

The role of the Defenders of the Audiences in strengthening Latin American democracies



Primer Congreso Latinoamericano de

Defensorías
de las Audiencias



Defensoría
del Público



Defensoría del Público de Servicios de Comunicación Audiovisual

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INTRODUCTION

In the city of Buenos Aires, on September 15th and 16th, 2014, for the first time in the history of communication in Latin America, the First Latin American Congress of Defenders of the Audiences took place.

This Congress fulfilled the goal of becoming the agora of the blossoming of identities, cultures and languages. But it was also the first space to share the problems and challenges that the Defenders face in the everyday task of amplifying the voices of the audiences and correcting the asymmetries between the new communicational citizenship and audiovisual media.

The pages that make up this book contain the talks of the defenders of Brazil, Mexico, Colombia, Peru, Uruguay, Chile, Ecuador and Canada. Reading it allows us to reflect on the sexualized, stereotypical representation of women, the criminalizing discourse about children on the radio and television throughout Latin America; understand the importance of promoting research on communication and reviewing and sharing discussions on the role of the Defenders of the Audiences in the protection of communicational rights of historically marginalized groups.

This is an indispensable corpus that includes the dissertations on the new regulatory framework of radio and television, which aims at leaving behind mercantile concentration of communication. At the foundational end of the “First Latin American Congress of Defenders of the Audience”, the defenders agreed to create the “Inter American Organization of Defender of the Audiences” (OID, in Spanish). In the appendix, you will find the letter of intent –welcomed by the Rapporteur for Freedom of Expression of the Inter American Commission on Human Rights (IACHR), Edison Lanza–, the main objective of which is strengthening the bond between the Defenders of the Audience of Latin America and other institutions committed to the development of audiovisual communication from the perspective of human rights.

Additionally, in the appendix, you will find the “Commitment of the Defenders of the Audience in Latin America to promote gender equality and fight against violence towards women in the media”, which was signed during the opening of the Congress in order to create an environment to promote gender equality and against media violence against women in the region.

I hope these pages are useful in the creation of a more equal, democratic, inclusive communication, the one that is aspired to by those who participated in the Congress and work on a daily basis on the construction of a more equal communication society.



Lic. Cynthia Ottaviano

Defender of the Public of Audiovisual Communication Services of Argentina





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Consuelo Cepeda (Canal RCN, Colombia) / Mario Mantilla (Canal TRO, Colombia) / Beatriz Solís Leree (Radio Educación, México) / Adriana Solórzano (IMER, México) / Gabriel Sosa Plata (Noticias MVS, México) / Esther Enkin (CBC, Canadá) / Manuela Gumucio (Fucatel, Chile) / Amparo Pérez (Canal Caracol, Colombia) / Gustavo Castro Caycedo (Canal Capital, Colombia)

OPENING



Joseti Marques (EBC, Brazil) / Francisco Prieto (Canal 22, Mexico) / Gerardo Albarrán de Alba (ONO, Mexico) / Fernando Cedeño (CPCCS, Ecuador) / Fernando Oliveira Paulino (EBC, Brazil) / Olga Restrepo Yepes (Teleantioquia, Colombia) / Andrea Rivera (CPCCS, Ecuador) / Lic. Cynthia Ottaviano (Defender of the Public, Argentina) / Mara Régia Di Perna (EBC, Brazil) / Rosa María Alfaro Moreno (Calandria, Peru)





ARGENTINA

Cynthia Ottaviano

Defender of the Public of Audiovisual Communication Services

She has a Masters Degree in Investigative Journalism of Universidad del Salvador and an honors degree in Journalism of the same university. She is a Board Member of the Organization of News Ombudsmen (ONO). She is a professor of the Mass Communication degree of the National University of La Plata and the Masters Degree in Investigative Journalism of Universidad del Salvador. She is part of the Advisory Committee of the Communication, Gender and Sexuality Program of the Social Studies School of the University of Buenos Aires (UBA). Throughout her 22 year career as a print, radio and TV journalist, she has received awards such as the King of Spain International Journalism Award and the Argentores Award for best documentary film screenplay for Argentine TV.

www.defensadelpublico.gob.ar



When the Great Homeland is present

Good morning, everyone. Welcome to the premises of the Defender of the Public, the national public office that has been created for listeners and viewers across the country to file complaints and reports and make enquiries when their human right to communication is violated.

Speaking about human rights in these parts is not painless. Almost four decades ago, in this country, persecution and censorship were common practices, given that a civilian-military dictatorship set the rules, with direct participation of different social sectors, among which were several media owners.

As cruel and paradoxical as that: newspapers did not inform of this. The truth was not the news. There were lies. The cynicism of those behind the genocides, who said that people were not “dead or alive”, but “disappeared” was replicated. They said that the clandestine detention centers were “places surrounded by gardens with grass, subtly and tastefully furnished¹”; that the executions by firing squads, with their back to the shooters, in cold blood

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¹ “La ardua espera”, Diario Clarín, page 4, Politics, December 1st, 1977.

and vile, were confrontations. And that here, we were “right and human”, while the kidnapping, torturing and disappearing of 30,000 people was taking place, often, in broad day light.

As I say, most newspapers, radio stations and television channels silenced the genocide. And this did not happen only in Argentina. During the 70s, a large part of Latin America died to the murdering beat of the dictatorships.

As Gabriel García Márquez said, “we haven’t had a moment of calm”, in Latin America, which is sometimes seen as “that immense homeland of stunned men and historic women, whose endless stubbornness is mistaken for a legend”. But as one of the writers that best outlined our lives said, “when faced with oppression, looting and abandonment, our answer is life”.

And that is what we have done for the last 30 years of democracy restoration in Latin America. Death has faced life. Oppression has faced struggle. Privilege has faced rights. Because essentially, hatred has faced love.

There are some who believe that in the subconscious of Latin America, there is the dream of the Greater

Homeland of San Martín and Bolívar; of Artigas, O'Higgins, Hidalgo, Córdoba Muñoz and De Sucre as well; and that is why Latin American souls seek to come together in honor of that common history, with a united present and a joint future.

I am one of these people. Because of this, since I took office as Defender of the Public, I have known that I have to be part of and benefit from the experiences that hundreds and thousands of kilometers from here are looking to make communication a human right and which are willing to speak up when faced with media concentration, which poses a threat to democracy, as is stated in section 12 of the Declaration of Principles on Freedom of Expression of the Inter-American Commission on Human Rights.

I have envisioned since then the possibility of creating an organization that brings us together with those who are near and far from here and working on a daily basis to defend the audiences, absolutely convinced that those audiences are the new subjects of rights that, empowered, may transform communication.

For a year and a half, the Defender of the Public that I represent works to get to that day on which, for the first time in Latin American history, ouvidoras and ouvidores; male and female defenders; male and female mediators; ombudswomen and ombudsmen throughout Latin America will come together to exchange experiences, perspectives, to commit to carry out research and training programs and, ultimately, create strong ties of cooperation that start today and I hope we do not know when they will end.

Here are colleagues from Brazil, Mexico, Colombia, Peru, Uruguay, Chile, Ecuador and Canada to consecrate and witness the consecration of the Latin American union because we know that only coming together can strengthen our work. Only coming together can ensure a future in which a thousand flowers will blossom, in a complex world with different realities, but in which it is evident the tension between those who want to perpetuate their privileges and those who want communication to be a human right for every man and every woman in equal conditions. Not just for businesspeople or journalists anymore, for all people, for being people.

The MacBride report, titled "Many Voices, One World"², states that "communication may be an instrument of power, a revolutionary weapon, a product, a means of education; it may be used for liberation or oppression, for individual growth or the standardization of human beings. Every society must choose the best outlook for the task we all face and find the right way to overcome material, social and political restrictions that hinder progress".

Since the end of the last century, and above all since the dawn of the 21st Century, decisions have been made in the open veins of Latin America. Here, we know which the right way is. Because through those veins runs a people who long for emancipation, the fever of transformation, the democratic conviction that looks for its course in need of equal opportunity and access to human rights.

Maybe that is why we can say that in many countries, such as Argentina, Brazil and Uruguay, there are coalitions for democratic communication which bring together hundreds of civil society organizations from the most diverse fields, such as unions, academia, the arts and human rights. Maybe that is why we can see bills and popular initiatives in those countries, but in Mexico, Peru and Chile too, which include positions such as the Defenders of the Public or the Audiences, to consecrate the right to communication, truly, as a two dimension right, an individual one, no doubt, but also a collective one that supports democracies.

The decision to hold the First Latin American Congress of Defenders of the Audience and to do so as of yesterday, September 14th, was no coincidence. The date is very special because since 1990, every September 14th, the Latin American Day of the Image of Women in the Media has been commemorated, to recognize the work done in the public radio of Brazil by this woman, journalist Mara Régia Di Perna.

Shortly, she is going to let us reflect on the sexualized and stereotypical representation of women on radio and television throughout Latin America.

Then, talks and debates are going to be held on the Defenders of the Audiences and the protection of

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² <http://www.cidh.oas.org/basicos/basicos13.html>

communicational rights of historically marginalized groups and afterwards, on the promotion of research on communication.

Tomorrow, we are taking a closer look at the new legal frameworks of radio and television which aim at leaving behind mercantilist scenarios of communication concentration.

We have signed the first work agreement to promote work to eradicate violence towards women in the media throughout Latin America and tomorrow we are signing the second one to create the first Latin American Organization of Defenders of the Audiences.

This congress intends to become a space that takes into consideration our identities, cultures and languages, as well as our issues and challenges as Defenders, in our daily work, to amplify the voices of the audiences and correct asymmetries between the new communicational citizenship and audiovisual media.

And we do so here, in a Latin America that has come together and says it is present before future generations.

Thank you very much.





Defensorías de los Auditores

Programa

APERTURA - 9:00 a 10:00hs. - Inauguración
RECIBIMIENTO: 10:00 a 10:30hs.

PANEL 1: 10:30 a 12:30hs. - Las Defensorías de los Auditores y la Sociedad Civil en la promoción de los derechos humanos: acciones de grupos feministas en Uruguay
Moderadora: Ana María Díaz (10:30 a 10:45hs.)

PANEL 2: 13:30 a 14:30hs. - El rol de las Defensorías de los Auditores como promotoras de la investigación en comunicación

PANEL 3: 14:30 a 15:30hs. - Las Defensorías de los Auditores en los marcos normativos regulatorios de la radio y la TV en América Latina

CEREMONIA - 15:30hs. - Firma del compromiso de creación de la Primera Organización Latinoamericana de Defensorías de los Auditores

15:30hs. - Las Defensorías de los Auditores en el marco de la investigación en comunicación

16:00hs. - Firma del compromiso de creación de la Primera Organización Latinoamericana de Defensorías de los Auditores

Defensorías de los Auditores



BRAZIL

Mara Régia Di Perna

Hostess of “Viva María” and “Naturaleza Viva” (EBC)

A journalist with a degree from the University of Brasilia. She has hosted “Viva María” for 33 years, a ground-breaking program on Brazilian public radio for promoting the rights of women. In the last two decades, she has also hosted “Naturaleza Viva” on Radio Nacional de la Amazonia, a program about the protection of the environment and the promotion of health and reproductive rights of women in that region. Her work has been acknowledged in Brazil and abroad. Among many honors, she has been named Honorable Citizen of Brasilia and has received the National Award for Gender-Based Violence Journalism. In honor of her work, since 1990, the Latin American Day of the Image of Women in the Media has been commemorated.

www.ebc.com.br/especiais/vivamaria



For a citizen, democratic communication

The power of women’s voices

Considered a milestone in the process of re-democratization of Brazil, the radio show “Viva María” has been fundamental for the defense of the rights of women for 30 years. It has especially been an agent of citizenship for women in the Amazon because it has opened a new channel to exchange knowledge and discuss their specific problems. The Latin American Day of the Image of Women in the Media is commemorated every September 14th to honor “Viva María” for having used the microphone as a tool for action against gender inequality.

The aim of this presentation is to tell the pioneer story of the radio show “Viva María”, since its creation, focusing on the pre and post constituent stages. At the time, the program took to the streets of the capital of the Republic of Brazil in order to support the vindication of the feminist platform in the Constitution of 1988.

The text also aims to highlight the political and cultural processes that throughout the years have been strengthened and broadened by public policies, such as assistance centers, police stations, special courts and most recently, the passing of the María da Penha Law in 2006 and the appointment of Dilma Rousseff, the first woman to be elected President of Brazil in 2011.

Moreover, the presentation aims to raise awareness among the attendees of the “First Latin American Congress of Defenders of the Audiences” of the key role

of the media in the appreciation of the human rights of women, black people, boys, girls and adolescents; senior citizens and people with physical disabilities.

“Viva María” faces this challenge on a daily basis in order to achieve a culture of peace that respects differences with equal rights. At the same time, “Viva María” is multiplied in radio workshops on the right to communication and gender issues. From North to South, it works to train social movement leaders and community communicators. All this on behalf of inspiring communication that is ethical, responsible, plural and diverse.

A pioneer space



In honor of Mercedes Sosa, who with such talent gave voice to “the voiceless”, I greet the Argenti-

ne people, and especially, the women who are in action and do not get tired of dreaming about the ideals of freedom that feed our hope.

Long live María! I would like to recall, with the help of Mercedes, the song by Milton Nascimento and Fernando Brant which, for 33 years, has encouraged us to stay strong and have faith in life.

Inspired by this song, on September 14th, 1981, the program “Viva María” was aired for the first time on the sound waves of Radio Nacional AM of Brasília. Until January 19th, 1982, its opening song had full expression in the voz of Nascimento, but from that day on, because of the death of the greatest singer of Brazil, Elis Regina, we have insisted on listening to her on a daily basis.

Long live Elis Regina! She survived two deaths: the one that took her life, and moral death, promoted by biased, hypocritical, yellow press. But it is a relief that after 32 years, Elis is more alive now that when she breathed, sang and moved Brazil with her “womb voice”, able to interpret the most beautiful songs. Long live Violeta Parra as well! It is the music of our Latin America that wraps our dreams and struggles.

During years of lead, the show “Viva María” roamed around all four corners of the Federal District of Brazil, with its proposal of demonstrations for the rights of women. And that was how it became a sounding board of the movement, both locally and nationally.

The voices of the resistance against the civilian-military dictatorship of Brazil spoke into the microphones of “Viva María”: from Clara Charf, an activist who since the death of her partner, Carlos Marighella (murdered in 1969), restlessly searched for the dead and disappeared; to Ruth Escobar, a Portuguese-Brazilian actress and cultural producer; and Amelinha Teles, coordinator of the Course of Popular Legal Promoters of the State of Sao Paulo.

During the military dictatorship in the country, the show was a pioneer space used to encourage women to participate in social discussion, providing advice about getting and keeping rights, with full citizenship.

Among its achievements, “Viva María” was in charge of the campaign that made hundreds of women march the streets of Brasília and gave birth to the Forum of Women of the Federal District. Once the movement was strong, it fought for the construction of the first police station that specialized in attention to women in the Federal District and of the Women’s Rights Council, in the very capital. In the Constituent, it led the gathering of signatures to ensure a 120-day maternity leave, paternity leave and day care from 0 to 6 year-old children. These issues were taken to the National Congress to move constituent deputies and society at large.

During the National Constituent Assembly, it was also the spokesperson of the so-called “lobby del batom”, a movement that was created to ensure the rights of women in the Constitution. Because of all that work, there was an important acknowledgement: a seat in the National Council of Women’s Rights, as a representative of Brasília. As a result of the path created by “Viva María” in 1989, the show “Ciudadanía” (citizenship) was created to make known the new rights of the Brazilian people on the then TV Educativa de Río de Janeiro, now TV Brasil.

Being a woman in the Amazon



“I kept wondering, my God, what would Mara Régia be like. Since 1976 I had listened to her on my small, four-button Semp radio. Today, I’m also on regional radio myself. And I help other women be involved with life, as I had the chance to learn to do so.” María Gonçalves Alves, Conceição do Araguaia, State of Pará, Brazilian Amazon.

“After my voice started roaming around the Amazon through the radio, the people of Vale do Anari started respecting me a lot more! Even my husband is using a softer tone...” Dirce de Oliveira, Vale do Anari, State of Rondônia, Brazilian Amazon.

In light of the Earth Summit held in Rio de Janeiro in 1992, “Viva María” participated in the campaign of women for the planet and spread to other fields. It started inspiring training projects

for popular leaders to use the radio to deal with topics related to citizenship, popular culture, health, gender and the environment.

In 1993, through the program “Living Nature/Female Nature”, on Radio Nacional de la Amazonia (a project of WWF Brazil along with the NGO Grupo de Trabajo Amazónico/GTA and the public company Radiobrás) we started addressing the women of the rainforest directly.

The program, which is on for two hours a week on network transmission, is on in the nine states of the Brazilian Amazon, the population of which is about 20 million inhabitants. Given the features of the region and the difficulties that make the lack of assistance and services even worse, radio communication is fundamental and, at times, exclusive and vital.

In the work related to environment, citizenship and gender education, with the workers that extract babaçu coconut and latex and the midwives, a true revolution of knowledge and conquest of the rights among women of the Amazon started thanks to the radio waves.

As journalist and writer Eliane Brum said, “I started to learn about Mara Régia and the Amazon. To date, in that world of water, rainforest, dreams and struggle, it’s the radio that brings Brazil together. And Mara Régia was the voice of Radio Nacional de la Amazonia that people listened to the most. It was thanks to her voice that they had a sense of belonging to the end of that land of absences. That woman’s voice was the thread that brought us together as Brazilians, which didn’t let us go our separate way forever as torn-apart continents.”

The main displays of that work were shown at the Climate Conference in Berlin, the University of Peace in Rovereto, Italy; and the Conference of Beijing, China, in 1995.

In 1997, thanks the scholarship program of the MacArthur Foundation in Brazil, the systematization of practices and traditions of the peoples of the rainforest in the field of sexuality started with the project titled “Women on the radio waves: body and soul break the silence”.

It was three years of touring the states of the North, holding health and radio training workshops for popular leaders. The research resulted in a radio soap opera for humane delivery practices and the publication of a dossier that, in 2001, was added to the final report of a Parliamentary Commission of the Chamber of Deputies of Brazil, which had been created to investigate the causes of high maternal mortality in the country.

The radio soap opera was made along with Unicef, the feminist NGO Cemina, of Rio de Janeiro, and Pius X Hospital, of the state of Goiás, a pioneer in humane delivery in Brazil, with consultancy by gynecologist and obstetrician Livia Martins. The text was written based on stories and confessions of the audience in thousands of letters that were sent to the program.

The letters make up a moving tale of life in the Amazon, where radio is the compass and calendar. Thanks to the communication features of this medium in the rural area of the region, the empathy with the female audiences is stronger and stronger. And because of that interlocution with the world for thousands of women in the rainforest, many started to show more appreciation for their own environment, their rainforest, their river, their own wisdom and culture, their lives.

The trademark of the program is its high interactivity. On air, women share recipes with medicinal herbs, exchange news about the navigation conditions of the rivers, share secrets, fears, hopes and success stories. They look for outlets for their problems, tell stories, have fun, laugh and talk with the fictional characters created by the production team of the program.

There were countless trips to the Amazon to give workshops on communication that mixed teaching techniques with celebration, work on people’s self-esteem and the promotion of popular participation in everything related to rights and public interest.

As Gonçalves said, who was quoted at the beginning and participated in those workshops, “all the workers listen to Mara Régia’s program. I’ve learned about my rights and fight for them in the

Chamber, at City Hall, at the National Institute of Social Security, wherever I am. If my rights are denied, I'll fight".

In the region known as "Arc of Deforestation" alone, 18 communication workshops were given in seven states in the Amazon. The workshop prioritizes the use of the radio as a tool for action to fight against wild fires in the region.

The shows "Viva María/Living Nature/Female Nature" keep a network of Matriarch Journalists (the name comes from a bird that flies in flocks and makes a lot of noise, as if it were "talking" all the time), to name those who gather and divulge information of interest to the communities, using the simplest means –at most, using small recorders–, and many times enduring hours by boat to take the news from one town to another. But by sailing the radio waves it is also possible to create wings like those of the macaw or butterfly, which are always ready to welcome us in the corners of the biggest rainforest of the planet.

Censorship and

international recognition



After the dictatorship that devastated Brazil and the passing of the Brazilian Constitution in 1988 –known as the Citizen Constitution–, the country was living in freedom. The newly-come democracy brought with it hope for a free country, with big and new life perspectives for the people of Brazil.

In 1989, the first direct presidential election after the military coup of 1964 took place. Fernando Collor de Melo was chosen, and he was ousted for corruption in 1992. His election had led to great expectations. Reminders of the dictatorship and authoritarianism were still in the air. The "Collor Plan", the name given to the group of economic reforms and plans to stabilize inflation, fired 5,500 public employees. It was due to this well-known administrative reform that the success of "Viva Maria" was cut short.

In May 1990, journalist Marcelo Neto, then president of the now closed public company Radiobrás, said that I, Mara Régia, producer and hos-

tess of "Viva María", was a "negative leader", and fired me over a telegram. He also forbade me to enter the station to get my personal belongings: books, records, letters from the audience, historic posters and recordings, which made a mark on the first decade of the program.

