information Society and the Inter-American Commission on Human Rights have agreed to support two fundamental principles: the strengthening of the idea that the State should establish favorable conditions for media development and the idea of encouraging information exchange between bilateral and multilateral states. Both principles are being strongly supported, in first place, by trade unions. These point to a broad vision of trade associations in the promotion the policies of a national and international scope and do not have a short-sighted approach that only encourages strategies that favor the guilds work (Graph 4). If we see by regions the encouragement of these principles by the State in creating conditions for media development and the encouragement of bilateral and multilateral exchanges, it would be important to note that Brazil has taken the lead, and is followed by the Iberian region and the Andean region and the Southern Cone.

Graph 5
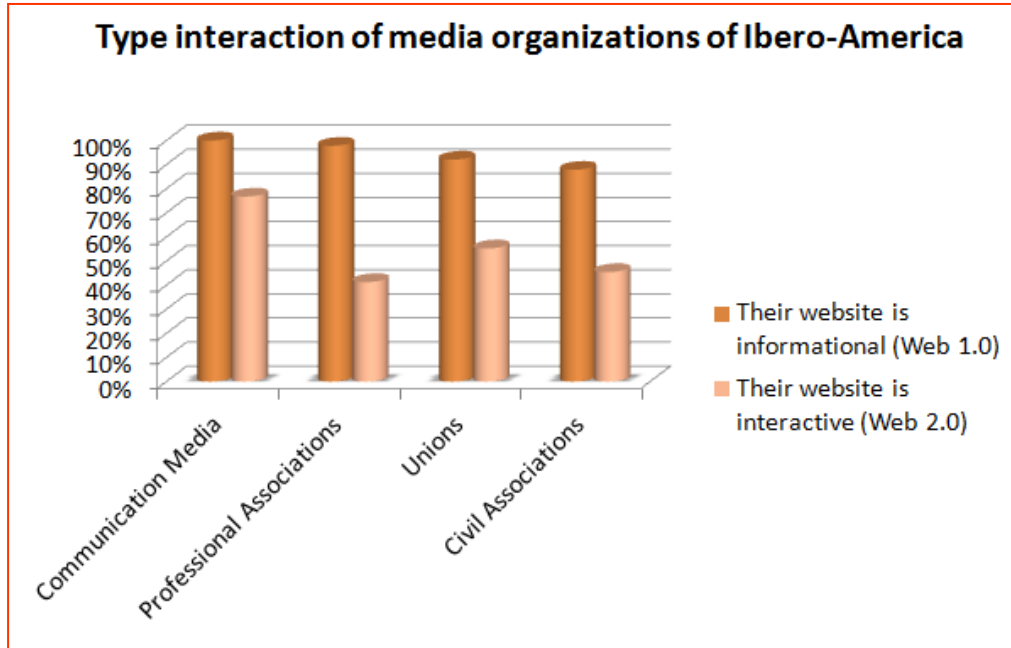
An element that makes a big difference between the degrees of openness that an association has, or a communication media, or a union, to receive comments and suggestions and then communicate them with their audiences is the type of web site they have. For example, there are web sites that are only informational and expect that their users simply receive the information that is offered on the site offers. On the other hand, there are sites that have interactivity platforms and require that their visitors use feedback forms to give feedback on their activities. With the types of communication that are put in place in different organizations they also manifest their commitment with one of the principles of the World Summit on the Information Society, which points out the importance of the development and promotion of Information Technologies (ICT) in favor of the active participation of citizens (Graph 5).

If we take a look at the communication channels in organizations, in the last few decades they have been multiplied, in such a way that the public can come into contact through the channel that best suits their preferences or needs. The communication media are the organizations that have the most availability and variety of channels of communication with the public. It is the nature of their work which sensitizes them to this variety of options, highlighting the use of Facebook, Twitter and e-mail. The civil associations still depend largely on the telephone the postal mail and e-mail. These same trends are seen in trade unions. The professional associations equally prefer in first place E-mail, followed by the telephone and postal mail.