Due to this censorship, the birthday of "Viva María" entered women's calendar: every September 14th, the Latin American Day of the Image of Women in the Media is commemorated, as a way to make amends to all our Marías who, in 1990, lost their voice and vindication. It was the feminist movement, gathered in San Bernardo, Argentina, that chose that date to honor the fight of "Viva María" on behalf of women's rights.

On March 15th, 2004, "Viva María" was included once again in the schedule of the radios of EBC with five minutes of air time, Mondays through Fridays, at different times, on Radio Nacional de la Amazonia, Radio Nacional de Brasília, Radio Nacional de Río de Janeiro and Radio Nacional del Solimões. With a wide range of topics, the show covers public policies related to Brazilian women, information about female sexual and reproductive health. "Viva María" is also available for more than 2,500 stations registered in the National Radio Agency.

The image of women in the Media



Fighting gender inequality, "Viva María" went through moments of struggle and protest. It opened the microphone for debate about women's specificities, saying "long live differences" in order to get equal rights. Throughout the last 30 years, it has restlessly denounced male chauvinism, homophobia, lesbophobia, racism and sexual violence.

The program is a channel of constant vindication of feminist women, associations and groups that have a voice on the radio and have grown stronger thanks to communication.

Since becoming a symbol of the observation of the image of women in the media, "Viva María" has relentlessly monitored commercials that turn

the female body into merchandise. For example, television programs that show “fruit women” as Sunday attractions.

The program is a watchful critic of the content of songs that foster gender-based violence, discrimination and prejudice. From the time when singer Luiz Caldas was successful with his hit “Nega do cabelo duro, que não gosta de pentear” (“Black woman with thick hair who doesn’t like combing it”) until the present day, with songs, dances and choreographies that depreciate women; they foster violence and expose women to uncomfortable situations. The lyrics of “pagode baiano”, a popular music genre, are an example of this. Women are encouraged to dance and lift their “patinha” (leg) and the lyrics go: “she’s a little bitch / lift your leg up/ give it to me, little bitch”.

In Brazil, the image of women is constantly associated with the animal kingdom. Take a look at the picture of journalist Ailton Freitas. Can anyone guess the content of this article? Take a closer look: in the background, you can see the profile of a guard of the Planalto Palace. In the foreground, there’s a dog that seems to be distracted, but it’s actually watching people on the other side of the road. You won’t believe this, but this picture illustrated the collective resignation of the National Council for Women’s Rights, led by feminist Jacqueline Pitanguy, who had chaired the organization for four years. We complained to the Minister of Justice, Oscar Dias Correia, on July 21st, 1989. The following day, the headline of the Jornal de Brasília read “Woman protests in Planalto”.

Final Words



Throughout these years of history, struggle and demonstrations, “Viva María” made friends and enemies. In the midst of heartbreak, angry husbands, who forbade their wives to listen to the program, there have also been many admirers. People who have shown immense gratitude to those of us who make this show. This is the case of Lía Tapajós, a woman whose child was robbed of her in the nursery as soon as he was born. In Tapajós’s words, “The program “Viva María”, a receiver of human

drama, was like a lap for me at the time. Mara has a very big inner light.”

“Viva María” helped find Pedrinho when it opened its microphone to Lía, hoping to meet that goal. While the press moved on, “Viva María” remained on the alert, by Lía’s side, asking society to help look for her child.

Sociologist and therapist Almira Rodrigues, of the Women Forum of the Federal District, sees in the work on the action of women by “Viva María” the solid basis of its identity throughout the last three decades. Nowadays, the trademark of “Viva María” is still solidarity. That is why Law no. 11,340/2006 was named after María da Penha, a victim of domestic violence, who fought for 19 years for her attacker to be punished. She is a constant presence in the topic of the program. Maria da Penha Maia Fernandes is a member of the Board of Consultants of EBC.

“Viva María” y also a source of inspiration for students and communication workers. That is made clear by Vinicius Borba, a journalist that works at the Jornal de Brasília. Vinicius was first exposed to “Viva María” when he was a student, and since then, he has learned about the social role of communication and how much it can help people. Apart from him, a comment by a member of the audience of the program, María Almeida, is conclusive: “Before this program, I was ashamed by my name. Today, I’m proud to be MARÍA.” Her words were recorded in 1987, in an interview with journalist Deográcia Pinto. And they will never be erased from my radio-loving heart.

I would like to thank journalist, professor and writer Cynthia Ottaviano, Defender of the Public of Audiovisual Communication Services of Argentina. I would like to thank the organizers of this Congress too, led by Flavia Pauwels, of the International Relations Department. Lastly, I would like to thank our Latin American and Caribbean sisters, with a “thank you” by singer Ellen Olléria, whose work was recognized throughout Brazil after winning the contest “The Voice Brasil”. Ellen impregnates with her voice everything that is said. Ellen represents

the so-called minorities, because she's a black, overweight lesbian! Long live Ellen!

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PANEL 1



The Defenders of the Audiences and Civil Society and the protection of communication rights of historically marginalized groups





BRAZIL

Joseti Marques

Defender of Empresa Brasil de Comunicação (EBC)

A journalist with a Master's and Doctorate in Communication and Culture from the Federal University of Rio de Janeiro. Since 2011, she has been part of the Defender of EBC, which gathers public media (radio, TV and news agencies). As associate ouvidora (Defender), she was in charge of monitoring the programming of TV Brasil and making the show "O Público na TV", a weekly program about the complaints and requests of the viewers of the channel. Since 2014, she has been the General Defender of EBC and chairs the Cooperation Agreement with UNESCO for the creation of a National School of Public Communication in Brazil.

www.ebc.com.br/sobre-a-ebc/ouvidoria



How public media can counteract hegemonic models

The representation of boys, girls and adolescents on TV in Brazil

The desire to reproduce the patterns set by the media distorts the way in which boys, girls and adolescents see themselves as well as the world. The least favored or mostly black social segments are rarely portrayed impartially compared to those with European features. In Brazil, the media system is more powerful than the very State, given the fact that the strong reaction of the sector has stopped any action to regulate the articles of the Federal Constitution that would make possible the democratization of communication.

The topic of the representation of boys, girls and adolescents on television allows multiple approaches and the bibliography about the subject is vast and qualified. However, it is often limited to the academic world, with no relevant practical effects.

The examples are few of programs for this segment of the population in which you can see the will to adapt the content according to the pedagogical recommendations with regard to the reception of children and adolescents.

In Brazil, the main concern of the private television market is creating a consuming public. Therefore, from the commercial point of view, any initiative that requires the adaptation of content that has a negative impact on the development of youngsters is played down and rejected.

This view was made clear in the reaction of the television market when the situation tried to be regulated. Draft Law no. 5921/2001, about this issue, has been pending for 12 years without making any progress. In April, the National Council for the Rights of Children and Adolescents (CONANDA) passes resolution no. 163 which bans the broadcast of commercials aimed at children, as it was already stated in the Consumer Defense Code. The decision made all commercial media use their discursive arsenal against the passing of this resolution.

The reaction of media groups and the statements made by some producers of programs for children and adolescents clearly show the level of commercial interest and the little responsibility about the effects their products can have on the development of children.

Brazilian cartoonist and businessman Mauricio de Sousa, the creator of the famous series for children “Monica and her friends” (“Turma da Mônica”) was against the passing of the resolution. De Sousa owns a company with more than 3,000 products with those characters (from food to toys). He was emphatic about the defense of the continuity of commercials for children, going against specialists and social movements that supported the measure.

Mônica de Sousa, his daughter, who is also a namesake of his father’s most famous character, said about the resolution: “Companies have stopped making commercials for children. What has been the consequence? Shows for children on free-to-air TV have ceased to exist. When commercials aimed at boys and girls are banned, they will not stop watching television or the business. The problem is they will start consuming products that are not designed for them, but for adults”.

Children programming has always been a source of business for television networks. Programs planned to catch young audiences, without advertising, are pointless. Only thorough analysis of the content that was being aired can say whether the decision of the networks to reduce children programming will not be, after all, positive for the education of children.

However, consumerism is not the worst part of the project. The spread of behavior models that set patterns that most boys and girls cannot reach is.

The wish to reproduce the patterns set by the media distorts the way in which boys, girls and adolescents see themselves and the world as well. The least favored or mostly black social segments are rarely portrayed impartially compared to those with European features. Apart from that, the media and especially television foster erotic behavior. The results can be seen in the way certain boys and girls dress, as if they were adults; in the way in which they pose when their picture is taken, in the imitation of the sensuality of the dance and the behavior of adults which is replicated by soap opera characters or in shows. Boys and girls, especially in the poorest social classes, behave in a stereotypical way, and are many times encouraged to do so by their parents.

Generally speaking, we may say that the process of colonization of childhood by the media is close to the concept of “symbolic violence” explained by French sociologist Pierre Bourdieu, because the symbolic system of a given culture, a media culture in this case, is a social construction and its maintenance is fundamental to perpetuate a given society: consumer society. Symbolic violence is expressed by the concealed imposition of a dominant culture. We can say that the media, because of its seduction resources and the frequency with which it discretely imposes its models, dominate the other systems, such as the family, the school or all churches.

In Brazil, the media system is more powerful than the very State, given the fact that the strong reaction of the sector has stopped any action to regulate the articles of the Federal Constitution that would make possible the democratization of communication.

Education, according to specialists, could be a balancing factor in this context, but Brazilian reality still cannot live up to what would be necessary to do to face the power of seduction of the media.

The Secretary of Mass Communication of the Presidency of the Republic launched in February 2014 a survey of the media, carried out by IBOPE, in which they analyzed the consumer habits of the Brazilians. This survey was done in all 26 states and the Federal District. Results showed that 97% of the population stated that they watch television, while for 76% this is their favorite medium.

It is necessary to see what these indicators say in the context of Brazilian education. The latest census done in Brazil in 2010 stated that there is a population of 190,732,694 people, of which around 60 million are under the age of 18. This number, according to United Nations Children’s Fund (Unicef), represents a third of all the boys, girls and adolescents in Latin American and the Caribbean.

There has been undeniable progress in the last decade, which had ensured that 98% of boys and girls between 7 and 14 years old are in school. However, there are still 535,000 children between those ages who are not in school in Brazil, of which 330,000 are black. In the poorest regions, such as

the North and Northeast, only 40% of the boys and girls have finished primary school, a number that goes to 70% in the more developed regions of the South and Southeast.

According to the data of Unicef, there are 21 million adolescents between the ages of 12 and 17 in Brazil. Out of 100 students that start their primary education, only 59 finish the 8th grade and barely 40 finish high school. Violence and teenage pregnancy are among the reasons to drop out. Every year, 300,000 boys and girls are born to teenage mothers in Brazil.

In 2008, the Alana Institute, a not-for-profit Brazilian institution, released a documentary titled “Children, the soul of the business”, which records the devastating results of the market on child audience. A scene in the documentary shows a poor 13-year-old teenage girl that was pregnant for the second time who, by her mother’s side, talks about herself, her hopes and dreams, revealing in a very spontaneous, natural way what Bordieu would describe as the effects of the naturalization of symbolic violence.

She says: “This is my second pregnancy. I miscarried the first one. I’m afraid that my husband will leave me. I always ask him if he’s going to leave me, especially now that I’m pregnant. He answers no, “no, sweetheart”. That’s my biggest fear in the world. I stopped being a child after I married him and now I’m having this baby. Oh, I love soap operas! As I’m still a teenager, I like watching cartoons too, mainly “Woody Woodpecker”. When I see actress Juliana Paez in a beer commercial, I’m very envious of her. I envy her, her body. I’d love to be like her and be in her place”.

This reality, of a society that got to know itself and was raised by the pedagogical narrative of commercial television, is the context in which a little over seven years ago Empresa Brasil de Comunicação (EBC) was created, which manages the public media with the mission to produce content that collaborates with the development of critical awareness of people.

The Ouvidoria (Defender of the Audience) of EBC fosters the opinion of society about the service that we provide. I have been a part of the Defender for

over three years. I have been a Deputy Defender, in charge of following up the programming of TV Brazil and since the beginning of this year, I have been the General Defender.

At EBC, we have a broad time slot of children programming. It is one of our biggest projects regarding quality, which does not exempt us from any failure. Moreover, not always is our effort to achieve quality recognized by the public in terms of ratings and the relation with the private media. In the scenario I have briefly depicted, you may understand how much we have to do to counteract the hegemonic broadcast model.

We understand that all of us, in a way, have learned about journalism and programming according to the paradigms of the private sector. The public system managed by EBC is a little over seven years old, while the commercial television system dominated the field for over 70 years. We cannot deny that TV Globo group is among the most important television channels in the world. This indicates that the battlefield in which to make change is much broader, includes more actors and requires more strategic actions. And one of these actions focuses on the cooperation project EBC has with UNESCO (United Nations Educational, Scientific and Cultural Organization) to create a National School of Public Communication, the main axis of which will be a Center of Applied Research, Development and Innovation in Public Communication.

This project, which I am proud to chair, includes the strengthening of the partnership between EBC and universities, institutions and research centers in Brazil and Latin America to reach the goal of becoming a reference center.

After the closing of this important Latin American Congress of Defenders of the Audiences, we will start the mission prepared by UNESCO to start promoting the project in Argentina, a sister country with which we share many ideals.



COLOMBIA

Amparo Pérez

Defender of the Viewer of Canal Caracol

She has more than 40 years worth of work experience in the media, during which she has held positions such as editor in chief, deputy news director, and director of investigative journalism, interview, culture, health and game shows. She has been a professor of Investigative Journalism and a speaker in Colombian and international forums, in which she talked about the influence of television in the audience and the role of the defender of the viewer. She has received awards such as the Periodismo Simón Bolívar, the India Catalina de Oro on three occasions and Policarpa Salavarrieta a la Mujer del Año, among others.

www.noticiascaracol.com/informativos/doblevia

The representation of women in the media

Gender-based violence on Colombian television

The daily reiteration of cases of battered women in Colombian media has gone from shock, to indignation and repudiation, to acceptance. These everyday cases are not paid the attention they deserve. The Defenders of the Audiences must work to achieve gender equality and reduce sexist stereotypes on television.

The Defender of the Viewer was created in Colombia through the Television Law, no. 335 of 1996 (article 11). This regulation was created for private channels exclusively. However, as the law has not been regulated, each defender sets their own agenda and work plan.

The Defender of the Viewer in Canal Caracol protects the interests of the viewers. Its main goal is to solve any conflict there may be between the viewers and the network during the broadcast of programs.

The Defender acts taking into account principles of independence, objectivity, unbiased information, separation of opinions from facts, respect for political, religious, social and cultural pluralism; honor, a good name, people's privacy and the rights and freedoms recognized by the Political Constitution; the protection of youth, childhood and the family; respect for equal values, the preeminence of public interest over private and

social transparency and responsibility of the media.

In my case, I have chaired the Defender since 1999 and in addition to all the aforementioned, my goal is first and foremost to ensure the right to information and promote quality television with respect and professionalism.

With my work team we make a 30 minute weekly show, which we elaborate with the reviews, opinions and suggestions that our viewers send us. On a daily basis, more than 100 e-mails and calls are received with comments on the programming, as the Defender not only deals with the information aspect of the content of the whole schedule, but also the commercial and advertising parts. I deem necessary to look into these areas because there is less and less regulations for the advertisers. Therefore, despite jeopardizing the economic interests of the network and the advertisers, monitoring the content that somehow affects the audience is an obligation.

Gender-based violence and television



Taking into account that every September 14th marks the Latin American Day of the Image of Women in the Media, I would like to make some comments about how women are represented in the news, in fiction and in commercials.

Footage of battered and raped women is a key topic in the news. We have got used to seeing the images of the victim, but not of the perpetrator. The daily reiteration of cases of battered women in the media has gone from shock, to indignation and repudiation, to acceptance. An everyday case to which we do not pay so much attention and, to make matters worse, we have trivialized the news. For example, on Canal Caracol, footage was shown in the entertainment news section of the attack suffered by model Aleksandra Sereda that was carried out by her boyfriend. During the report, the word tunda (“beating”) was used, a term that ended up making the news less important.

In soap operas and series it is normal to show gender-based violence and the repetition of the male chauvinist stereotype: a submissive woman who is not allowed to work or leave the house because she was to take care of her husband. Various storylines that producers, writers and directors and directors keep repeating every day in the same stories. Part of the viewership of these fiction programs believe that in real life as well, “that” is the role assigned to women.

As long as rights and laws for women in Colombian to report and defend themselves against gender-based violence are not ensured, this issue will continue to be used as a storyline on television too, despite the great effort that the Defenders make every week to strengthen respect for women. It is important to note that the Social Responsibility Department of Canal Caracol, along with the support of international organizations, has launched campaigns against violence and discrimination against women. But while the self-promoting message is very positive, the programming insists on replicating abuse in its content.

On the other hand, advertising is no stranger to the use and commercialization of women as sex

objects. Every year reports are filed on this issue and surely, you have heard of or seen cases about how women are used with a sexual meaning: usually, a young, beautiful, attractive, voluptuous, eye-catching woman is shown.

Nowadays, around 35% of advertising represents women as sex objects. We see that on a daily basis, even in detergent commercials, in which a man wants to make love to a pretty woman on the kitchen table, but she decides before lifting her skirt up to clean the table with the product.

Somehow, in entertainment and game shows, we always see provocative woman who are eye-catching and part of the scenery to attract more viewers. In one of these programs in Colombia, there was a contest to choose the woman with the best breasts. The topic was rejected by the viewership and thanks to the Defender’s work, it was dropped.

Our work, the media and the Defenders’, is and will not be easy. The main goal is to continue promoting prevention and eradication of all kinds of violence towards women, working for gender equality and reducing sexist stereotypes that apply to women in every television campaign.



COLOMBIA



Mario Mantilla Barajas

Defender of the Viewer of Canal TRO, Televisión Regional del Oriente

He is a Mass Communicator and has studied at the Universidad Autónoma de Bucaramanga in Colombia. He has graduated from the International School of Film and Television of Cuba. He teaches Communication and Society, Film Appreciation, and Audiovisual Production. He has coordinated the Television Department of the Industrial University of Santander. He has been a jury in several contests organized by the Ministry of Culture of Colombia and the Municipal Institute of Culture and Tourism of Bucaramanga.



www.canaltro.com/webtro

Access in Colombia

What is it like to watch TV without being able to hear?

It was important in Colombia to work on the rights of hard-of-hearing viewers, who did not have sign language in the programming and for which it was impossible to provide information and entertainment. The task consisted not only in the review of existing laws, but also getting the audiovisual media to abide by them.

One of the first messages that we received at the Defender of the Viewer of Canal TRO was from a hard-of-hearing woman, who explained to us that she could not understand the programs aired on Televisión Regional del Oriente because they did not have sign language.

We agreed with Omar Villamizar, a Mass Communicator of the Defender, to tackle this issue from three perspectives: one, the current legislation in Colombia related to TV access; another, what Canal TRO was doing to abide by the law and the third, those who want to watch, understand and enjoy television, but cannot do so due to their hearing situation.

At the editorial board we hold every Monday with the members of the Defender, the name Centrabilitar came up, a well-known institution in the department of Santander because of its work on the education of deaf and hard-of-hearing children.

I was interested in the idea of spending at least a moment with them and trying to feel what it is like to watch TV without hearing it. We were advised to talk

to Claudia Hernández, a sign language interpreter with over 15 years experience as a teacher at that institution.

We went with Nelson, the cameraman, to the office located in the center of Bucaramanga. The feeling I had when I went in was as if I had arrived in a country with a totally different language from mine, where the first thing you are grateful for, if you do not speak that language, is finding an interpreter.

We were assisted by Lucero Infante, who showed us to where Claudia was teaching a class. It was a big room with video beam and a screen on which several children were watching a documentary with subtitles.

During the class, we saw that the subtitles were key to the learning process and the entertainment and socialization that take place when you access to the media.

Citizenship rights



Nelson filmed several takes of the students and in most of them, the kids smiled because of the possibility to be on the television channel of their region. At the

end, we talked with some of them; many said that it is their mothers or siblings who explain to them what they are watching on the channel, but those relatives are not always home, on some occasions they get tired and they would like to choose what to watch.

For her part, interpreter Claudia Hernández and translator Lucero Infante gave us an interview for the TV program. They said that what is most upsetting is that their rights as citizens are not acknowledged, as access to communication, stated in the Political Constitution of Colombia, is not provided: “Without information, we are sentenced to ignorance, and we are not mentally challenged, the only difference is the language.”

That was the last day of school in 2009, so the atmosphere was relaxed, nostalgic and there was a sense of camaraderie. I went out to the playground where many children were talking, laughing and hugging. They surrounded me and started saying things to me in sign language that I could not understand. They communicated among themselves and tried to make the expressions more graphic, but it was useless, I was not fluent in the language. I missed who knew what marvelous stories and cheerful anecdotes.

For me, who makes a living by being informed and weekly broadcasting what I think, it was an upsetting moment. I honestly cannot even fathom what it is like to live without hearing.

What the Colombian law says

While we were spending a morning at a school for children with some kind of hearing impairment, my partner Omar Villamizar revised the Colombian law.

One of the Agreements passed in 2003 by the TV regulatory authority in Colombia, the National Television Commission, states that television channels in the country must have at least one of the three accepted systems for those with some kind of hearing impairment to understand what is being said: Closed Captions, subtitles and sign language interpretation. The percentage demanded by that regulation was 5% of the programming of the channel.

On another note, law no. 982 of 2005, which states the regulations for equal opportunities for deaf and deafblind people, mentions in Chapter 5, titled About the Media: “The State shall ensure that deaf, deafblind and hard-of-hearing people effectively exercise their right to information on their national free-to-air TV channels, for which it shall implement the intervention of sign language interpreters, closed captions and subtitles, in information, documentaries, culture, education programs; and in messages from national, departmental and municipal authorities to the citizens.”

It is mandatory to implement any other these systems for the broadcasts from the Congress and the presidential addresses.

The legal framework was clear, what had to be checked was how much of it was carried out and how to make the viewership and community feel pleased when watching Televisión Regional del Oriente.

Did Canal TRO have systems to watch TV without hearing?

That 5% mentioned in the Agreement of the National Television Commission was in our view a very small percentage, which made us think that it was easily being covered by the channel. We asked Carolina Triana, who was in charge of operating the Closed Captions at Canal TRO, who specified that this system was only being implemented on three programs: Ciudad documental, Cámara directa and Marcando pasos; the first two were investigative journalism programs about news regarding Bucaramanga, the capital of the department of Santander, and the latter, trips to the municipalities of Santander and North of Santander.

That percentage did not even add up to 1%, and to broadcast these three shows with CC, there were reruns on Mondays, Thursdays and Fridays at 6am. That is, these programs were broadcast during prime time at night, and with Closed Captions for the deaf community almost at midnight.

Carolina showed us how she did her work, that she did not have a proper workspace for it. Her job consisted in listening to the recordings of these programs and repeating with her voice what they

said for the machine, set only for her pitch and tone of voice to translate is into letters, which came out with a few seconds delay. This task was carried out by a master control of the channel when it was not on air or tapping a program. The area was not restricted and the noise of the conversations made it more complicated to hear and repeat with proper enunciation everything that was said.

We kept asking other departments in the channel, this time, Programming Coordinator Zayra Beltrán, who went through some releases about it and found a resolution that surprised her and us alike. It was no. 802 of 2003 of CNTV, which stated what kind of programs should have Closed Captions, subtitles or sign language; and it mentioned sanctions if that was not abided by. The fines could be economic, the suspension of the channel for up to three months or the cancelation of the license if the breach is systematic.

It was December 2009. This alarmed Zayra, who immediately let then manager, Alirio Cañas, know so that proper action could be taken fast.

Do the rest of the Colombian TV channels abide by the law for the deaf community?

The simple, straightforward answer in December 2009 was: no. If Canal TRO fell short, the rest of the television channels in Colombia, including the public and private ones, were no better. Manager Cañas explained to us that all the channels knew about the regulation, but the implementation of the system was expensive and none abided by it because of that economic reason. We learned that in a channel meeting in Bogotá (Fulfillment Pact Meeting) they had agreed on 12 to 18 years to adapt the equipment and train the staff, so that the time slots with subtitles could be broadened.

Almost two decades to implement any of the systems stated by a law of access to information and entertainment, for Colombians who cannot hear but deserve equal conditions for their cultural development?

We thought it was too long, but that was the scenario.

Control TV, the program of the Defender of Canal TRO

Having visited people with some hearing impairment so that they could tell us first hand their feelings about watching television without being able to hear, after going over the Colombian legislation about it and knowing what Televisión Regional del Oriente had implemented so far, we prepared episode 8 of Control TV, and we invited to the studio the Closed Caption Operator of the channel, an online interview with professor Claudia Hernández, two stories about children who watch television but cannot hear and a context piece about the present legal framework.

At the end, we got good news from Carolina Triana, the Closed Caption Operator, who announced that in a couple of months, we would have a sign language professional to translate the main news program of the channel, Oriente Noticias, live during prime time.

She told us that before, CC was only available for taped programs, but by hiring this person, the translation of live programs would be provided.

Has the sign language interpretation system been implemented by TRO?

Eight months after the episode on the importance of having a system for deaf viewers to access to television, we decided to follow up on what had been implemented, but also what was still missing.

For episode 63, we invited Javier Chanagá, the sign language interpreter who had collaborated with the channel for five months, to the studio.

The thing is that deaf and hard-of-hearing viewers were happy because for them it was easier to follow the interpreter than reading and watching what was happening on the programs at the same time.

Javier said that a large part of the community cannot read Spanish, therefore, his presence had been well-received.

However, we turned into critics again, because a viewer told us that they had changed the onscreen size of the interpreter on the evening news. Initially,

the box or window in which Javier appeared took up a fourth of the screen, which made it comfortable to see the signs, but a few months later, they limited it to a small frame at the bottom and to the left, with a blue background.

What does the interpreter think?



At the beginning, we thought Javier could not speak, because he is shy, but the truth is he was pretty friendly when we talked to him.

He told us he learned sign language out of curiosity without knowing that one day he would be the best-known interpreter in the Northeast of Colombia thanks to his appearance on the prime time of Canal TRO.

He also explained the language, which is based on abstractions of words, objects, facts or people; which is spelled out on specific occasions, but due to the speed of spoken television, especially on the news, he must be very histrionic, expressive. He even adds in a cheerful way that some say he speaks “face making” language.

He stated that when the channel implemented this measure and hired him, the deaf community noticeably accepted him, because the news keep their members informed and up to date on what happened in the city and the region. But we also mentioned the concerns about the reduction of the window and how inconvenient the blue background was, which is distorted by some television sets.

I asked him what he thought about this and his answer was frank, straightforward and, from an objective point of view, obvious: the signs are understood better if the window is big and the background is white or transparent.

Association of the Deaf of Santander



We also talked with Amparo Sánchez, president of the Association of the Deaf of Santander, and Ms Paula Gómez served as interpreter.

Amparo confirmed how difficult it is to understand what a sign language interpreter says with such a

small window and a blue background, but she also added that channels should not only implement this because of legal obligations, but because they should provide an efficient, quality public service.

Our guest was mentioning the essence of Article 365 of the Political Constitution of Colombia, in which public services are discussed: the State must ensure its EFFICIENT provision to all the inhabitants of the national territory.

This means that abiding by the law is not enough, it has to be done with quality; and as law no. 182 of 1995 defines TV as a public service, our law of laws was certainly not being abided by.

In addition to the size, Amparo said to us that the times at which there is sign language is either too early in the morning or late at night, and children do not have access to these programs.

Finally, she recognized that at least progress is being made with the hiring of the interpreter, she proposed more air time for programming with the interpretation system and practically dismissed Closed Captions, which she finds technically complicated to handle with her remote control.

We had another look at resolution no. 802 of 2003, which CNTV had sent to the channels, and in it, the size of the window for the sign language interpreter is also specified: “The window for including the interpreter on television may be oval or rectangular. The size of the window must be a ninth (1/9), to the right at the top or bottom of the screen, depending on the image that is broadcast. The image of the interpreter must show them from head to waist, with space to the sides, to make gesture making easy.” This means that the law is pretty lax regarding what measures to take.

We interviewed Programming Coordinator Zayra Beltrán, who answered that the decision was made after a programming assessment committee, because many viewers said that the interpreter took up a lot of the screen and they missed a large part of the footage of the news.

However, after we made known the discomfort of the deaf population, the very committee studied the measure and decided to take the window to 1/8, and revisit the blue background.

What about the rest of the programming?



In 2012, on the National Day of the Deaf Population, the last Friday in September, we made a new episode on access to television of people with hearing impairments. Javier Chanagá was on again, and there was a story about a deaf young man that works at an office as an accountant, called Javier Bravo. Javier told us how he gets around and later, how he finds out what is going on in his city, Bucaramanga. He said he watches the news and understands it thanks to the sign language interpreter, but he raised one more question: What about the rest of the programming?

“If the regulation referred to 5% of the total programming of the channel, how much do you think it should be?”, we asked him. And he firmly answered: “All of it!” We asked Chanagá the same question and he was close to his namesake’s percentage: he said 90%. It cannot be any other way. Communication channels should be optimal, technology has reached a point in which processes are simplified, he even reminisced about how at the beginning practically nobody at the channel knew how to make a program with the window for the interpreter there and how all aspects have been improved.

“Now the window slowly fades in and out, it is bigger and they’ve implemented the silhouette, no colors in the background, just me”, Javier said. At the beginning it looked funny but they have left it like that because it makes the translation for deaf viewers easier, he tells us.

Therefore, what has to be done is to allow citizens with a hearing impairment to be able to choose what they want to watch and have a broad range of possibilities. He said to us that there was even a guardianship, a mechanism the citizens of Colombia have to report the violation of a fundamental right, to recognize the right to information through TV.

After the interview we checked the regulation on the website of the National Television Commission and saw that according to Agreement no. 001 of 2012, the percentage had gone up to 10% of the daily programming; before it was 5% of the total.

We paid a similar visit to the one in 2009 to the Closed Caption room and the scenario had changed

notoriously. Luisa Ayala, the present operator of the system, showed us the new soundproof cabin for reading or translating, and the software for not only words to appear translated, but also sounds or music. “We have to turn into text as much sound as we can”, Luisa said.

A clear improvement, and the most important thing in 2014, is that the percentage of sign language in the total programming of the channel has gone up by 25% and by 15% in the case of Closed Captions.

Although the aforementioned Agreement no.001 does not specify a date for covering the full programming with one of the systems, it does state that the goal should be all the programs.

The process



In this case of access to television of deaf or hard-of-hearing people, at Televisión Regional del Oriente all of us who somehow have to do with the mission of making public TV optimal have intervened.

On occasion, the topics are suggested by members of the Defender, but we believe it makes more sense when they are proposed by the very viewers, because there is a genuine need and it is their citizen duty to participate in the decisions of public affairs.

We put the concerns of those who write to us in context, we foster reflection of those within the television network and question and suggest actions. But the decision to change or not is made autonomously by the board of the channel.



Adriana Solórzano Fuentes
Mediator of the Mexican Radio Institute (IMER)

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www.programas.imer.gob.mx/mediacionimer



In search of inclusion

Native peoples and the Media in Mexico

Mexico, a multicultural country, is in debt with its native peoples. For decades, a policy of inclusion was implemented, which posed a threat to diversity; characterized by a nationalism that aimed at homogenizing the population, the rights of the aborigines were violated, among which, the access to the media and to getting information in their language. Nowadays, the approach of the public policy has changed; nevertheless, to achieve their inclusion, regarding the media, there are still many issues to address.

Mexico is a multicultural country where 68 languages and 364 dialects are spoken. Currently, 52 indigenous peoples make up around 15% of its total inhabitants. For almost a century, the country implemented indigenism¹, which despite having modified its foundation and outlook throughout the years, is characterized by a common denominator: integration at the expense of the respect for original culture.

Nacionalism seen as racial and cultural homogeneity was for decades the axis of the work done by the Mexican State to Hispanicize and “modernize” the aborigines.

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1 Indigenism seen as “...a school of thought and ideas that is organized and revolves around the image of the Indian. Meaning the politics carried out by American States to handle and solve the problems faced by indigenous peoples in order to integrate them to the pertinent nationality”. Marie Chantal Barre, *Ideología indigenista y movimientos indios*, p.34.

The acculturation of the Indian was indispensable, from this perspective, to strengthen “the” national culture².

The 60s brought winds of change and perspective. Discussion about the pertinence of indigenous policies started among academics³ and, although in a very modern way, it started to make its way into government institutions. 20 years later, during Salinas de Gortari’s six-year presidential term⁴, under the leadership of Arturo Warman, public

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2 It should suffice the following quotation from the book *Forjando la patria* by Manuel Gamio, who is thought of as the father of modern indigenism: “...because of the presence of millions of beings of the indigenous civilization, which is several centuries behind. We should first and foremost form a true nation. The formation of the nation in turn means the incorporation or integration of the Indians into modern civilization”. Quoted by Daniel Bañuelos in *La radio indigenista en México: fundamentos y perspectivas*, academic thesis, 1999, FCPYS/UNAM. Mexico.

3 Many were the scholars who proposed profound changes to public policies and the way in which to see indigenous peoples, among which Arturo Warman, Ricardo and Isabel Pozas and Rodolfo Stavenhagen stand out.

4 He took office on December 1st and finished his term on November 30th, 1994.

policy stopped trying to tutor the aborigine and started promoting the free development of the communities.

Nevertheless, the appearance of the Zapatista Army of National Liberation (EZLN) in 1994⁵ marked the urgent need to make substantial change and shift to a human rights perspective in which there was no more talk of integration, but of inclusion and plurality. The official discourse abandoned the welfare conception and opted for taking compensatory measures to promote equality.

In 2001, a constitutional reform⁶ was made, which despite not fully satisfying multiple actors, among which was the very EZLN, implied at least the explicit recognition of the rights of the indigenous populations.

During the alternation⁷, in 2003, the National Commission for the Development of Indigenous Peoples (CDI)⁸ was created, which unlike its predecessor, the National Indigenist Institute, does not run programs, but coordinates the different government entities that since the constitutional reform have been obligated to work from a multicultural point of view.

The media and indigenous people

Until August 14th 2014, the date on which the Federal Telecommunication and Broadcast Law came into force, there were only two possibilities to run media: licenses (given to for-profit companies) and permits (for public entities, universities and

5 On January 1st, 1994, the day on which the Free Trade Treaty among Canada, the United States and Mexico entered into force, indigenous people of Chiapas, led by the self-proclaimed Assistant Commandant Marcos, took arms as the Zapatista Army of National Liberation and tried to take over seven municipal centers. A few days later, a ceasefire was agreed and conversations with the Government started, but it was suspended in 1996.

6 The reform was published by Diario Oficial de la Federación on August 14th, 2001.

7 Alternation is the term usually used to refer to when the National Action party came into power. Vicente Fox Quesada was the first president from an opposition party after 70 years of PRI power.

8 The CDI was created on May 21st, 2003. It is an organization with legal personality, its own budget, and it has operative, technical, budgetary and administrative autonomy. One of its main tasks is to ensure the exercise of the rights of indigenous people, as is stated in article 2 of the Political Constitution of the Mexican United States. For more information, go to www.cdi.gob.mx/index.php?option=com_content&view=article&id=2&Itemid=4

a few social organizations). Broadcast by the very indigenous people was practically non-existing (even on paper), except for the Indigenous Cultural Broadcast System (SRCI)⁹, a public media network coordinated by the CDI, which brings together the only stations in the country that broadcast mainly in native languages.

Without diminishing the work of the network, which has contributed to the goal of helping to preserve national languages and has been a link between indigenous and non-indigenous population, the effort has definitely not only been insufficient, but it has also been poor regarding the fulfillment of what is stated in the Constitution in paragraph six of article 2: “Ensuring that indigenous peoples and communities may acquire, operate and administrate media according to what the law states”, or regarding what is stated in article six of the General Law of Indigenous Peoples’ Linguistic Rights, the State must take the necessary measures to ensure that the media broadcast the reality and linguistic and cultural diversity of the Mexican Nation, in addition to allotting part of their programming to broadcasting programs in different national languages spoken in their coverage areas.

Indigenous peoples and the Telecommunication and Broadcast Law

On June 11th, 2013, the Official Journal of the Federation published a reform decree for several articles in the Constitution regarding telecommunications and broadcast. It was believed to be a “major” reform by many specialists.

Among the multiple changes it represented, we may point out that it recognizes for the first time the right of aborigines to operate, as licensees, waves of the radio spectrum¹⁰. Nevertheless, the pertinent regulation fell short of ensuring that right and the following others: the Mexican nation

9 The Indigenous Cultural Broadcast System was inaugurated on March 10th, 1979. At present, the system groups together 20 AM stations and seven FM stations. They broadcast in 31 of the 68 existing languages.

10 It established the single concession with different uses: commercial, public, private and social. In the latter, social, community and indigenous radios were included.

has seven million speakers of some language; that population is scattered throughout the country, so making it compulsory for all radio and television licensees to produce and broadcast content in several national languages has been a constant demand, or at least in a proportional percentage to indigenous presence in their coverage area. This demand was not taken into account.

Although the new law recognizes indigenous radios for the first time, they were legally prohibited from airing any advertising other than institutional¹¹, which restricts their self-financing possibilities and forces them to largely depend on government advertising, which to date is still highly discreet and may put pressure on the media's editorial lines.

According to the Political Constitution of the Mexican United States¹², aborigines should have preferential rights to a radio spectrum license. To be effective, this right should be translated into access in a timely and simple manner to a license, and a part of the spectrum allotted to the aborigines. In the law it is actually stated, regarding the radio, that 10% of the spectrum is for indigenous and community radios, but it is restricted to a specific range¹³; the need for this reserve did not need to imply the placement in the radio spectrum, there is no argument or reason for this to be the case. On another note, the requirements to access to a frequency are no simpler or different from the ones for any licensee, even taking into consideration the specificities of each applicant, and some of the criteria to be granted a license are their technical, operative abilities or source of income to hinder real access to the media.

While commercial licensees are granted for up to 20 years, the Telecommunication and Broadcast Law sets a 15 year period of validity for social use without any arguments to support that difference.

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11 In the Law, it was stated that the government may allot (although no obligatory nature is specified) up to 1% of the budget to advertising.

12 Article 2, section 6: "...preferential use and enjoyment of the natural resources of the places in which the communities live and use".

13 According to the Law, the regulatory organization (the Federal Telecommunication Institute) must allot 10% of the FM spectrum to community and indigenous FM radio stations, and it literally states: "Said percentage shall be licensed in the high side of said spectrum". Regarding AM, the allotment is stated between 1605 and 1705 kHz.

IMER and indigenous peoples



The Mexican Radio Institute (IMER) is a public radio network run by the federal government and made up of 17 radio stations in different states in the country¹⁴. Many are the stations in regions with a high percentage of indigenous population, so the Institute has the opportunity to help to strengthen the exercise of their rights.

In December 2013, the Mediation¹⁵ I led, as this is the name for the Defender of the audience of the Institute, issues the following recommendation regarding indigenous people based on what the ethics code of the Institute says, which in part 1.1, section B, indicates "reflecting the plurality and diversity of the society."

"Taking into consideration the 15% of the national population made up of indigenous people, it would be very positive to pay closer attention to it while programming, especially stations like Estéreo Istmo, which is located in an area where over 50% of the population is part of some indigenous community."

The Institute, as part of the follow-up and support activities of the Mediation, made available information about a number of activities carried out throughout the year, among which stand out the making of special programs¹⁶, live broadcast of

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14 Stations in the Federal District: Radio 710, 710 AM; Horizonte, 107.9FM; Opus, 94.5 FM, Radio Ciudadana, 660 AM; Reactor, 105.7 FM; Tropicalísima, 1350 AM; XEB, 1220 AM; Stations in different states in the Republic: Estéreo Istmo, 96.3 FM (Salina Cruz, Oaxaca). Fusión, 102.5 FM (Tijuana, Baja California). La FQ, 980 AM (Cananea, Sonora). La Poderosa, 1570 AM (Cd. Acuña, Coahuila). Radio IMER, 540 AM (Comitán, Chiapas). Órbita, 106.7 FM (Ciudad Juárez, Chihuahua). Radio Azul, 1560 AM (Lázaro Cárdenas, Michoacán). La Popular, 1350 AM (Cacahoatán, Chiapas). Radio Lagarto, 1560 AM (Chiapa de Corzo, Chiapas). Yucatán FM, 92.9 FM (Mérida, Yucatán). Apart from these 17 stations, there is also online Radio México Internacional radiomexicointernacional.imer.gob.mx

15 The Mediator of the IMER has existed since 2009. The first Mediator was Minister Felipe López Veneroni; the second one was Gabriel Sosa Plata. The term in office is two years. The appointment process has changed. Since 2011, the Citizen Programming Council of Radio Ciudadana has been the entity that selects it, and since 2013, it has done so based on the proposals of the citizens through open calls. For more information, go to http://www.imer.gob.mx/phpwrappers/NormatecaInterna/apitrck/uploads/lineamientos_figura_de_mediacion_imer.pdf

16 Popular 1350 AM 89.1 FM, in Cacahoatán, Chiapas, made these special programs: Rituales mayas, Medicinas naturales, Solsticio de verano en Izapa, Investigaciones recientes de la zona arqueológica de Izapa, Mitos y tradiciones de Tuxtla chico, Juan noc, El sombreroón, La

indigenous festivities¹⁷, small campaigns, music programming in several national languages and remote control of music events¹⁸, apart from regular shows on various stations, among which is Nuestra palabra, a show which covers customs, legends and traditions of the state of Chiapas and is rerun in zoque and tzotzil languages. Nomopapaimo Nambue covers topics related to ethno-linguistic influence in Chiapas¹⁹, another example is the show Los mayas, ayer y hoy, which is on Yucatán FM. On Así es Michoacán, the listener can learn about purépecha traditions²⁰, and the show Los Guardavoces focuses on saving and divulging indigenous languages²¹.

Conclusion

As you may see, there is still a lot to do to guarantee the rights of indigenous peoples, both as producers of content and as audiences. The Mediation, regarding the defense of indigenous people, still has a lot to do, especially in terms of working for the ri-

ghts of the audiences to be known by indigenous populations. Currently, the work is done in small projects on the subject and help will be necessary to record them in different national languages. In environments beyond the capacity of the Mediation, but which are in the field of the regulatory entity, it is necessary to offer counseling on how to be licensees and run their own media.