V. Conclusions and proposals
Five main arguments can be concluded from the study:
a. There is a lack of active participation of the different associations related to the communication toward their audiences, but there is a growing concern on part of media, civil associations, professional and trade unions to communicate with their audiences through social networks.

b. We are faced with a shortage of both codes of ethics that reveal the priority of the different associations with fundamental human rights related to communication: freedom of expression, opinion, right to information, promotion of peace, among others.

c. International agencies and civil associations that transcend borders carry out strategic alliances that allow us to know the ethical status of communication in different nations, resulting in information exchanges and knowledge construction in the media, above all, for the benefit of entire regions.

d. The challenge of the communicators that are part of civil associations, professional associations, trade unions and the media is to offer what they have been demanding of other institutions: public and transparent information about how they act; greater interaction with their audiences that each time require and have a more active role in communication processes; publication of reports, articles and information which would reveal their commitment to human rights and the Information Society; establishment of alliances between national institutions that make their studies more productive and efficient on the ethics in communication at a regional level.

e. Finally, organizations today have a great opportunity to be closer to their audiences by taking advantage of the ICT's, which have become the most efficient channel and is quick at putting into the reach of the public, information and scientific research to broaden their perception and improve their knowledge about these communicative agents. We have seen in this study that the communication media leads the forefront in communicating with their audiences. If these channels are opening up, why not achieve greater citizen participation and influence as part of the media agenda?

Reference Sources:

Academia Nacional de Periodismo República Argentina (1983) "Código Internacional de Ética Periodística UNESCO". Consultado el 11 de enero de 2013 en http://www.academiaperiodismo.org.ar/etica/unesco1.html

Aznar, H. (2005) "Ética de la comunicación y nuevos retos sociales. Códigos y recomendaciones para los medios". Paidós, Barcelona.

Biblioteca Virtual Luis Ángel Arango (s/f). "¿Qué son los medios de comunicación?". Consultada el 11 de enero de 2013 en http://www.banrepcultural.org/blaavirtual/ayudadetareas/periodismo/losmediosde comunicacion.htm

Blázquez, N. (1994) "Ética y medios de comunicación". Biblioteca de Autores Cristianos, Madrid.

Canal Social (s/f). "Definición de asociaciones profesionales". Consultada el 11 de enero de 2013 en http://www.canalsocial.net/ger/ficha_GER.asp?id=4731&cat=derecho

Ciudad y Derechos (2013) "Guía básica para constituir una asociación civil". Consultada el 11 de enero de 2013 en http://www.ciudadyderechos.org.ar/archivos/infutil/guia_asociacion_civil.pdf

Comisión Interamericana de Derechos Humanos (2001). "Declaración de Principios sobre la Libertad de Expresión". Consultada el 18 de diciembre de 2012 en http://www.cidh.oas.org/Basicos/Basicos13.htm

Cumbre Mundial sobre la Sociedad de la Información (2004). "Declaración de Principios: Construir la Sociedad de la Información: un desafío global para el nuevo milenio". Consultada el 18 de diciembre de 2012 en http://www.itu.int/wsis/docs/geneva/official/dop-es.html

Dorcé, Andrés. (s/f) "¿De dónde viene la idea de la defensoría del televidente?". Consultada el 16 de diciembre de 2012 en http://defensorblog.canal22.org.mx/?p=19 Dorcé, A. (s/f) "¿Cómo operan las defensorías de audiencias?". Consultada el 16 de diciembre de 2012 en http://defensorblog.canal22.org.mx/?p=32

Mendel, T. (2008). "Freedom of information: a comparative legal survey". Consultada el 17 de diciembre de 2012 en http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/media_standards/freedom_information_legal%20survey%202008%20en_02.pdf , p. 7

Prado, Javier. (1999): "Ética, Profesión y Medios. La ética y sus fundamentos: Desde dónde hablamos". En Prado, Javier: La apuesta por la libertad en el éxtasis de la comunicación, Universidad Iberoamericana, México.

Orozco Gómez, Guillermo (2001). "Audiencias, televisión y educación: una deconstrucción pedagógica de la 'televidencia' y sus mediaciones". Revista Iberoamericana, No. 27, (155-175).

Pampillón, R. (2007) "¿Qué es un sindicato?", Economy Weblog del Instituto de Empresa. Consultado el 11 de enero de 2013 en http://economy.blogs.ie.edu/archives/2007/02/que_es_un_sindi.php

UNESCO (1978). "Declaración sobre los Principios Fundamentales relativos a la Contribución de los Medios de Comunicación de Masas al Fortalecimiento de la Paz y la Comprensión Internacional, a la Promoción de los Derechos Humanos y a la Lucha contra el Racismo, el Apartheid y la Incitación a la Guerra". Consultado el 11 de enero de 2013 en http://portal.unesco.org/es/ev.php-URL_ID=13176&URL_DO=DO_TOPIC&URL_SECTION=201.html

Vidal Casero, María del Carmen. (2009). "Información sobre códigos deontológicos y directrices sobre ética en Internet." Revista Bioética y Ciencias de la Salud. Vol.5, No. 4, (1-21). Consultada el 18 de diciembre de 2012 en http://www.bioeticacs.org/iceb/seleccion_temas/deontologia/CODIGOS_DEONTOLOGICOS.pdf