To go from integration to inclusion, action should be taken considering the multiculturalism of every public policy, taking into account their presence and linguistic needs from elementary things such as availability of information to do paperwork or the existence of street signs or others in public areas in different national languages. It is necessary for the media broadcast to be consistent with linguistic diversity, not occasionally or seldom, but as it was demanded, in a proportional percentage to the number of inhabitants in the localities. Furthermore, the State should guarantee their right to communicate through stations run by aborigines. Progress has been made, but there is still much more to do.

Ilorona, El chichimite, and El floripondio y otras plantas alucinógenas.

Estéreo Istmo 96.3 FM, in Salina Cruz, Oaxaca, broadcast the following special programs: Impulsos Corporales, featuring the director of the Theatre of Tehuantepec, Marco Pétriz; and Poesía con César Rito, featuring writer César Rito Salinas. Salina Cruz: su historia, su gente, featuring historian Mario Mecott Francisco; Nuestra lengua, nuestra madre, to commemorate the International Day of the Mother Tongue; and Guendalizaa, as part of the Meso-American Dance Meeting. Moreover, it broadcast live from its studio the regional music concert La voz del sur, with the participation of Manuel Ramírez Ceballos, a well-known composer of the locality.

17 Estéreo Istmo broadcast live the celebrations of Saa Guidxi, which is the most important festivity in Salina Cruz.

18 Yucatán FM 92.9 FM in Mérida, Yucatán, broadcast from the José Peón Contreras Theatre the opening of the Spring Festival 2014, an artistic event organized by the Yucalpetén Orchestra. Radio Ciudadana broadcast from Studio A of the IMER the concert of CECAM Philharmonic, of Santa María Tlahuitoltepec, Oaxaca. This concert was also broadcast on Radiomexico internacional, Estéreo Istmo, 96.3 FM, in Salina Cruz, Oaxaca y La Poderosa 1570 AM 103.9 FM in Ciudad Acuña, Coahuila.

19 On Radio Lagarto, 1560 AM from Chiapa de Corzo, Chiapas

20 On XELAC Radio Azul in Lázaro Cárdenas.

21 On XEDTL, on Tuesdays from 8pm to 8.30pm.

MEXICO

Francisco Prieto Echaso
Defender of the Viewer of Canal 22

He has a degree in Communication and a Masters in Philosophy of the Ibero-American University, where he directed the Department of Communication. He has published novels, essays, plays and screenplays. At present, he teaches at the Technological Institute of Higher Studies of Monterrey and in the last years, he has taught at universities in Germany, the United States and Chile, among other countries. He has been nominated to many awards and his novel *Ilusiones tardías* was a finalist for the Planeta International Award. Moreover, he has been a General Director of Radio Universidad, a station that depends on the National Autonomous University of Mexico.

www.defensor.canal22.org.mx



Support and complaints of the audiences in Mexico

The respect for diversity on public TV

It was Canal 22 that started the Defenders of the Audiences in Mexico. An initiative that started as a result of a professional code of ethics and conduct that establishes the importance of developing cross communication that respects plurality and diversity. To abide by ethical regulations, it is necessary to make them known, and above all, the active participation of the audience through their complaints and suggestions, as was the case of a program about sexual diversity.

We have to bear in mind that, although Canal 22 of Mexico is a cultural network, not always are different generations who are exposed to its programming represented in terms of aesthetic, social and political beliefs. And in a given society, children, adolescents and adults between the ages of 20 and 35, 45 and 60, and senior citizens interact to a greater or lesser extent. Listening to their complaints, their suggestions, their preferences and their disdain helps to come up with democratic programming and foster intergenerational and intrafamilial communication.

The intervention of the audiences helps people from different generations who run the channel and design its programming to keep an eye, in turn, on the changes in sensitivity and trends that are more frequent in this day and age than before the technological revolution of communication. This

is not in vain: those who listen to good music from a young age have a refined taste, those who see valuable works on their walls get better at detecting what is worthy or not, and those who have read the works of good authors and seen good movies end up rejecting unfit productions.

Therefore, since the first programs under José María Pérez Gay's management, Channel 22 has aimed at children, youngsters and adults participating in a medium where intelligence and beauty are favored in the hope of, in a few years time, society picking up this critical spirit, which in the smallest towns in our country, a farmer who has musical sense, with a talent for arts or literature or crafts, may strengthen that trend and, even get in touch with himself through expression.

No wonder that noted British novelist Graham Greene, in his memoirs, wrote that he could not

imagine how those who did not paint, write or make music, those who did not express themselves, did to escape the panic that is inherent to human condition.

The importance of a Defender in Canal 22

In the proposal for the new Telecommunication and Broadcast Law of Mexico, it is established that “broadcast, a public service, should be provided in a competent and quality way in order to satisfy the rights of the audiences, for which, through its broadcasts, it will give people the benefit of culture, preserving plurality and truthful information, apart from fostering the values of national identity...”. It is proposed that the right to reply is instated, that content is shown which reflect the ideological, political, social, cultural and linguistic pluralism in the country. These recommendations are, in fact, a reality that can be checked in the programming of Canal 22.

However, there is a problem in the present world which is not small and it is that the media are a mosaic, the offers are multiple, the most diverse topics are at play to catch the attention of potential audiences. In other words, because community networks have weakened, a process that will only deepen, human beings are highly distracted and that is justified by social anomie, meaning, the lack of clear signs of identity which enable communication with others, interrelations in society.

It is more and more necessary for the average person to master the vital idea system of their time, to have general knowledge which lets them be in the world, understand what the key of everything is, go beyond. It should be enough to remember positivist philosopher Karl Popper, a radical liberal and defender of the free market who in his posthumous work states how powerless formal education is when faced with the media, including the internet, even considering that their negative educational impact, television’s especially, made it necessary for the medium to be thought of as a means to promote culture and where education would be center stage.

Hence, it is of utmost importance the proposal in the new Telecommunication Law, regarding the fact that licensees who provide a broadcast service must have a Defender of the Audience. It is a necessity.

According to the text of the law: “the Defenders of the Audience that are determined by the licensees who provide a broadcast service shall be prestigious people in the terms determined by the ethics code”. Of course it will be necessary to state who is a prestigious person, who should have, in addition, solid general knowledge. These items may be interpreted in different ways. That is why I think it is pertinent to have a selection board made up of people designated by objectively plural organizations and whose members, for reasons I do not need to explain, have solid general knowledge. For example, the National School and the Mexican Academies of Language and Science.

The media have their own language and it is necessary for the people who make up that board to know it. Most importantly, if we regard the media as a means to education and the fostering of culture, which need not be against entertainment, the market stops being the supreme referee. I remember right now a joke by singer-songwriter Facundo Cabral: “eat grass, millions of cows cannot be wrong”. And how can we forget works that foresaw the violence, the chaos we live in today, such as Ortega’s The revolt of the masses, from a liberal point of view, or the critical theory of the members of the Frankfurt Institute form a social democratic point of view.

The Defenders and the construction of democracy

In Canal 22, the Defender of the Audience, as the new law proposes, handles the complaints and suggestions of the listeners or viewers about the content and programming, answers all of them specifically and makes publicly known those messages they believe to be of public interest.

However, it is necessary to go beyond that: it is necessary for the members of the audience to interact among themselves, to show on what they

agree and disagree, not to settle with saying either yes or no, applauding or rejecting something. The important thing is that they give reasons, that they take a moment to argue a point. Moreover, the Defender of the Viewer does not need to be the complainer's sidekick, but must argue both sides of the issue, occasionally being "an enemy of the people", as Henrik Ibsen would put it in his world-renowned drama.

After all, it is about contributing to the construction of democracy and the socialization of knowledge through the Defenders.

Sexual diversity on public TV



Here is an example of something Canal 22 did to benefit the audiences that started under writer Jorge Volpi's management and that has been kept by the following directors, namely Irma Pía González Luna, Magdalena Acosta and, currently, Raúl Cremoux.

It is about showing films that portray a topic related to homosexuality and lesbianism and gender issues. If we take into account the traditional silence of society regarding these topics and the need to introduce the situations in a respectful, deep way, the show Zona D is a reflection of a humanist purpose, of creating a community in a broader sense, meaning approaching one another.

It has not been easy and as you will see, it has meant the withdrawal of a powerful advertiser and the censorship of some cable companies.

Another issue arises when members of the audience want more variety, that is, fewer reruns. According to yours truly, a cultural channel, and generally speaking that is how the cultural channel of Mexico has been run, is under the obligation of promoting works with a poetic foundation, with an ethical conflict that delights viewers, raises awareness and leaves them thinking. In other words, it is not about broadcasting pornography, which limits the number of films that can be shown. It is not about giving into the Heideggerian "being": talking about what is being talked about, having an opinion about what is being analyzed, in short, giving into a lightness that

is more and more present in the book and movie industries and in postmodern media.

During 2013, and so far in 2014, the recurring issues sent by the viewers have had to do with the show Zona D: movie proposals, suggestions and times. It is important to say that in most messages they have congratulated the channel for this space of diversity.

Here are some examples of the messages the viewers have sent to the Defender about this show:

"First of all, I'd like to congratulate you on your 20 years of bringing science, art and culture to this country, which needs them so much. And then I think that, regardless of how cultured this channel is, it is giving an example of discrimination and segregation by airing Zona D at an inflexible and inaccessible time for us, gay people, as viewers. You argue that the time is because its adult programming, but other movies include erotic scenes, and other sexual content, and yet, they are on at 10pm. It is a pity because some series have no sex, but plenty of artistic content, content that could help our society to reflect and be more open minded. I wish you could do something and show us, your gay audience, which is quite numerous, that they are not being segregated".

"I would love Zona D to be on for longer, for it to touch on topics about the LGTB community, like documentaries, series and movies. I can assure you the community would be grateful for the broadcast of more programs on sexual diversity".

"I demand that the time slot for the LGTB community be at a more accessible time. If the viewership is the problem, Fridays or Saturdays at midnight does no harm to the network. I believe the present time slot to be inadequate and of little impact".

Challenges, benefits and difficulties



When the programming about sexual diversity started with Zona D, there were some who did not agree with the fact that that kind of content was broadcast by a public cultural channel.

One of them was advertiser Alpura. They argued at that moment that their products were targeted at children (milk, yoghurt) and families (cheese, cream and other dairy products) and they did not want to be linked to homosexuals. They requested a change in programming, to which Canal 22 said that the investment in footage on the topic had already been made and that it would not be canceled. Right after that, Alpura stopped advertising on Canal 22. As if all its programming had to do with that topic.

After some time, we saw that the time slot of Zona D had the highest ratings of all, because of its novelty, because we were the only network that touched on that topic. The most important thing is that ratings shot up.

Another thing regarding Zona D is that state television networks in Mexico can rebroadcast Canal 22. But they can also block whatever they deem unfit or unappealing for their audience (violence, foul language and sex, for instance). So some networks do not rebroadcast Zona D. But we must say, just as they do away with Zona D, they do the same with other programs, in line with every director's inner policies.







PANEL 2:



The Defender of the Audiences
and the promotion of research on communication



Beatriz Solís Leree

Defender of the Audience of Radio Educación

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www.defensora.radioeducacion.edu.mx



Defenders of the Audiences and Universities

Mexican proposals

Faced with the Constitutional Reform of 2013 and the Telecommunication and Broadcast Law of 2014, in Mexico, what are the main challenges for the Defenders of the Audience and why is it of utmost importance in this new context for the Defenders to collaborate with institutions of higher education? It is necessary to have professionals who are acquainted with the rights of the audience, to do specific research and to create media observatories.

In Mexico, the Telecommunication and Broadcast Law¹ has been recently passed, amid controversy due to the omissions, gaps, ambiguity and contradictions generated by the expectations that had been so clearly presented by the citizens but ignored by the Legislative and Executive Branches that had come up with the proposal.

Analyzing the new law is particularly important since it is in the section about content and the rights of the audiences where there are problems that must be seen to despite the law having already been passed.

As the specific characteristics of the reform in Mexico are going to be analyzed in detail in other panels of the Congress, I will only say that it is in the Federal Telecommunication and Broadcast

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1 July 14th, 2014. As a result of the Constitutional Reform of 2013.

Law and the Constitutional Reform that it stems from (June 2013) where it is legally established the fundamental variables related to the activity of the Defenders of the Audience, namely:

1. Constitutional recognition of the rights of the audiences and demanding mechanisms to guarantee them². (Article 6).

2. The itemized rights of the audiences (Article 256 of the Law), which only lists nine rights³.

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2 Article 6, section B, 6. The law shall state the rights of telecommunication users, the audiences, as well as the mechanism for their protection. Political Constitution of the Mexican United States. DOF: 11/06/2013

3 1. Receiving content that reflects the ideological, political, social, cultural and linguistic pluralism of the Nation; 2. Having programming that includes different genres that show diversity and plurality of ideas and opinions which strengthen democratic life in society; 3. Clarity when telling the difference between newsworthy information and the opinion of the person presenting it; 4. The presence of elements to distinguish between advertising and the content of the program; 5. Respecting the schedule and

Apart from two articles with rights of people with disabilities.

3. All the media are obligated to have a defender of the audience (Article 259).

4. There must be an Ethics Code (Article 256).

However, the materialization of these rights and obligations is ambiguous. Besides, it is wrong to leave the ethics codes, as a consequence, only in the hands of the licensees. As these fundamental rights are part of self-regulation, the citizens and Defenders have a lot of work to do to legally ensure the rights of the audiences:

- Carrying out educational work to raise awareness among citizens of their rights and the media.
- Raising awareness of the work of the Defenders.
- Recognizing the value of ethics codes as non-binding commitments of the media to the audience.

These are tasks that the current Defenders have to do in the media and, in the near future, the new Defenders that will be appointed according to what the law says.

That is why the only five Defenders of the Audience that are in Mexican media at present have started to collaborate and are creating the Association of Mexican Defenders, for which we have done work to organize our tasks (methodologies, experiences, conversations with authorities, work with institutions of higher education and civil society organizations, etc.).

One of the actions lines that we have adopted as a group and as individual Defenders is, precisely, the approach to institutions of higher education. I will begin by the programs that we at Radio

informing well in advance any changes in programming, and including parental advisory; 6. Exercising the right of reply, according to the law; 7. Keeping the same quality and levels of sound and video during the entire programming, even during commercial breaks; 8. During broadcast services, it is banned all discrimination based on ethnic or national origin, gender, age, disabilities, social status, health condition, religion, opinion, sexual preference, marital status or any other that poses a threat to human dignity and aims at eliminating or violating the rights and freedoms of people; 9. Respecting human rights, in order to protect children, gender equality and to stop discrimination; 10. Others stated in this and other laws.

Educación have developed in this field, pointing out the ones that have involved the participation of other fellow Defenders.

In the document titled Principles and Basis of Radio Educación, in which are included the Ethics Code and the Editorial Principles and the Statute of the Defender, objectives are stated, among which, the one to “promote research and reflection on public, educational, scientific, social, cultural, informative, and entertainment quality radio” and to “promote, foster and ensure the participation of society in the assessment and monitoring of broadcast content”.

As a result, we have carried out the following actions:

- Promoting and divulging the Defenders of the Audiences at universities, especially among communication degrees. To date, five workshops at five institutions of higher education have taken place with the participation of the Defenders⁴.
- At Radio Educación, we have started a bonding program with the audiences, in which once a month radio listeners are invited to take a tour of the premises and talk with professionals in different areas so as to make known the radio in a direct way. Afterwards, those who visit us participate in a (live) show of the Defender, during which they can say what their experience as active listeners has been, the reasons for coming to the Defender and their opinion about the programming. We have had groups of students that, as a result of their teachers' interest, have asked to participate.
- As part of bonding with the audiences and fostering research on public radio at large and Radio Educación in particular, we have invited professors and undergraduate and graduate

4 Conclusions and challenges of the Defenders of the Audiences in Mexico, carried out by the Mexican Association of Communication Researchers of the Autonomous Metropolitan University on November 22nd, 2012; Experiences of the Defenders of the Audiences in Mexico, carried out by the Mexican Association of the Right to Information, in the city of Oaxaca on April 17th, 2013 at the public university of the city; The Ombudsman and the rights of the audiences, Communication School of the Universidad Anáhuac México Norte, October 15th, 2013.

students to share the results of their research in the live show of the Defender.

- One of the latest activities we have decided to carry out in this respect is the Agreement that has been signed with the National Council for Teaching and Research on Communication Sciences (CONEICC), which brings together 75 institutions of higher education in the country and has a degree in Communication. This Agreement has as a main activity the open call for the “90 Years of Radio Educación” Contest. We have opened the call for essays on the history of Radio Educación, the relation between the radio and educational processes and the importance of public radio in the democratic development of the country. The results will be available in November.

This is the beginning of the agreement that will aim at carrying out training programs for professionals in the field of rights of the audiences, promotion of research, special surveys and the creation of media observatories.

As it has been mentioned, many of these actions, despite having been started in the Defender of Radio Educación, have involved colleagues that do the same work in other media. Together, we aim at strengthening, this year, the Mexican Association of Defenders. Nowadays, there is a tendency to media concentration (not only business-wise but with regard to divulging information that is treated as merchandize, while focusing above all on preserving their interests). The media have transformed their aim of being the counterweight. They have gone from treating information as socially useful goods to seeking alliances with institutional powers.

As Ignacio Ramonet says regarding the creation of the World Media Observatory:

“The civic issue from now on is the following: How to react? How to defend oneself? How to resist the attack of this new power that has somehow betrayed the citizens and has joined the enemy? (...) It is simply necessary to create a “fifth power”. A “fifth power” that will allow

us to fight against the new dominant coalition as a civic citizen front. (...) That is why it is urgent to reflect on the way in which citizens can demand the media more ethics, truth, respect for professional ethics that let journalists acts as they see fit and not in line with the interests of the group, company or their employers”.

That is why the alliances between the Defenders of the Audiences and institutions of higher education must also seek the creation of media observatories that may carry out academic research and become sources of information about the content offered by the media and how they see to (or not) the rights, the ethics codes; in short, their true meaning and responsibilities before their audiences.

The Defenders must strengthen their bonds with the audiences and work with them to create a culture of the rights it oversees. Undoubtedly, there are many action lines that must be carried out between the Defenders and academic institutions that specialize in communication. It is a field that has not been deeply explored in our countries and nevertheless, of perhaps therefore, it is necessary to have professionals that are acquainted with the rights of the audiences, content observation and monitoring, as well as the necessary methodology systematization and generation for specific research.

Lastly, just as a draft of the work that could be done along with institutions of higher education, the following may be mentioned:

- Audiences research programs that are not only quantitative. It is necessary to have information about the reception habits in order not to depend so strictly on rating measurement companies as the only parameter.
- Knowledge of the demands of the audience regarding audiovisual content. The systematized information provided by the Defenders may be a very valuable source for the assessments.
- Designing the curricula at communication schools so as to have professionals that specialize in mediating with the audiences.

- Joint academic programs in order to continue making known the rights of the audiences. Apart from workshops, progress should be made regarding the publishing of literature on the subject (books, manuals, institutional documents, etc).
- Joint calls and contests to promote dissertations on subjects pertaining to the work of the Defenders and the audiences at large.
- Collaboration for the construction of media observatories that, based on the monitoring of audiovisual content, will become a basic resource for citizen supervision.

Undoubtedly, these are some aspects of the work that must be done by the Defenders of the Audiences. We understand that the mere existence of these Defenders is not going to solve many of the problems that have appeared in Mexico over time because of the predominance of authoritarianism, with high levels, and clearly mercantile tendencies, of media concentration. There is still a complex way to go in search of democratic communication and informed participation of the audiences. But the Defenders will be key in this process.



COLOMBIA

Consuelo Cepeda

Defender of the Viewer of Canal RCN

She has a degree in Mass Communication of the Pontificia Universidad Javeriana. She is a journalist, researcher, TV hostess and director of documentary films, with over 35 years experience in television. Her work is based on topics related to social development, especially marginalized groups. She has worked as an advisor to the United Nations, and done research for the United Nations Development Programme (UNDP). She has given talks and conferences on audiovisual media. Among many awards, she has been given the Simón Bolívar National Journalism Award and the Ibero-American Journalism Award.

www.canalrcnmsn.com/programas/tu_tele



The representation of violence in Colombian fiction

Drug-soap operas: A way to let the pain out or great business for private television?

Little by Little, Latin American television has filled up with delinquents, criminals, drug lords and hired assassins. Drug-soap operas have come to stay as one of the most successful ways of making television. The dilemma is not the amount in which these series are produced, but the way in which the topics are presented and the effects on young peoples.

Drug-soap operas are one of the favorite discussion topics in Colombia. Since their appearance, in private channels, more than 20 shows about this criminal phenomenon have been produced.

Los tres Caines, Sin tetas no hay paraíso and the El Capo saga, among others, spark passion, debate, academic analysis and even cause changes in commercial breaks every time they are aired. However, over and over they have the highest ratings and, paradoxically, Defenders of the Audience and screenwriters of the soap operas get countless e-mails, calls, rights of petition, demanding that this not only stops, but emphatically suggesting they be taken off the air. They even tell off the writers because of their inability to create something different.

This TV genre has earned a spot as one of the most successful formats on Colombian television,

because apart from having the highest ratings, the biggest networks in the world have bought them over and over.

Although drug trafficking in Colombia is an undeniable truth, and it is a valid topic in soap operas and series, for academics, educators and influencers the issue is not the amount in which they are produced, but the way in which these topics are presented.

We cannot deny that television is a window we look out to see, remember and vent the drama and pain that drug trafficking has caused and continues causing all Colombians. Perhaps the problem is that little by little, television has filled up with delinquents, criminals, drug lords and hired assassins, without us knowing yet what has been the real effect of these shows on children and young people.

Before coming to this meeting with you, who are acquainted with the influence of television on the audience, I called, contacted and communicated with researchers, educators, and looked for at the ANTV (National Television Authority of Colombia) any sociological study that could give me not only figures, but an analysis of the real consequences of the influence of these programs over our most vulnerable population.

Although discussion about this topic has been front and center for many years, there is no study in Colombia that reflects the results of this long history of drug-soap operas.

The debate has focused on the need for this type of programs, as footage for future generations, indispensable to the recent history of this continent, as well as on the right to Colombian people to know their reality. Unfortunately, what is more important than the thorough analysis of the social responsibility of the media and the effect of drug-soap operas are the ratings war, the business of the concentrations, which without wondering how they are surely scarring the souls of the Colombians, every six months they release another show.

We have to accept that television is a business, an industry that has the right to make products. However, the never-ending production of these series should entail the responsibility to check how these stories are told and what their context is.

The only way I find as a result of my experience as Defender of the Viewers is the need to train an audience that can assess and select the content for their personal development. As representatives of the viewership, we are trying to get spaces in which, during primetime, public debate take place in order to get a growing number of viewers who are critics and who can eventually tell the difference between venting and a model for getting an easy, successful way of living.



Gerardo Albarrán de Alba

Directivo de la Organization of News Ombudsmen y Ex Ombudsman de Noticias MVS

He is a journalist and was the first ombudsman of a private radio station in Mexico. He is part of the Board of Directors of the Organization of News Ombudsmen (ONO). He has been a correspondent, columnist and editor of several Mexican print media, such as Proceso and El Financiero. He participated in the foundation of the newspaper La Jornada and been an assistant director at the news agency Informex. He is the director of Sala de Prensa, a website for communication professionals in Ibero-America, and has collaborated on many books about communication. He is the academic coordinator of the University of Guadalajara and has been a professor of the Masters in Journalism of the Universidad Veracruzana and of Political Journalism at the Escuela de Periodismo Carlos Septién García, among others.

www.newsombudsmen.org



Drug trafficking and organized crime in Mexico

Reporting on violence and professional ethics

In journalism, professional ethics is a key tool when reporting on conflict, particularly when it turns into serious violence, as is the case of drug trafficking and organized crime. Self-regulation and ethics codes are a key factor for responsible, professional and sensible journalism, but they may also work as an alibi for manipulation and propaganda. The case of Mexico illustrates this hypothesis.

War coverage, reporting on one of the most primitive forms of expressions of our species, is perhaps one of the most difficult jobs for a journalist. What is our part in a war? Shall we march as draftees with our nation side by side, or depending on the case, by our nation's ally? Shall we look at and report on the enemy as such: an enemy? Shall we encourage patriotic feelings so that society backs a cause, be it fair or not, but which it makes its own? Should the press stop providing information and see itself as a mere instrument of propaganda? Should the social information agenda be subject to the strategic needs of armies and advertisers? Should censorship be accepted and self-censorship even be used as a weapon, either not to let society get discouraged or to do away with the moral resistance of the "enemies"? Who do we serve? What for?

Reporting on violence has long been talked about in universities, where it is studied the evolution of

journalistic practices and the bulk of experiences that make up the ethical heritage of our profession, from William Randolph Hearst's cynicism in the 19th Century (who could have started a war), to the trouble in big global media last month as a result of the murdering of two Western journalists in Syria (who were turned into propaganda material). But there are always armed conflicts in which the parties are not clearly defined and which do not abide by the regulatory principles that have "civilized" war. Violence associated to drug trafficking in the clearest example and our region has suffered it for three decades. In Colombia, from the mid-80s to the mid-90s, and in Mexico in the last eight years (and counting), we find the two most important cases of the professional challenge that is covering a limitless war.

The Colombian experience has left us several professional ethics laws that are worth mentioning,

as the security protocols for journalists, the organizations that defend freedom of expression (such as FLIP) and in particular, the Agreement for Discretion that was signed in November 2000 by some 30 media directors, which were convened by the School of Journalism and Mass Communication of Sabana University. This agreement is made up by six parts that state the social responsibility of journalism, self-regulation and a number of journalistic principles that regulate this profession: veracity, precision, contextualization and even decency for the victims. About its efficiency (or inefficiency), Consuelo Cepeda and Amparo Pérez, two of the Defenders of the Viewers that work in Colombia, can tell you more about.

Regarding Mexico, violence has reached levels that are internationally alarming, with nearly 110,000 deaths and over 20,000 missing people in almost eight years. The press is one more victim. According to the National Human Rights Commission (NHRC), assaults on journalists have tripled between 2001 and 2013, compared to the previous decade: 85 murders, 20 disappearances and almost 50 attacks to media premises. Only from 2005 to the present, at least 24 journalists have gone missing in Mexico. In my country, a journalist is assaulted every 26 and a half hours, according to the local office of Article 19. This year, six Mexican journalists have been murdered, the last of which, a couple of weeks ago.

In the midst of this, the Partido Revolucionario Institucional returned to power. The fact that Enrique Peña Nieto became president of the republic is framed by the urgent need to control the public agenda because of the severe political and social decomposition the country is experiencing due to violence associated to organized crime.

In Mexico, there was also an agreement among the media, taking Colombia as an example, but with evident differences. In February 2011, over 450 media (147 newspapers and two big television networks in the country, among others) signed the Agreement for Informative Reporting on Violence. In this case, it was not a university or academic institution that convened the media for a higher purpose: the right to information of society. No, they were convened by a new government that

was seeking the political and social legitimacy it lacked in the first place. Therefore, it brought together the main media in the country (and with them, the most influential businessmen, such as Carlos Slim) in the “Mexico Initiative”, as is known the propaganda operation made up by a number of political operations to ensure governability, and most importantly, to take the topic of insecurity off the public agenda, which forced the Partido Acción Nacional to leave power in 2010, when the death toll was around 80,000, after six years. On December 1st, 2012, when Peña Nieto became president, he promised that in a year, people would see the results of his alleged strategy against organized crime. Actually, the only thing that decreased was the coverage by big media (particularly television), which have made a harsher violence invisible: in the 20 months of the Peña Nieto Administration, violent deaths associated to organized crime are nearly 30,000, but they are only talked about as part of official statistics. The silence of the media regarding organized crime is thunderous.

Almost nobody is telling the stories of dozens of thousands of people who have gone missing, or the hundreds of towns that have been abandoned by their inhabitants, in a growing phenomenon of forced displacement, as the only option to escape death.

It is hard to come here to talk about a reality that is not only complex, but which also has more dark areas than transparent ones. The journalistic coverage of violence in Mexico is packed with risks and threats to the press, but also sensationalism and double standards that go against the very essence of our profession. It is a coverage that worries us and makes many journalists seek professional ethics standards that must deal with commercial manipulation and political perversion. It is journalism under fire, threatened by organized crime and lacking basic security to even survive everyday reporting.

It is hard to talk about journalism ethics in high risk reporting, as is violence in Mexico, when simulation is part of a political power that is an accomplice of atrocities and there is a media power that is willing to back it, using professional journalism ethics as an alibi.

It is difficult to talk about self-regulation when the general law is self-censorship, not social responsibility, and when in many cases, ethics is a mere source of mercantilist escapism.

Conclusion



The intricate reality of the Mexican press includes big asymmetries in the development of media companies, the professionalization of the workers and the level of professional ethics of journalists, directors and even media owners. The corruption of reporters, photographers and editors, and many media as well, is another high-risk ingredient for the professional exercise of journalism and another element that violates the right of information of society.

For some years, many colleagues have worked on raising the professional level of the workers, especially with courses, workshops and seminars on professional ethics of journalists, which should be the first measure of self-protection of journalists. No story is worth a life, that is true, but we have to learn to deal with the inherent risks of the profession to avoid self-censorship, or not to become spokespeople of organized crime or agents of government propaganda.

Journalism in Mexico nowadays is challenged to inform and carry out research with precision, equanimity, prudence and high ethics standards. The context is fundamental to understand what is happening. However, the media are full of isolated, fragmented news. How many are telling the full story? None. And what it not told does not exist. The lack of attention is a way of concealing self-censorship, or being an accomplice of the government to take off the public agenda an unconventional war. For many in power, it is preferable reporting that is about anecdotes and reactive, even limited to a national death toll that includes those in the very profession.

The decomposition the country has experienced since the Felipe Calderón Administration—and which has got worse in the second year of the Enrique Peña Nieto Administration—has put Mexican society in the crossfire. The number of innocent victims does

not only include the dead, injured and disappeared: it includes a generalized feeling of helplessness that overwhelms us all. In the midst of this, journalists do our own damage control and count our losses.

Due to all this, it is more relevant the need for the media to be ethically responsible, to have ethics for the greater good in a rational, practical way—benefited by experience, trial and error, rectification as a recognition of our own limits and confirmation of our axiological aspirations.

The media must be fully aware of their social nature.

The press, as a private company, must reach profitability that lets them meet their goals and reach a bigger market. The problem is when the goals of the journalistic company are limited to earning money and the target market in political influence. The goal of media companies is greater good, not unlimited earnings; its market is participatory democracy, not factual meta-power.

That is why it is important that there is a critical conscience in the media, one of the main roles of the defenders of the audience, who guarantee professional ethics of journalists, because it is precisely when the press questions its role and social responsibility that professional ethics decisions come up and help us see again the point of our profession and the fundamental instruments of democracy are put back in the hands of the citizenship.

As philosopher José Vidal-Beneyto explained to us, when we lose sight of all this, society is robbed of visibility, its reality is canceled and all sense is stolen. “And preaching about ethics of a senseless reality is making unavoidable positive discourse in a perverse ideology”.

PERU



Rosa María Alfaro Moreno

Founder of the Caladria Association of Mass Communicators

She specializes in Communication and Development, has a doctorate in Education and 25 years teaching experience at the University of Lima, the National University of San Marcos and the Pontific Catholic University of Peru. She founded the Caladria Association of Mass Communicators and the Citizen Observatory of Mass Communication. She is a former president of the Radio and Television Council (CONCORTV). She has written and edited many books, among the most recent one are *Otra brújula. Innovaciones en comunicación y desarrollo*, *Periodismo Cívico Ciudadano* and *¿Desarrollo? Encuentros y desencuentros entre medios y ciudadanía*.

www.calandria.org.pe



Social participation and the media in Peru

The more demanding citizens are, the better television is

The Radio and Television Law that was passed in Peru in 2004 was the result of the mobilization on academics and civil society that demanded improvement in the ethics of the media after the corruption of the Fujimori Administration. The Citizen Observatory of Communication was the key to that process as it fostered discussion in different cities throughout the country and the gathering of signatures for the project to be discussed in Congress. The Peruvian experience was one of the first ones in Latin America that showed that freedom of expression is also a right of the citizens regarding the media that accompany them throughout their lives.

The Citizen Observatory of Communication of Peru was born as a reaction to the visible sale of freedom of expression, made by the owners of some media in the administration of President Alberto Fujimori. Many were discovered, so they could not be defined as exceptions. The following were involved: popular print media and other pretentious ones, several free-to-air television channels -almost all of them-, different national and local radio that, since they are so many, quantitative precision is blurry. We were before not only a media problem, but also businessmen with no ethical commitment, capable of selling their own basic principles for more money, instead of opting for an independent policy of transparent economic efficacy. They preferred being traders to communicators who were committed to their country and audiences.

The Caladria Association of Mass Communicators, dedicated to communication for development

and democracy, could not stay still. It should not have handled on its own a problem and an ethical weakness, so impressive and grave, either; even more so, it did not have the capacity to act in a field so mined by others. So, it was decided to generate a broad mobilization that brought together Peruvian civil society, so little articulated; citizens as communicative subjects and receivers of the media; some politicians of certain ethical prestige; people with great personal value, academic or professional; professors and students of many universities in the country; the Association of Advertisers, the businessmen of which did not come from the media but financed it; associations of school parents. We did not want to just protest, but also make the most of the moment to improve the ethical quality of the media. But we did release statements as events related to the prosecution of the media and all the

problems that came up, even the self-exile of some owners committed to corruption.

Our first activities were about how the dialogue worked between those who were already committed, continuously fostering participation. But at the same time, we took the discussion to the streets using a motivating video, the main actor in which was an ambivalent, critical, and at the same time, media-consuming clown. He questioned citizens and himself about the media, revealing citizen complicity, but also aiming at their reflecting ability. An educational new outlook that had an impact on the basic one was fostered. Parks, squares and streets in many cities held discussions before and after playing the video, with oral and recorded, graphic and on-paper opinions. Only the TV Channel Frecuencia Latina and many in the provinces covered the development of this public definition of media scandal, an issue that was dealt with by many media as a private, business problem. Even the very State, through troublesome trials, dealt with each specific problem as a particular case. It was evident that corruption came from the power that came from being “the eyes of society”. Although legal actions were taken, they failed rapidly when faced with media pressure that confused crime with legitimating censorship. We did not want the media memory of the people to erase the issue quickly, but keep it there. We changed courses. The media were before and are today a topic of the public agenda, although with different levels of importance.

We put in the public space its very managers to analyze their behavior with the citizens. To do so, we carry out research that analyze supply and demand but that are useful and understandable, about children and television, gender issues in the very medium, apart from the coverage of political problems. We aim at doing surveys with more and better questions (without simplification) and quantitative monitoring of the media at the same time, both during presidential elections and the changes that followed and let examine the impact of the information of the media on their audiences.

The second stage dealt with a public drafting of the law which brought about a new ethical, institutional order in the country regarding audiovisual media.

The Congress produced one, which was filed for some years. The Observatory made the most of the hiatus and focused on elaborating another one in a democratic way, with the participation of citizens and aiming at a bolder, more demanding law. Once drafted, and with 85,000 signatures of support, after many months, media businessmen, politicians, congressmen and journalists were invited to private, specialized meetings to explain the proposal and hear suggestions. In the meantime, we held open citizen forums in many cities where we had already worked. This provided us with rich material that led to corrections to the proposal. We had in our favor the Citizen Participation Law, which authorized us to make law drafts with some requirements. That is how the collection of signatures started. Then we got more ethical allies in this fight by talking with newspapers and the Press Council. The law was passed, 34 of our articles were corrected. When it was proposed to broaden media concentration to 51%, we protested along with honorable media, especially the print press and the radio. And the Congress had to once again check the clause and limit it. Today, we have a National Radio and Television Council (CONCORTV) in which the citizens, civil society, the media and universities are represented.

Throughout the process, we were interviewed by television, newspapers, the media, in events, sometimes using negative speech, but we answered with ethics in our hands, our heart in the right place and conviction in mind. It was interesting how the very citizens defended the Observatory by calling the stations or answering the surveys in a highly critical and hopeful way for those of us legitimizing the importance of seeing from the point of view of society and its citizens.

A voluntary, participatory movement without representation: seeking consensus



Organizations need leaders and some institutionalization of internal power, as well as external. Representation is negotiated and used, making those who exercise it more visible, and they get more individual power. This way, the processes for coming up with proposal become more and more difficult. At the same time,

the population feels uneasy when they are reduced to obeying a majority that does not represent them or the leader that abuses their power. In this sense, formal organization means positions and regulation of objectives supported by powers. We did not want hierarchy, but various leaders and much citizen inclusion. Let us not forget that political representation crisis is the one that makes communication important (Touraine Alain 1995: 47), increasing its capacity to affect and reach the citizens' outlook.

We aimed at listening to the heartaches in society and did not want to alter its spontaneity. Therefore, we brought about mobilization and made a small team committed not only to mobilization but to educational processes. It was not a pyramid that organized others, there were many carrying out specific activities such as promoting discussion or getting signatures by talking about the issue. There were also qualitative citizen surveys, although for some it was impressive how many participated in the survey (between 2,000 and 7,000 every time). Or street parades, with signs in some cities, with stilts in others, resorting to costumes and creative signs. The privacy of seeing was recovered to make it public, expressing it on the streets and where every citizen gave their opinion in recording booths under no obligation to state their name.

We separately invited media owners, politicians from different parties, journalists. We listened to what they expected from a law. We did the same with citizens in different parts of the country. Some went through the entire proposal, others only some aspects, there were those who wanted a simple translation. That is why there were signatures of support to spare to present the proposal to the Congress of the Republic as a Citizen Legislative Initiative. The universities of Lima, Iquitos, Puno, Cuzco, Trujillo, Arequipa, Chimbote and others put in time and effort at different stages of the process and did so willingly and with commitment because they were under no obligation to do so.

The importance of the young volunteers of the Observatory was the key. At first, there were students and young professionals from many fields. But then, journalism and communication schools took over. Hundreds and hundreds of eyes that watched, mouths that spoke or sketchers that drew what they

questioned and dreamed of, helped to gather opinions, organize discussions on the streets, gather signatures, bring life to the forums that took place in the country. At the end of the process, they created the network REVOLCOM (Communication Volunteer Network).

We had a board of directors that work very little with participation of civil society NGOs, universities and interested churches. However, consultants and volunteers worked better and with much vitality. We used the website. There were also the streets of every town or city. Eyes multiplied and told us that monitoring was possible. Every one of us was involved willingly and under no obligation.

During our experience it was interesting the participation of the professional field that had to do with the exercise of justice. Their disinterested support was substantial and highly efficient. Our allies were the Defender of the People, the Minister of Justice, a jurist association, several individual lawyers, even law students, who not only helped to draft the legal proposal but also with public discussion at different moments. Unlike ever before, legal formality and we, creative, informal communicators, made a good match.

The chance to affect demand and supply



We had to keep up to date with what was happening, we could not miss any event. The most important opportunity to intervene was the scandalous exposure of media corruption. The first video that was "found" showed the scenario of political corruption and was broadcast by one of the few independent channels in the country and questioned the then government. Others followed, even those that showed the unscrupulous sale of freedom of expression of different media, especial television and radio, as the popular press. Television itself made visible the stacks of dollars and soles involved, which were put in bags or briefcases, very ordinarily. The media events always have way to intervene, for example, during trials or when the channel was given back to its creditors. We learned that opportunity came from the very society and we had to find it. That made the Observatory release statements at the right times.

New horizons of seeing is believing: ethics in the media and relaunching the Observatory



When you learn to actively believe, you change the path. If we understand that we can make an impact and specific changes, we will start to appreciate ourselves and the ability of society to change. It is possible then to see and envision more possibilities of transformation, which we could not see before. That is why “seeing is believing” is a strategic process of human liberation. That transformation gives us another outlook and position in the work, beyond the pragmatism of the expression “seeing is believing”. This situation has let us revisit the importance of reactivating the Citizen Observatory of Mass Communication, after a year and a half hiatus. We had reached goals, we needed to redefine our role in the new scenario of the radio and television law. So we worked from a different perspective, the slow but significant reconstruction of the ethics in the media. With our support, more than 15 media collaboratively produced an ethics code as an internal social pact. We wanted to continue with the sense of movement, resorting to basic formality, but broad in the sense of having many allies. The Observatory went from working on a law against corruption to defining self-regulation, proving that seeing has to do with ethical monitoring. These ethical leaders are now necessary and urgent even.

Our outlook focuses on citizen rights for quality communication and the respect of freedom of expression and opinion. He who sees can and must speak. Those are the basics of our intervention, meaning that the most important thing is to monitor and analyze what is offered to us, protest and propose changes, at a time when left and right wings do not determine confrontation in society, but there is what we may call an internal civil war in the political markets. That is, what matters is the ethical, democratic monitoring by the citizenship. The consumer has and exercises rights. And in doing so, it is validating and demanding better information, aesthetics, ethics and entertainment that contribute to a new society. It would also promote the creation of new communicative proposals for the media. Interventions that should be mostly educational in their results, because when participating in the

Observatory, one should learn to analyze and propose. We believe, for example, that by monitoring public and private media, you learn more about politics, culture and society. We should consider, therefore, some basic thoughts of civil society, which we have found doing research. The proposal aims at limiting our intervention to a few main activities and as a result, making citizens monitor and make proposals to the media, in an ethical-cultural, sociopolitical sense. But mainly, we wanted to have citizens. We proposed the following:

- Media parliament with university students

A big citizen forum, preceded by some regional ones or others more numerous at communication schools, allowing discussion on the media and the proposal of changes. All attendees will be able to see, because they are the public of the media and citizens of the country. This big forum will also be preceded by virtual ones that will prepare the topic(s) to be discussed. The call for REVOLCOM (Communication Volunteer Network) and activities that lead to a successful parliament would start online. We would limit ourselves to public and private television: the news and children's programs. Part of our work will be to define the methodology of the discussion, the guests and type of dialogue. It would start with an educational video that triggers discussion. Maybe a short theatre play that breaks the ice. We plan to have different stalls: one for some media and journalists, another for CONCERTV and the Defender of the People, as they may speak at the end if they want to. The one of the citizens will be the most important one, even more so if they have requested to speak online and beforehand, once the program is defined. Three defenders of the public will be asked to summarize the proposals and a few lawyers to organize the deliberative aspects. We will tell criticism, always founded and insult-free, from proposals that must be viable. Somewhere will be proposals of criteria to assess or hand in folders. There have to be many images that exercise seeing. At the end, they will vote on the available options. The final message will be: “do this in your neighborhood and family. The more demanding citizens are, the better television is”. Volunteers will be the key to organize this process.

- Generating argumentative-educational capital to improve the quality of the media

Assessments, monitoring, citizen enquiries and research on the media were done at specific times, which were then shared publicly, sparking dialogue between diverse sectors, including the media, as well as universities, so that along with others we have a bigger impact. Education should also be a method of analysis and dialogue. All the interviewees knew they were supporting the Observatory and that they were part of it, and were invited to the media parliament for a citizen discussion on media offer. We worked with universities and their student dissertations, which could go well with our goals. But especially, it was about having an impact on the media through giving awards. In fact, two contests were carried out about the best television productions in this field. As simple as they were, they caused excitement among the media and citizens. One was for entertainment programs, the other for the news. And the whole process took place in the Congress of the Republic, in the Chamber that Senators had previously used. Seeing brought about new communication among one, the others and all the citizens in our society.

- Media parliament of the citizenship

At first we only invited citizens to assess what Peruvian television offered in a public place: the street, the square, the parks. People were always interviewed and asked their opinion, there were collective games that allowed assessment, thought and proposals. The first time was about entertainment. The second one, the news or opinion programs. The third one was during the first round of the elections of 2011, called "From State to public. The media: of whom and for whom?". In one of the rooms of the Congress of the Republic, we met annually and chose a communicational topic to discuss. The congressmen were the citizens. They were given the results of a previous survey as information to assess. Then there was a discussion, and we pointed out the mistakes, problems and right parts. At the end, an award was given to the best program of the two first parliaments. And the citizenship made suggestions of changes for every existing channel. A new power was being built with participatory action.

- Network of Latin American Observatories

It is not about an isolated action, but about joint Latin American work that lets us compare results. This experience has taken place in eleven countries. But it is not only experts or technicians that participate, but also every citizen can play that role. That entails two objectives: having comparative reports that could be presented in international congresses of journalism, business, communication, etc. Sharing research results and promoting citizen participation in other observatories. Latin American joint work will help to strengthen our impact.

And we keep working, there is a lot left to do. We should not only be critics, but also transform the media and with them, someday, the citizens and the country.



CHILE

Manuela Gumucio

General Director of the FUCATEL Media Observatory

She is a journalist with a degree of the University of Chile and has a doctorate in Communication Sociology of University Paris 7. She has trained to be a television producer in France and Italy. She has worked in audiovisual and print media. She taught TV at the Art Communication School of the Catholic University of Chile, she has been a producer of Canal 13 in said country and director of programs in French television. She has done research at the National Reality Study Centre and the Academy of Christian Humanism. She has been the Executive Director of Tevecorp and has also worked in different productions of the media in her country, such as TVB and Megavisión.

www.observatoriofucatel.cl



Lack of pluralism and media corporations

The right to communication as unfinished business in Chile

Within Chilena territory, social rights at large have not been properly respected. Health, education and culture are considered to be goods, therefore, their provision is not guaranteed, but is subject to open competition among the actors in a given market. In this context, it is natural that there will not be a Defender of the People, a data protection agency, let alone a Defender of the Audience. The one who handles complaints is the National Television Council, a political representation body regarding parliamentary composition, which receives on average 4,000 complaints a year.

Chile is a paradigmatic case of plurality deficiency in terms of media ownership. The newspapers belong to two large economic groups, Copesa and El Mercurio; free-to-air TV channels belong to two family businesses and an international economic group (Warner); public TV has a statute according to which it is subject to self-financing, and does not represent an alternative offer; and radios are also highly concentrated in large groups (Copesa, Prisa, etc.). To date, the community radio law has not been implemented despite having been three years since its passing. The limited diversity of information offer comes from online papers and cable channels.

The Digital TV Law of May 29th, 2014, aimed at promoting the appearance of new operators and establishing pluralism obligations for TV channels. The end of the processing coincided with

the end of the first term of the right wing in office since the return of democracy and although the political alliance participated in the negotiation of the legal terms regarding the obligations, a part of it went to the Constitutional Court to impede the promulgation of the aspects related to pluralism, which caused a revealing discussion on the conception of freedom of expression and democratization of access to information of the different political and economic sectors.

As a result, the anti-regulatory logic of the media owners was clearly expressed. The confrontation before the Constitutional Court that took place in November 2013 between the foundations called Jaime Guzmán and Freedom and Development, and the Association of Journalists and the FUCATEL Media Observatory, was silenced by the very media despite its relevance to democratic life of

the country. The outlook of those who wanted to eliminate the articles that defended pluralism in the law can be summarized as follows:

- It deems inadmissible to demand the media to promote pluralism.
- It deems inadmissible that the National Television Council (CNTV) take measures and procedures in order to ensure that the news and opinion and political debate programs respect the principle of pluralism and believe that in any case, it is the network the one that sets the reach of this obligation.
- It does not accept the obligation to broadcast public service announcements as compensation for getting a free license, let alone that the content of the ad be defined by the competent authority and they do not believe that CNTV is able to decide if they are of public interest.
- It is repeatedly stated that Chile is a unique case, therefore, it should not abide by international agreements and risk turning into Argentina, Ecuador or Venezuela, countries with media regulation, of which the media in Chile does not talk about in the news. The reality of those countries is usually caricatured, with no information on internal controversy.

Initiatives of the Defenders of the Audiences in Chile

During 2012, while commemorating the freedom of expression day, the international seminar titled “Right to Information and Defenders of the Audience” took place, which was organized by the Chilean Association of Journalists, the Communication and Image Institute of the University of Chile and the Parliamentary Academy of the Chamber of Deputies. Congressmen, academics and social actors discussed the need to recognize in our country the right to communication as a fundamental guarantee that sees through the already consecrated freedoms of expression and information. All the attendees agreed on the historic debt of Chile regarding rights and the need to start discussing this issue throughout the country once again. However,

the initiative fell short in terms of establishing a Defender, as it would have been expected.

The role of the National Television Council and the complaints of the audiences

The National Television Council is an autonomous body with constitutional value. Its mission is to ensure the proper functioning of television consecrated in law no. 18,838 and it states that anyone can report in this entity the programs that they believe violate the terms stated in Article 1.

For this task, the Council has implemented a mechanism to receive complaints about the content on screen. For example, in 2012, it received 3,967 reports and in 2013, that number rose to 4,822.

Among the most popular reason are: harm to the dignity of people (21.7%), to national values (18.9%) regarding the principles and basics of institutions (namely, non-discrimination and social order); how information is dealt with (12%) and citizenship complaining about lack or omission of integral information, and subjective information, sensationalism (10%); and protection of children (9.7%). All of these are stated as obligations for a correct functioning of the Law.

Pluralism on public TV

Given the restriction of CNTV, the FUCATEL Observatory, a private not-for-profit foundation, has taken on an alternative role. Through measurements and studies, it aims at defending the audiences through objectifying TV content. We aim at being an impartial third party that denounces when truth wants to be distorted, or when the lack or excess of some content may affect the right to information of the audiences. Moreover, we tried to do the same thing with radios and print media, but they do not have a Council or are regulated in a special law.

In 2012, FUCATEL did a study on pluralism in the agenda of the news program of TVN, the public channel. That study contributed to measuring

pluralism in Chile, which had not been a subject of study, despite it being stated in the very law of TVN as one of the requirements of the State channel.

Results show that on the news, football coverage stands out (36%), crime stories make up 21% and the social area, 17%. The latter includes health, housing, education and social policy in general. Topics such as the environment, demands of students' unions, discrimination, native peoples, workers or immigrants, among others, all make up almost 10% of the news.

On another note, there is a lack of pluralism in the sources, the Government being the main actor (50%), as opposed to social organizations (27%). What particularly stands out is the extremely low percentage of reporting on the Armed Forces and the Police (4%), Izquierda extra Concertación (1%), other political parties (1%), the Judicial Branch (1%), the Church (1%) and Human Rights organizations (1%).

Reporting on disasters and catastrophes



In 2014, with CNTV, we criticized the coverage of catastrophes in Chile. In general, they drastically alter the programming of television channels, since the regular programming is put aside to broadcast without interruptions from the affected places for two or three days. Although the media play an indispensable role in the spreading of information about what to do in a catastrophe, in the last two we have had in Chile (the earthquake in Iquique in March and the fire in Valparaíso in April), it was evident that the constant repetition of footage of the tragedies and excessive coverage did not mean more information for the citizens.

An example of this is the lack of more important elements that explained the tragedy, such as urban planning or the constructions in areas with no health services, a topic that TV reported on scarcely.

The constant repetition of images and interviews with the victims, often children, to keep interest in the news about the tragedy has been criticized by audiences and authorities, as gruesome testimonies

tend to be exploited and they go on with a state of chaos and alertness when what is necessary is to contribute to restoring quiet and normality. To this end, during the last tragedy in Valparaíso in April, FUCATEL recommended channels to go back to their usual programming and stop the ongoing broadcast of the tragedy.

Finally, the large amount of complaints about gruesome, sensationalist coverage of catastrophes made at the CNTV indicates that they are not appreciated, mainly in terms of the interviews by the journalists and the comments of the news readers. While all across Valparaíso, volunteers flooded the streets and shelters to help, TV insisted on having audiences hooked through the emotional approach, exploiting the misery and distress of the victims, paying no attention to their dignity.

CANADA

Esther Enkin

Vice President of the Organization of News Ombudsmen (ONO) and Ombudsman of the Canadian Broadcasting Corporation (CBC)



She has earned a Bachelor of Journalism Honors degree. She has worked at CBC for over 25 years, at one point being the Executive Editor. She was in charge of redesigning the Journalistic Standards Manual of said medium and trained over 2,000 workers. She has received international journalism awards for the production of documentaries. Since 2014, she has been the Vice President of ONO and the Canadian Journalism Forum on Violence and Trauma, which developed a guide for reporting on mental health and suicide.

www.newsombudsmen.org

An introduction of ONO to Latin America Mindset: Reporting on Mental Health

The portrayal of mental illness in the media may stigmatize people and prevent them from getting treatment. A guide for journalists on mental health and suicide provides recommendations. It is a key aspect of the work done by the Defenders of the Audiences that the most vulnerable sectors of society be treated with respect and dignity.

Academic studies from Canada and Australia provide ample evidence that media characterization of mental illness stigmatizes people with disorders, and can prevent them from getting treatment. That is particularly true in popular culture, but it is also true in news. There is a well-entrenched stereotype of the deranged murderer. The truth is that a person with a mental illness is much more likely to be the victim of violence than to be the perpetrator.

It is a fact that one in five people will experience some mental illness in their lifetimes. That is a lot of people. That touches a lot of lives.

A group of us involved in the Canadian Journalism Forum on Violence and Trauma decided to create a guide to reporting on mental health and suicide. It is called Mindset: Reporting on Mental Health.

Con un grupo de colegas del Canadian Journalism Forum on Violence and Trauma (Foro Canadiense

de Periodismo sobre Violencia y Trauma) decidimos crear una guía para la cobertura de la salud mental y el suicidio. Se llama “Mentalidad: cobertura periodística sobre salud mental”. We hope it helps health care professionals, journalists, people living with mental disorders and their advocates.

The guide is a practical document suggesting the best language to use when talking about various forms of mental illness and suicide. It provides some quick facts and background on relevant Canadian law and about specific conditions. It features the testimonials and the lived experience of journalists.

One of the things people in the mental health community, including those that live with mental illness, told us was that they thought there was no hope of increased public understanding unless people like them were given a voice. That can create a dilemma: Is a vulnerable person really able to do so, understanding the consequences of appearing on line or on air?

Mindset has some advice about what factors to consider and how to effectively and sensitively interview vulnerable people. The guide reinforces the importance of asking questions about the mental health system. Stories should not only be about dramatic events like the recent shooting of three police officers, but also about how the perpetrator managed to fall through cracks in the system and go untreated.

I have no illusions this will all be fixed in a week. Recently I dealt with a complaint that some broadcasts about Elliot Rodger, another mass killer, kept referring to the fact that he had Asperger's Syndrome, a condition on the autism spectrum. This is exactly the kind of conflating of facts that leads to stereotyping and fear of these conditions. Asperger's does not cause people to kill.

There is an expression about journalism – that it serves to afflict the comfortable and comfort the afflicted. Mindset provides knowledge and a guide so that some of the most marginalized and vulnerable people in society are better understood, and that they have access to the care and support they need to flourish. It is a project I am very proud of, and consider it consistent with my work as an Ombudsman to ensure that all members of society are treated with dignity.

The projects of ONO in Latin America



The Organization of News Ombudsmen (ONO) is an international organization of journalists and communicators that work as Ombudsmen in the media and was founded in 1980 in the United States.

I am told by people who were around in those days the name was deliberately chosen for its acronym. The reason given is that when an Ombudsman would approach someone in a media organization, the first thing out of their mouths would be OH NO! It's true that sometimes when I make a phone call to a journalist, the response on the other end of the line is a sigh, and the response, "What did I do wrong?"

There are different versions of how and where it all began. In the 20th century the first media organizations which had fairly well developed

systems to handle reader complaints were Asahi Shimbun, a very large Japanese daily, and the New York World, a paper that no longer exists.

It was not until about 50 years later that the movement to some sort of accountability and oversight grew and spread. And that happened in the 1970s when several surveys revealed that many readers viewed newspapers, and by extension the editors and reporters, as defensive, arrogant and out of touch. Not a great way to sell your product, or to inspire trust, which, after all, is the most important component of any media organization's value and the basis of its critical relationship with the public.

The numbers of Ombudsmen have shrunk since that heyday. Today a reasonable estimate would be that there are between 125 and 150 news Ombudsmen worldwide, with about 30 in North America, another 30 in South America and at least 50 in Europe and the Middle East, with a handful in Asia and Africa. They work in newspapers and broadcasting organizations, in privately owned and in publicly supported media organizations.

I think it is encouraging that growth seems to be following the emergence of democracy and a freer press. Accountability that Ombudsmen represent can only reinforce the democratic process by ensuring the rights of the public are protected, and that government does not intervene.

As the number of Ombudsmen grew, they reached out to one another for support and guidance. By 1980 John Brown of the Edmonton Journal brought Canadian and American Ombudsmen together and the Organization of News Ombudsmen (ONO) was created to support those in this position.

Today ONO sees itself as a kind of think tank, dedicated to fostering understanding and revealing to the public how journalism and broadcasting works. The more the curtain is pulled back from the process, the more transparent it is, the more members of the public can make their voices heard and contribute to the type of journalism that is created. If there were an argument for an international organization of professionals dedicated to ensuring the fairness and accuracy of information and the portrayal of a society, it would be this.

Media organizations, as the vehicle for public discourse, are intimately connected to the state of democracy. The Ombudsman, and ONO as an organization, can act as an agent of democratization by encouraging best practices and helping to educate the public about its rights.

In countries where it is the government that may be suspicious of media, the self-regulating nature of the Ombudsman can act as a confidence builder. In her 2103 study Karen Rothmeyer, former Ombudsman at the Kenyan Star, gives examples of times when government interference was deflected by the intervention of the Ombudsman.

Whatever the title or scope of the position in the media, there is a common purpose. All are dedicated to enhancing the democratic process through a free, accountable and transparent media environment. Media content is by definition, in a digital age, global in its reach. And it moves at extraordinary speed. The need for strong ethical teaching and independent oversight has never been more critical.

In its 34 year history ONO has gone from being a newspaper focused group, based largely in the United States and Canada, to an international group embracing many varieties of public defenders/ Ombudsmen as well as welcoming, through associate memberships, those who think, research and write about communication ethics, as well as educators.

ONO historically has struggled with how best to serve its international members and how best to serve the needs of such a diverse group with the same core function. While we have many things that bind us, there is a growing recognition that there are specific needs that can often break down along regional lines, such as Latin America, Africa and Asia.

We envision, with local input, building a chapter for this region, so that common problems can be dealt with in a common language, through a website, and by affiliation with the larger organization. We will all have the incredible advantage of the vast scope and knowledge about accountability and transparency that ONO can offer. In addition to the website, there is the possibility of regional workshops and symposia.

The Latin American chapter would have the support of the main organization to find academic and think tank partners to conduct research into the impact of media and the value of an Ombudsman-type role in reinforcing democratic institutions.

More specifically, here is what we are proposing:

- By May 2015, we set up a Latin American sub-committee to guide the project and get your input.
- By October 2015, the ONO Latin America website would be launched.
- Concurrently there would be a series of seminar days to bring together the members, to share problems, best practices and research.

I hope you will consider ONO as an organization where you can share your experience and perspectives in the interests of the public and the democratic process.

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PANEL 3:



The Defenders of the Audiences in the new regulatory framework of radio and TV in Latin America



COLOMBIA



Teleantioquia

Olga Restrepo Yepes

Member of the Viewership Defense Committee of Canal Teleantioquia

She is a lawyer, graduated from the University of Medellín, Colombia. She specialized in Constitutional Right at Universidad del Rosario and got her Masters in Law in the University of Los Andes. At present, she is a professor of Public Law in undergraduate and graduate courses and is a member of the Legal Investigation Group of Ciudadanía, Democracia y Poder. She teaches courses and seminars in different universities around the world and is a member of the Audience Defense Committee of the local public channel in Antioquia.

www.teleantioquia.co/programas/sabertver

Teleantioquia, with a Viewership Defense Committee

Supporting dialogue with the audiences

Teleantioquia was the first local public channel in Colombia to have a Defender of the Viewer. Unlike other cases in Latin America, in the case of this channel, the Defender is made up by a committee of five members which is renewed every two years and the members of which are proposed by NGOs, unions and universities.

The Defender of the Viewer did not exist since the creation of public television in Colombia in 1954, but thanks to constitutional changes in 1991, a new legal framework was created for its appearance and consolidation. Not only because it fostered citizen participation in fields such as television, but also because it consecrated in the constitutional text rights such as the ones in Article 13 (equality before the Law and authorities), 15 (the right to privacy), 16 (free development of personality), 16 (freedom of conscience), 19 (freedom of religion), 20 (freedom of opinion, press and information), 21 (the right to one's good name), 70 (access to culture) and 78 (consumer rights), among others. Rights that not only clearly protected the media, but that forgot about citizens-viewers.

In line with the constitutional change, the Congress of the Republic passed law no. 3351 of

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1 Article 11 of Law no. 335 of 1996: "Private television companies

1996, which in article 11 states the position of defender of the viewer. This legal consideration established that private television companies must allot 5% of its programming to shows of public and social interest, a space that should also be assigned to the Defender of the Viewer. Surprisingly, it did not include public channels, and therefore, there was a legal void that was difficult to fill.

How could you get a public channel to create and make the Defender of the Viewer part of its programming? This could only be done willingly, and that is how the Teleantioquia public channel was the first to do this in Colombian television, with agreements 19, on December 22nd, 19972

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must allot 5% of its programming to shows of public and social interest. One of these spaces will be assigned to the Defender of the Viewer. The Defender of the Viewer will be appointed by every private television company".

2 Agreement of December 22nd, 1997: "Article 1: The Defender of the Viewer. The Defender of the Viewer is created

(Teleantioquia Regional Administrative Board); and 6, on March 23rd, 1999, which created the Defender of the Viewer³ for information and news programs⁴.

In order to strengthen citizen participation, in 2001, Canal Teleantioquia modified the Defender, and it would not be a single person anymore, but a Viewership Defense Committee. A year later and funded by the National Television Commission, the work of the Committee covered the whole programming of the channel⁵.

Almost ten years later, and with examples such as Canal Teleantioquia, the Colombian State

in Telenatioquia to ensure the intervention of the community in the management of the public service that is television and promote the participation of viewers through an ombudsman that sees to their complaints. Regarding information programs on the channel, the Defender will work to ensure freedom of the press and if there was any excess, it could inform the National Television Commission of this, a competent body that can penalize as it sees fit". (Teleantioquia Regional Administrative Board, 1997).

3 "(...) the Teleantioquia Regional Administrative Board, in Agreements 19 of December 22nd, 1997, and 6 of March 23rd, 1999, created and regulated the Defender of the Viewer for the programming of Teleantioquia, as a Project of the National Television Commission. Said regulation was derogated by Agreement 5 of March 27th, 2000, given that at that moment, its functioning could not be guaranteed". (Viewership Defense Committee of Teleantioquia).

4 "For years, the information programs on Teleantioquia were produced by other companies, which profited from the big investments by advertisers that these shows get. When the television service opened up to new providers in an open competition system that aims at ensuring the survival and economic strengthening of the channel, in public call 1 of 1996 it was proposed a collaboration to co-produce these programs as a joint venture, with the participation of Teleantioquia in the advertising business. The proposal raised doubts as to whether it would co-produce the story, jeopardizing the autonomy and independence of journalism. The body then turned to the Foundation for a New Ibero-American Journalism for consultancy, and with its support, turned the open call process to the search of elements and mechanisms to avoid the interference of the State in information. A legitimizing element stands out: the Defender of the Viewer, which embodies the intervention of the community and for the first time, a television channel in Colombia promoted viewer participation through an ombudsman that handles their complaints about all the programming, and in the specific case of news programs, ensures freedom of the press". (Viewership Defense Committee of Teleantioquia).

5 "In March, 2001, when the joint venture finalized, Teleantioquia took over the production of one of the news programs of the channel, Teleantioquia Noticias, at 7.30pm during the week and 1pm on weekends. In order to guarantee information pluralism, the news program called Hora 13 (1pm) is produced by another company. As the channel must provide serious, moderate, free and unbiased information, the DEFENDER OF THE VIEWER was created, but it would be not in the hands of a person, but of A COMMITTEE. (Viewership Defense Committee of Teleantioquia).

said in Agreement 1 of 2007 of the National Television Commission that all public channels had to have a Defender.

The new norm also stated the allotment of a part of the programming for the Defender of the Viewer: a weekly show that lasted half an hour, live or pre-recorded, and with audience participation⁶. Besides, the channels had to inform daily during primetime of the day and time of the broadcast.

This new legal provision represented a change in viewership right protection in the country, because this reached not only private channels, but also national, regional, public channels.

In order to detail Agreement 2007, the National Television Commission released Agreement 2 of 2011, which included two important topics: A) Broadcast time and duration of the show of the Defender of the Viewer⁷; and B) the description of the mechanisms to handle requests, complaints, comments and observations by the audience on the programming⁸.

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6 Agreement 2 of 2011 reiterates this in Article 36, paragraph 2, which is not a substantial contribution. (National Television Commission, 2011)

7 "ARTICLE 37. INFORMING THE NATIONAL TELEVISION COMMISSION OF THE TIME AND DURATION OF THE SPACE FOR THE DEFENDER OF THE VIEWER (Article modified by article 6 of Agreement 3 of 2011). The new text is the following: within 15 business days after this agreement enters into force, the licensees will inform the National Television Commission of the day and time of the broadcast of the space(s) of the Defender of the Viewer, which will be fixed but with a flexibility of 5 minutes before or after the set starting time. To modify the broadcast times of the spaces of the Defender of the Viewer, they must have previous permission of said defender or whoever he delegates. Nevertheless, when the broadcast of the show of the Defender of the Audience must take place when a special event is being broadcast live, said program may be broadcast immediately after said special event. Special events are all those that are not part of the regular programming and which are broadcast at the same time they happen." (National Television Commission).

8 "ARTICLE 38. VIEWER SERVICE. Every licensee must have mechanism for the reception of observations, comments, requests and complaints about the programming or the functioning of the licensee from the viewers. The mechanisms that will be used must be informed to the National Television Commission within the first 15 working days of the year. ARTICLE 39. INFORMING THE VIEWERS OF THE MECHANISMS OF THE LICENSEE TO RECEIVE OBSERVATIONS. Licensees must inform daily between 7pm and 10pm the mechanisms they have for the reception of observations, comments, requests and complaints about the programming or the functioning of the licensee from the viewers. ARTICLE 40. REQUESTS AND COMPLAINTS. Within 10 working days after the end of every

Comparatively, Agreement 2 of 2011 established more monitoring of the channel on behalf of the National Television Commission, as it demanded operators and licensees make known the times of broadcast and duration of the space of the Defender. In addition, the National Television Commission demanded every licensee worked on mechanisms that make easier the reception of complaints and requests of the viewers, as well as the obligation of channels to hand in every three months a report with the complaints and the paperwork done in each case⁹.

Structure, election and functions of the Committee

In Teleantioquia, the internal regulations established that the Viewership Defense Committee had to be made up by five members from different fields and with recognized careers. Every defender will be elected for two years with the possibility to be reelected and should not have any impediments to be hired. The activity of the members of the committee should not at first be paid, except that retribution for this job comes from an independent entity (Regional Administrative Board, 2003).

In the process of selection of the members of the Viewership Defense Committee, the NGO Federation of Antioquia, the Inter-Union Committee of Antioquia and universities in Antioquia that are part of the Colombian Association of Universities (ASCUN), and which have degrees in Human and Social Sciences, are asked to submit resumes of the candidates. The Teleantioquia Regional Administrative Board is in charge of the final

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trimester, every licensee must submit to the National Television Commission a report with the requests and complaints about the programming during said term, as well as the solution to every one of them.” (National Television Commission, 2011).

9 Although this legal adjustment could be seen as support from the regulatory body of the State, actually this control is simply formal, making clear the need to regulate a fit mechanism that makes the now National Television Authority a second instance of review of the complaints handled by the defenders of the viewership defense committees.

election of the Viewership Defense Committee after a short-list by the Board of Teleantioquia ((Regional Administrative Board, 2003).

Some of the tasks of the members of the Committee are the following:

1. Watching and analyzing the programming of Canal Teleantioquia to properly understand the criticism and suggestions of the viewership.
2. Making sure the style guide of the news programs are a legitimizing, active element in the work done by the news programs of the channel.
3. Watching other television offers to come up with criteria about the role of television in our society.
4. Promoting the existence of more critical viewers every day, more demanding viewers that want more pluralism, better quality and new topics.
5. Carrying out pedagogical work to explain to the viewers what their constitutional rights are and what technical or human factors affect the quality of the programs and the possible absence of spaces or productions.
6. Actively participating in weekly meetings during their term and representing all the audiences of the channel.
7. Allowing, during regular meetings, discussions for those directors or producers that are interested in listening to the opinions of the Committee.
8. Representing all the audiences of the channel.
9. Having conversations with producers and workers of the channel to exchange opinions.
10. Encouraging leagues of viewers, parent associations and educational centers to participate actively to improve the programming of the channel (Regional Administrative Board, 2003).

SaberTVer: doing educational work



SaberTVer is the space of the Viewership Defense Committee at Teleantioquia. This 30-minute program aims at reaching the audience by answering their complaints, comments and suggestions. The purpose is to educate through pedagogical series, so that viewers know their rights as an active audience and demand the compliance with the objectives of education, information and entertainment, with the social responsibility that must characterize public free-to-air television.

On SaberTVer, two narratives are combined, depending on the topic, and the format is a discussion or conversation among several guests, and in other cases, there are some of these sections: TVeO en mi región, Yo tengo el control, El defensor en redes, La editorial, El comité responde and SaberTVer.

The program starts with a voice-over that presents the situation that will be discussed: if it is a complaint, the person who is in charge in the channel will answer it, and in other cases, there are interviews with different specialists who analyze and teach about some topic.

This new 30-minute program (it used to last five minutes), gives more continuity to the topics, more chances of reflection and, at the same time, sparks discussion of topics of interest. The time when it is aired, on Saturdays at 8am, has been well-received by the viewers and social media, given that the dynamic, personal format allows interaction and an always younger audience to make the content their own, without neglecting the critical audience that has followed the program for 12 years.

Some of the achievements of the program are the following:

- The interaction with viewers has grown. SaberTVer is recognized and embraced thanks in part to virtual tools. It has a Facebook

group¹⁰ with 589 followers, who comment on the topics and get the weekly teasers, with a Twitter account¹¹ with 845 followers, and a YouTube page¹² where most of the programs broadcast by the channel are. Currently, it has 205 subscriptions. There is also a space on the website of the channel¹³.

- SaberTVer has improved the quality of production, topics and research, as it is expected to continue doing educational work but with a closer relationship with the viewer. That is why the program has started to take to the streets, schools, universities and neighborhoods.
- SaberTVer is visited by university students. For papers, talks and undergraduate dissertations, some professors use the content of SaberTVer in class. They see the program as educational material of great help, especially for those studying communication.
- Through the permanent relationship with the citizenship, we know that the Viewership Defense Committee and its program, SaberTVer, are regarded as an autonomous, entertaining, pedagogical space, a link between the viewers and the channel and reference for teachers and students.

Overall balance of the work done by the Committee



- As a result of an agreement between the channel and the hard-of-hearing community of the city, the channel included again a sign language interpreter and kept the Closed Captioning service.
- Thanks to several releases, the Committee got Teleantioquia to include a warning sign

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¹⁰ www.facebook.com/SaberTVer/info

¹¹ @SaberTVer

¹² www.youtube.com/@SaberTVer/user/saberTVer/videos?flow=grid&view=57

¹³ www.teleantioquia.co/programas/sabertver

in programs that contain advertising, stating that “the opinions and recommendations about the consumption of this product are not a medical opinion”.

- News directors and journalists and those of different programs of the channel have reviewed aired stories, corrected information and have brought the viewers closer thanks to the Committee, ensuring more and more clear and respectful investigations with the citizen.
- During 2013, a total of 73 complaints and comments were submitted by our viewers, of which 62 were sent via e-mail and 11, through social media. In 2014, and to date, the Viewership Defense Committee has received 55 comments from the viewers, of which 26 are complaints, 17 requests and 12 congratulations.
- Information content (the news) has been especially supervised as it is the one that raises most questions and discomfort among viewers because of its importance, display and ratings. Comments about the sport program called Rafagol have increased due to the use of language and verbal confrontation between the journalists, which has raised criticism and reflection on sport programs at large among some viewers.

* By Olga Restrepo Yepes and members of the Viewership Defense Committee of Teleantioquia (Ernesto Correa Herrera, Darío Blanco Arboleda, Alvaro Navaréz Díaz, Jonathan Álvarez Sánchez, Paola Molina Cardona and Ivón Mosquera Restrepo. With the collaboration of Paula Andrea Escobar Zapata).



BRAZIL

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Universidade de Brasília

A people's initiative proposes the creation of an entity similar to Argentina's

A Defender for all Brazilian broadcast

After six years of work, the experience of the Ouvidoria (Defender) of Empresa Brasil de Comunicação (EBC) is a service that promotes the participation of the audience and the accountability of those who manage the public media. However, the example was not followed by other radio and television licensees. A project of people's initiative proposes to create a Defender of the Rights of the Public similar to the one in Argentina.

Brazil is the pioneer country in Latin America in terms of Defenders of the Audiences (the job title is Ombudsman for newspapers and Ouvidor/a for radio and public television).

It started in the Folha de São Paulo newspaper on September 24th, 1989, with journalist Caio Túlio Costa, who published his first column as Ombudsman, titled "When someone is paid to defend the reader". The inaugural text announced the beginning of an activity that aimed at "commenting on the weekly news and the way in which the press covered the issues with a sole objective: to read the papers and listen to the news with the eyes and ears of a demanding reader. Accurate information is a requirement to have an opinion and decide on the matters of life".

At present, although there have been other experiences of Ombudsmen or Defenders of readers

in Brazilian papers, those of Folha de São Paulo and O Povo (Ceará) are still the most recognized.

The Defenders of the Audiences in radio stations and television channels in Brazil are almost limited to the public communication system. The position of Ombudsman existed between 2008 and 2010 in TV Cultura (a public channel financed by the state of São Paulo), but they never had their own program on which to show their work and the comments of the viewers of the channel. The experience of Empresa Brasil de Comunicação (EBC) since 2008 has been different.

The Defender of Empresa Brasil de Comunicação (EBC)



In May 2007, the Ministry of Culture promoted the First National Forum of Public Television,

organized with the Brazilian Association of Public, Educational and Cultural Stations (ABEPEC), the Brazilian Association of University Television (ABTU), the Brazilian Association of Community Channels (ABCCOM) and the Brazilian Association of Legislative Television and Radio (ASTRAL). Representatives of Radiobras (the previous public communication company) and the Roquette Pinto Association of Educational Communication (ACERP) were at the event as well.

The discussions had people from different sections of society, such as academics, communicators, filmmakers, journalists, directors of radio stations and not-for-profit television channels, as well as members of organizations that reflect on communication. The Forum supported the creation of the public television system and the Presidency of the Republic (PR) committed to its implementation.

Five months after the Forum, the PR passed Interim Measure no. 398, an act of the Executive Branch with legal power, turned later into Law no. 11,652/2008, which created Empresa Brasil de Comunicação (EBC). This norm stated the mission of EBC: to bring together and manage the radio stations and television channels that had been until then controlled by Radiobras (TV Nacional, Radio Nacional de Rio de Janeiro, Radio Nacional de Brasília AM and Radio Nacional Brasília FM, Radio Nacional de la Amazonia and Radio Nacional del Alto Solimões) and ACERP (TVE Rio, TVE Maranhão, Radio MEC AM, MEC FM and MEC Brasília).

Law no. 11,652/2008 regulated part of Article 223 of the Federal Constitution, which determines the complementarity between the State, public and private broadcast systems, and established the existence of an Ouvidoria (Ombudsman or Defender of the Public), as a mechanism to provide support to radio listeners, television viewers of TV Brasil and readers of Agência Brasil.

It stated also that the Defender must promote participation of society in the management of EBC, mediate and seek answers to the reviews, complaints and suggestions of the viewers, and listeners. The Law also stated that the Defender

had to report to the public through columns on the website of Agência Brasil and weekly 15-minute programs on the radio and TV Brasil, with analysis, reviews and suggestions to perfect content and procedures.

Later internal regulations, authorized by the Curator and Administration Councils, stated that the Defender should have Assistants who would be in office for two years, a fundamental requirement for them to be independent from the Board of EBC. The present Defender is Joseti Marques, succeeding Laurindo Leal Filho (2008-2011) and Regina Lima (2011-2013).

In addition to the work of the Assistant Ombudsmen, among which are Paulo Machado (Agência Brasil), Maria Luiza Busse (TV Brasil) and Fernando Oliveira Paulino (public radios), the service of the Defenders of radio stations signed a collaboration agreement between EBC and the University of Brasília (UnB). That is how professors and students monitored content and produced a weekly show between January 2009 and July 2012. Since January 2014, four professors, three graduate students and seven undergraduates students have participated in the collaboration agreement and write weekly, monthly and bimonthly reports for the Defender.

The inclusion of the programs of the Defender (“Radio en Debate” on the radio and “El Público en la TV” on TV Brasil) has an additional challenge: being appealing so that audiences stay tuned during their broadcasts. In the case of Radio en Debate, for example, it produced an exclusive version for MEC FM and MEC Brasília, with effects, topics and presentations better suited for sophisticated music.

Draft Bill and people's participation



The service of a Defender of the Public for radio stations and television channels is stated in the People's Initiative Draft Bill of Electronic Mass Communication, presented on May 1st, 2013. The initiative aims at regulating constitutional articles about communication and updating the

broadcasting regulatory framework (as Law 4,112/1962 is over 50 years old), to rights that were stated in the Federal Constitution of 1988. The proposal is a result of discussions and actions that for over 30 years were carried out by civil society organizations and which also included academic participation. The project, based on the conclusions of the First National Conference on Communication (which had municipal, state and national stages in 2009), established the regulation of electronic mass communication and its services (radio and television).

In Brazil, people's initiative draft bills demand the support of at least 1% of the voters in the country, distributed in at least five states, with no less than 0.3% of the voters in every one of them. Due to this, the project can only be accepted by the Chamber of Deputies with the signatures of support of 1.3 million voters.

The proposal includes the creation of a National Council of Communication Policy with the following powers: A) To create the guidelines for public policy in the field, B) To create the regulation for electronic mass communication services, C) To appoint the Defender of the Rights of the Public, which will be chosen from reputable citizens who are not part of said Council and are independent from the Government and the licensees.

If the project were passed, the Council would be made up by 28 members, with 7 representatives of the Federal Executive Branch (the Ministry of Communication, the Ministry of Culture, the Ministry of Education, the Ministry of Justice, the Secretary of Human Rights, the National Telecommunication Agency and the National Film Agency), 3 representatives of the Legislative Branch (the Federal Senate, the Chamber of Deputies and the Mass Communication Council), a representative of the Federal Office of the Rights of the Citizen, 4 representatives of the electronic mass communication service companies, 4 representatives of the academic community, scientific institutions and civil society organizations in the field, and 4 representatives of social movements that represent women,

youth, black people, native people, lesbians, gays, bisexuals and transgender people, in addition to the Defender of the Rights of the Public, who after being appointed would be part of this Council.

The project includes, as aforementioned, the creation of a Defender of the Public, the head of which would be in charge of receiving and handling inquiries, complaints and reports of the public of radio and television. They may: A) act ex officio and/or on behalf of others, administratively, judicially or extra-judicially; B) propose changes in regulations in fields related to its own or question the legality of the existing ones; C) make public recommendations to relevant authorities; D) release the comments they receive; E) promote discussions and audiences on relevant topics.

Final thoughts



After six years of work, the experience of the Ouvidoria of EBC seems to be consolidating as a service that fosters the participation of the public and accountability. This example was not followed by other media organizations that provide broadcast services.

However, if the People's Initiative Draft Bill of Electronic Mass Communication were passed, it would be possible to create a Defender of the Audience that is not limited to public media.

But said draft bill has at least four major challenges ahead: A) getting 1.3 million signatures in five states, which is difficult but not impossible to achieve; B) being passed by both chambers, which would demand great effort from deputies and senators, many of whom are interested in broadcasting as they have direct or indirect participation in communication companies; D) consolidating the Law as a means to formulate, implement and assess public policies.

In short, the creation of the Defender of EBC, the People's Initiative Project and its later transformation into a law are big steps for Brazil.

However, the challenge is to create the conditions for the Defenders of the Audiences to stop being limited to public audiovisual media.

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ECUADOR

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Defenders chosen in public calls

Paving the way for citizen communication in Ecuador

The Organic Communication Law of Ecuador stated that national media must have a Defender of the Audiences, the representative of which would be elected for the first time in late 2014 through open calls. It is about giving power to the citizens for them to affect the communication processes, making audiences critical and participatory.

To begin this talk, it is necessary to provide some information about the sociopolitical context that, in Ecuador, resulted in a Constituent Assembly and the passing of the Constitution in 2008 and which, in turn, was the culminating point of a number of deep, indispensable transformations in our democracy.

In this process, or as an axis of its construction, there is the space to rethink and bring new meaning to communication as a right, an essential, urgent citizen exercise, and reflect on the implications, means and challenges that we have to face as a country in this field. One of them is, without a doubt, the incorporation of Defenders of the Audiences as new actors in our communication system.

In our country, we suffered from institutions that were not only fragile, but also broken after a series

of presidential oustings between 1997 and 2005. In eight years, three Ecuadorian, democratically elected presidents were ousted in processes that involved a group of social, political, military and media actors; the crises were a consequence of a combination of factors such as public scandal, political errors, institutional weakness and above all, an economy that was subject to neoliberal policies imposed by international credit agencies that served national and international banks, which resulted in the mayhem of an economy that was dollarized after the institutional disorder, which included bailing out the banking system and a bank holiday.

Some decades ago, the social and political scenarios had already been prepared thanks to fundamental, privileged actors of deliberation and shapers of public opinion. I mean a group of powerful private

media, concentrated in the hand of nine families, mostly connected with Ecuadorian financial institutions and banks.

Eduardo Tamayo, a member of the Latin American Information Agency, summed up in 1993 the role of the media in the following terms: “The big media, with some exceptions, has joined the neoliberal project, contributing to informing the population of the “benefits” of “social market economy”. A lie that is repeated a thousand times becomes a truth. After this information bombardment, the result is that the “need for privatization” starts to turn into a “truth” and into “an undeniable necessity”, while the opposing opinions of people’s organizations or unions are minimized or blatantly ignored. These examples only remind us that information has not been or is not “unbiased” or “apolitical”, since media owners decide what to prioritize, what layout it should have, what footage or pictures to use and when to make it known. Information companies appoint themselves as representatives of society. Any criticism or questioning of the ruling information model is seen as a violation of freedom of expression. Freedom of expression is equivalent to free enterprise. But the media work in a reality that cannot be kept hidden: they are concentrated in the hands of monopolistic groups that impose a vertical, antidemocratic information system of which big social and organized groups are excluded. It has to be pointed out that multiple bonds connect the media with banking, financing, commercial, industrial and agrarian groups and the very State”.

Some years later, under the same logic, the media broadcast positive news of banking solvency while the capitals of the banks started to collapse.

When the crisis broke, these very media, many of which were controlled by financial companies that are now fugitive from Ecuadorian justice, responded by defending their bonds and interests and creating scenarios that were convenient for them. One of the sad chapters during the darkest days of the crisis was when the main television channels broadcast live –as a kind of nationwide

broadcast– a demonstration paradoxically called “of the black ribbons”, in which representatives of the production chambers, powerful economic sectors of the Ecuadorian coast and the chairs of the bankrupt banks demanded that the State provided additional resources of their rescue.

The influence of the power of the media



The very channels were also the protagonists of Ecuadorian politics. We can remember, for example, that during the fall of then president Jamil Mahuad, when a group of aborigines and the military took over the National Congress, a television presenter of a channel that was owned by another banking group made live phone calls to several commanders or military brigades in the provinces, creating an opinion to divide and create conflict among members of the Armed Forces. Others, most of them, broadcast cartoons while the capital was on fire or lied in their coverage, hiding the thousands of citizens that were protesting.

And the story goes on. A WikiLeaks cable regarding Ecuador in 2004 revealed that bank owners used the media to broadcast information that could even revive the financial crisis of 1999. That cable appeared amid a statement of the American government about how difficult it would be to take Julian Assange to court, the founder of WikiLeaks, who has been granted asylum by the Ecuadorian embassy in London since June 19th, 2012. The fight between media owning bankers, recorded in 2004 according to WikiLeaks, exposed the power of the media emporia and put at risk again the bank system of Ecuador.

That is why I said that what happened in Ecuador after the Constituent Assembly of 2008 was the culminating point of this whole systematic process of institutional breakdown and, at the same time, the beginning of a new democracy that necessarily broke previous paradigms –or had to do so– and that required to break with the past for good as the only possibility of recovery for the country to build itself up again with the citizenship as

the protagonist and monitor of public power, exercising their right to participation.

That way, in Ecuador, the Constitution of 2008 created a new political power organization scheme that surpasses the classical division into three branches and establishes five: Legislative, Executive, Judiciary and Indigenous Judiciary, Transparency and Social Control and Electoral. This structure is complemented by the creation of decentralized, autonomous governments in charge of the territorial development of parishes, cantons, and metropolitan and provincial districts.

The new constitutional hierarchy



Our Constitution is based on and integrates the principles and procedures of representative, participatory and community democracy. Among the concept and operational changes, it states the urban/rural representation in the cantonal councils, a proportional method in the distribution of seats, the democratization of political parties, state financing of election campaigns, as well as a number of mechanisms and tools that aim at ensuring citizen participation at all levels of the Government. That is why we can say that our democracy is based on and is only possible with participation.

“Communication and culture are today a primordial field of political fight: the strategic scenario that demands politics regain their symbolic dimension –its ability to represent the bond between citizens, the feeling of belonging to a community– to face the erosion of collective order”, Jesús Martín Barbero (2002) said. I would like to highlight that this profound change that we were dealing with as a country demanded the restructuring and recovery of the democratic construct, the consolidation of a strengthened identity and institutional re-legitimization. And all this was happening as well –necessarily– due to a reconfiguration of public opinion, the possibility to listen to a variety of voices and establishing new norms and values.

That is why it was essential for the media, as a privileged space for the construction of public opinion and citizen deliberation, not to remain in the hands of a group with media/financial power and it was urgent to seek ways to achieve communication democracy, to have spaces for meetings and diversity and to use strategies for information and communication to be appropriated by citizens who exercise these rights.

To this end, the very Constitution includes a Communication System and the institutional regulatory mechanisms, responding to the need to prioritize the citizenship not only as a subject of rights, but as a subject that guides the changes in this field.

Nowadays, communication in Ecuador is a constitutional right: it is the first right in the third section of the chapter on good living and it says: “Article 16: Every person, individually or collectively, has the right to: free, intercultural, inclusive, diverse and participatory communication, in all aspects of social interaction, in any shape or form, in their own language and with their own symbols”.

Substantial change



A fundamental topic has been the change in ownership structure. I believe it is important to point out that this topic was explicitly discussed with the Ecuadorian population in a popular consultation in 2011.

The third question in the referendum –which was approved by 52.97% of the Ecuadorians– established that Article 312 of the Constitution should say: “The private financial system institutions, as well as private national media companies, their directors and main stockholders, may not own, directly or indirectly, shares of companies in fields other than finance and communication, accordingly...”.

And it should add: “The shares owned by private financial system institutions, as well as private national media companies, private national media companies, in companies in fields other than its

own, will be alienated within the year starting when this reform is passed”.

In addition, in Ecuador, media concentration and the use of frequencies and changing the distribution and the process of appointment in equal conditions is prohibited.

On the other hand, the Constitution states that every person, individually or collectively, has the right to take part in participation spaces in the field of communication.

We have mentioned before that a Communication System is established as an institutional means for coordination and participation in public policies of communication, which defines, implements, assesses and articulates the planning regarding communication.

The Constitution defines it this way: “The social communication system shall ensure the exercise of the rights to communication, information and freedom of expression, and shall strengthen citizen participation and is made up of public institutions and actors, policies, the regulation and private, citizen and community actors and voluntarily take part”.

The actors of this System are:

First of all, the Information Regulation and Communication Council (Cordicom), which aims at articulating the system through two fundamental goals: creating the norm to ease the application of the Communication Law and make public policy so that goods and services are available for the citizenship to exercise their rights to communication.

Then, the Information and Communication Office is created, which is the body in charge of overseeing the fulfillment of the Law, that is, following and making others follow the Law, with the ability to penalize and create institutional mechanisms for complaints about the exercise of the rights to communication to be investigated, prosecuted and penalized accordingly.

Finally, public and private actors such as citizen observatories and networks and other

social control mechanism are part of the Communication System.

The Organic Communication Law



But the Constitution also stated among its transitory provisions that the Organic Communication Law be passed, which was ratified by the citizenship in the same popular consultation in 2011 and which due to pressure from media and political sector was only passed in 2013.

This Communication Law explains the rights to communication that are stated in the Constitution and, at large, establishes:

- Rules for the production of educational, cultural, information, intercultural and national production.
- Parameters to identify and classify content.
- Time slots.
- Limits to discriminatory, violent and sexually explicit content.
- There is a section on media transparency which according to the Participation Law, the media should also hand in an annual report on that.
- The protection of rights regarding advertising and propaganda.
- Equal distribution of the broadcast spectrum: 33% for public media, 33% for private media and 34% for community media.

A fundamental aspect is related to seeing mass communication as a PUBLIC SERVICE: Article 71 of the Law says that information is a constitutional right and a public good; and the mass communication that takes place in the media is a public service that must be provided with responsibility and quality.

And in line with the spirit of participatory democracy, the Law also includes several elements for citizens to be the ones who make up and vitalize the system. For example, it says that authorities

and public servants, as well as public, private and community media, must ease the intervention of citizens in the communication process.

It says that the citizenship has to right to organize itself freely in public hearings, observatories, assemblies, councils and others, in order to influence media management and monitor that the media fulfill the rights to communication. In addition, it incorporates public media citizen councils as “a mechanism for discussing the guidelines and follow up on the evolution of the policies”.

The model of Defenders of the Audiences in Ecuador



It is about giving power to the citizens so that they are part and influence the communication process and, in turn, produce critical, participatory audiences. It is in this context that the Defender of the Audience appears as a possibility of self-regulation of the media.

It is the citizenship itself that must demand quality and the prevalence of content with informative, educational and cultural ends in media programming. However, it is indispensable to also have media that understand and assume their role and social responsibility. To that end, one of the mechanisms in the Law is the Defender of the Audiences and Readers.

Article 73 of the Law says that national media must hire a defender of the audiences and readers, who will be independent and autonomous; and the regulation that was passed in January 2014 states this position will be appointed through an open call organized by the Citizen Participation and Social Control Council and they will be in office for two years. It also states that the call will take place during the last three months of the year. Therefore, in October 2014, the first one will start.

We, the Citizen Participation and Social Control Council, are committed to organizing a transparent, inclusive and democratic selection process that guarantees participation, with

gender equality. That is why the call will have a Citizen Observatory.

The stages, aiming at creating participation spaces for the citizens and the candidates, are: open call, requirement review, reconsideration; public scrutiny (in which all the citizenship may, which documentation, impugn the candidate due to lack of probity or aptitude or not fulfilling the requirements). Then, we will begin the stage of merit rating, reassessment, and finally, the appointment of the candidates with the highest scores.

The profile of the Defender of the Audiences and Readers is a professional with enough experience in communication, journalism, rights and mediation, and it must be guaranteed that there is no conflict of interests with the media, regulatory bodies or the entity that appoints them.

The remuneration of the Defender of the Audiences and Readers of every medium will be paid by every medium through the Information and Communication Office and their attributions and responsibilities will fundamentally be:

1. To handle complaints by citizens and process them diligently.
2. To mediate between the citizens and the media when there are complaints, proposals or observations about the exercise of the rights and obligations stated in the Organic Communication Law, so that conflicts can be solved directly between the parties involved without the need for public authorities to intervene or administrative sanctions or others of any kind.
3. To make observations and recommendation to media boards to improve their performance regarding the fulfillment of the responsibilities and obligations established in the Organic Communication Law.

The recipient of the rights to information and communication is the citizen and in this context, the Defender of the Audiences must moderate the space where the citizenship and the media meet. With this position, we hope to consolidate the responsibility to rebuild the media space, to turn it

into a public space too, for meetings, discussions and diversity and, in turn, for demanding accountable journalism, a language that respects the dignity of people and the possibility of citizens to participate in the agenda of the media.

Ryszard Kapuscinski, a Polish historian and journalist, regarded as one of the creators of contemporary journalism, said that true journalism is intentional, you set a goal and try to make some sort of change. That is why he said that the duty of a journalist is to report in a way that helps humanity. The information must increase our understanding and respect of others: "Wars always start before you hear the first shot, they begin with a change in media vocabulary." The biggest limit to media power is precisely the limit of their audiences. That is why the professional and ethical contribution of the Defender of the Audiences will undoubtedly benefit the communication construction process as is stated in the Constitution of the Republic of Ecuador, from the belief and certainty that communication is a reflection of the society that we are, but also of the one we want to be.



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www.noticiasmvs.com/#!/ombudsman



A new regulatory framework in Mexico

Hits and misses in the protection of the rights of the audiences

On August 13th 2014, the Federal Telecommunication and Broadcasting Law came into force in Mexico, which establishes, among many things, that licensee of radio and free-to-air television must have codes of ethics and Defenders of the Audiences. However, the rights of the public may be a thing of the past if their fulfillment depends solely on the will of every medium.

The constitutional reform regarding telecommunication in Mexico was passed in June 2013, as a consequence of the Pact for Mexico, promoted by the three main political forces in the country (PAN, PRD and PRI). Those who signed this national political agreement, created in December 2012, aimed at promoting structural change to foster economic growth, improve the quality of democracy and the justice system, among other goals.

One of the reforms was about telecommunication and broadcasting, which caused great expectations of a radical transformation of the media system in a country that was overwhelmed by the concentration of free-to-air television, cable television, fixed telephony, mobile telephony and internet, as well as the lack of rights of the audiences and telecommunication service users.

This initiative seemed unthinkable because of how Enrique Peña Nieto started his term in office, after a campaign that was carried out for many

years by one of the biggest media groups in the country (Grupo Televisa) on its screens, when he governed the State of Mexico and due to how PRI systematically opposed to reforming the legal structure of the media during the administrations of PAN (two from 2000 to 2012).

However, when the Pact for Mexico was signed, PRI and the president of the Republic, along with most of the opposition parties, supported the telecommunication constitutional reform, which implied the modification of nine articles in the Constitution and adding different transitory articles. The reform was thorough in terms of competence, public and community media, fundamental rights (freedom of expression, the right to information and internet access), it set deadlines and criteria to create the autonomous body of telecommunication (the Federal Institute of Telecommunication, IFT), and a court that specialized in telecommunication and economic competition, among other changes.

Regarding the rights of the audiences, obligations for the media were incorporated, such as free access to plural, truthful information; the right of reply, receiving advertisements or propaganda in a transparent, not deceitful way; children's programs that respect constitutional values and principles, and other implicit and explicit rights. In one of the transitory ones, the Constitution stated that congressmen must guarantee the rights of the audiences in a converging broadcasting and telecommunication law.

Given the breach of the Pact for Mexico due to differences in another reform, the federal government –and not the members of the Pact for Mexico– proposed in March 2014 the secondary legislation initiative, which consisted in the creation of the Federal Telecommunication and Broadcasting Law and the Public Broadcasting System Law of the Mexican State.

The proposal was quickly questioned by dozens of civil society organizations, academics and experts after its presentation at the Senate. Among the arguments to reject it, the ones that stood out were the inclusion of articles to benefit the main network (due to the possibility to increase its presence in the telecommunication field, by acquiring cable television companies), and the little incentive to develop public and community media, as well as invasion of privacy because of alleged national security reasons.

Others setbacks are that the new law does not state –as the Constitution had anticipated– criteria for media cross-ownership and grants privileges for networks to increase the percentage of commercial advertising (from 2% for every 20 minutes of nationally produced programs and 5% for acquiring 20% of independent national productions), they are not obliged to pay for multiprogramming on their cable channels, or acquire independent national productions.

Despite the rejection, the Telecommunication and Broadcasting Federal Law was passed by the Senate on July 6th and by the Chamber of Deputies on July 9th. On July 14th, it was published by the Executive Power and came into force on August 13th¹.

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¹ The Telecommunication and Broadcasting Federal Law is available at <http://www.dof.gob.mx/index.php?year=2014&month=07&day=14>

Recognized rights of the audiences



Regarding the rights of the audiences, the Telecommunication and Broadcasting Federal Law specifically includes in Article 26 eight of said rights and the fact that licensees of radio and free-to-air television must have a code of ethics and Defenders of the Audiences. Due to its relevance, here is the complete article:

The broadcasting public service of general interest must be provided in proper competence and quality conditions, in order to satisfy the rights of the audiences, for which, through its broadcasts, it will be cultural, preserve plurality and information truthfulness, apart from promoting national identity values, aiming at contributing to the satisfaction of the ends established in Article 3 of the Constitution. The rights of the audiences are:

1. Receiving content that reflects the ideological, political, social, cultural and linguistic pluralism of the Nation.
2. Having programming that includes different genres that show diversity and plurality of ideas and opinions which strengthen democratic life in society.
3. Clarity when telling the difference between newsworthy information and the opinion of the person presenting it.
4. The presence of elements to distinguish between advertising and the content of the program.
5. Respecting the schedule and informing well in advance any changes in programming, and including parental advisory.
6. Exercising the right of reply, according to the law.
7. Keeping the same quality and levels of sound and video during the entire programming, even during commercial breaks.
8. During broadcast services, it is banned all discrimination based on ethnic or national origin, gender, age, disabilities, social status,

health condition, religion, opinion, sexual preference, marital status or any other that poses a threat to human dignity and aims at eliminating or violating the rights and freedoms of people.

9. Respecting human rights, in order to protect children, gender equality and to stop discrimination.
10. Others stated in this and other laws.

The new Law also states the following for audiences with impairments:

Article 258. Apart from the rights stated in this Law and with the aim of having real equal opportunities, the audiences with impairments will have the following rights:

11. To have subtitles, Spanish dubbing and Mexican sign language for the access of people with hearing impairments. These services must be available in at least one of the news programs with highest national ratings.
12. To have the acknowledgement of their capabilities, merits and skills promoted, as well as their need for attention and respect.
13. To have mechanisms to make complaints and suggestions to the defenders of the audiences, as long as it is not a disproportionate or wrong burden for the licensee.
14. Access to the programming guide through a phone number or a website of the licensee in a format fit for people with impairments.

According to the Law, the licensees must issue their codes of ethics in order to protect the rights of the audiences. The codes must abide by the guidelines of the IFT, which must ensure the fulfillment of the rights to information, expression and reception of content as stated by Articles 6 and 7 of the Constitution. The regulations that the Institute creates must guarantee that the licensees have freedom of expression, freedom of programming, editorial freedom and that any type of preventative censorship of their content is avoided.

The Model of the Defender of the Audiences



Article 259 establishes that licensees that provide a broadcasting service must have a Defender of the Audience. The Defender of the Audience is in charge of handling, processing and following up on observations, complaints, suggestions and requests of the people that make up the audience.

The model, in general, is the following:

Liable parties: all licensees of radio and free-to-air television. Every licensee may have the head of the Defender, or share it with many licensees or through a representative body.

Duration: each licensee will determine the term in office, which may be extendable on two occasions.

Obligations of the Defenders: being unbiased and independent and protecting the rights of the audiences, according to the codes of ethics they have signed or the one that each licensee has adhered to.

Registry: the Defenders of the Audiences and the codes of ethics must be included in the Public Registry of Licenses of the IFT.

Promotion: each Defender of the Audience will select mechanisms to promote their work, and they may choose from e-mails, websites or a telephone number. They must also provide access to audiences with impairments, "as long as it is not a disproportionate or wrong burden".

Requirements to be a Defender: according to Article 260, being at least 30 years old on the day of their appointment; having renowned prestige in the fields of communication, broadcasting and telecommunication; not having committed an intentional crime with a sentence to prison of over a year; and not having collaborated with the licensee(s) in two years.

Obligations of the audiences: the listeners and viewers must make their complaints in writing and provide their full name, domicile, telephone number and e-mail address, in order to get an individualized answer. Moreover, they must make said complaints or suggestions in not more

than seven working days after the broadcast of the program in question.

Response time: not more than 20 working days to provide the answers and, if necessary, an explanation. The rectification, recommendation or proposal will be published within 24 hours, on the website that the licensee has for said purpose.

Hits and misses



In two releases, on May 21st 2014 and July 3rd, four out of the five heads of the Defenders of the Audiences that already existed in Mexico expressed our views on the draft bill, and we recognized that we thought it was correct that, for the first time in media regulation history, the Defender was included and that every radio station and television channel had a code of ethics, as part of their commitment to self-regulation before their audiences².

However, we also expressed the following:

1. The rights of the audiences may be a thing of the past, given that their fulfillment depends solely on the will of the medium and the Defender of the Audiences. That is, there are no sanctions, except for the ones imposed by the very Defender for not fulfilling their obligations, among which are “protecting the rights of the audiences”. The fines may range from 100 to 500 minimum wages.
2. The codes of ethics of the licensees, according to the law, must abide by the regulations of the IFT. This obligation goes against the basic and fundamental principles of self-regulation. Ethics is not imposed.
3. The audiences of cable television are unprotected as the licensees of these services are not obligated to have self-regulation mechanisms, among which are the Defenders of the Audiences.

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² Francisco Prieto, Defender of the Viewer of Canal 22; Beatriz Solís Leree, Defender of the Listener of Radio Educación; Adriana Solórzano, Mediator of the Mexican Radio Institute (IMER) and Gabriel Sosa Plata, Ombudsman of Noticias MVS.

4. Some of the attributions regarding content granted to the IFT in the constitutional reform (the supervision of advertising limits on radio and television, of advertisements and content for children and the regulation of the rebroadcast of free-to-air TV channels on cable) were included in the law. However, in the proposal, the supervision and regulation of content remains in the Secretary of Government. We believe this is a setback, given that the federal government should not do this in a democratic State, according to the best international practices.

Lastly, we pointed out that if the ruling were passed, not only would there not be a way to completely guarantee the fulfillment of the rights of the audiences, but also the obligations of the licensees in terms of content, as there is no sanction for their breach.

This way, any of the rights of the audiences related to other articles regarding programming for children, non-discrimination and the respect for the dignity of every person during broadcasts, the constitutional prohibition to air advertisements or propaganda that is presented as journalistic information, among other content, may be breached and this breach does not entail any sort of sanction, which makes inefficient the law that seeks to be passed.



URUGUAY

Gustavo Gómez

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www.observacom.org



OBSERVACOM

Defenders of the Audiences and Codes of Ethics of Radio and Television

Towards new audiovisual regulation in Uruguay

The inclusion of the Defenders of the Public or Audiences, as ways to protect and promote people's rights regarding audiovisual media, takes place in a process of re-regulation and creation of public policies promoted by the last two Administrations in Uruguay, in order to democratize communication.

The search for the democratization of communication was a goal that showed commitment towards the citizenship and was carried out by Frente Amplio, a coalition of left and center-left parties that has ruled Uruguay since 2005. The political force was convinced that a society could not be democratized unless the media system was democratized as well and the broadest, most vigorous exercise of freedom of expression was guaranteed.

This perspective is based, too, on a critical view of the inherited scenario in terms of the media: the concentration of three economic groups, the illegality of community media, the weakness of public media, information being increasingly seen as merchandise, the abuse of State advertising and the granting of licenses to favor friends and politicians of previous

right-wing administrations and impeding the access of other sectors, and obstacles to access information in the hands of the State, among others.

The present radio and television legislation, which is basically of dictatorial origin and is not in line with international standards of freedom of expression, permitted and worsened the situation, making urgent the need for a profound review and regulatory reform. The last two Uruguayan Administrations (Tabaré Vázquez, 2005-2009 and José Mujica, 2010-2014) carried out as a consequence a number of public policies and passed new regulatory frameworks that opposed to and surpassed the ones present when they took office.

They had two complementary goals: the construction of a more diverse and plural media system; and deconstructing the obstacles to the full exercise of

freedom of expression and information. That is, the Uruguayan left faced the challenge of dealing with the present concentration and guaranteeing equal access of civil society to radio frequencies, as the motivation of the most traditional agenda of freedom of expression, connected with the protection and strengthening of the citizens' skills and the very media, their journalists and other media workers.

A main point of this strategy was the passing of new laws and complementary regulations, and it is necessary to point out that in all of them, citizen participation was essential, beyond their participation during enquiries organized by the government. Many of the regulations that were passed were included in the public agenda thanks to social organizations, which promoted them through coalitions and which contributed to the draft bill that the national Parliament discussed.

The new regulation that was passed includes the Community Broadcasting Law of 2007 (seen as a reference model for the region, as for the first time in Latin America, a law that sets aside at least 33% of all radio and television frequencies was passed)¹; the passing of the Law of Access to Public Information of 2008 that recognizes the right of the population to know the information that the State has²; and the repeal of the offence of contempt and the decriminalization of the offences of defamation and insult when talking about public interest³. With these norms, the regulatory framework of Uruguay abided by the standards of the Rapporteur for Freedom of Expression of the Inter American Commission on Human Rights. During the Mujica Administration, this process deepened with the implementation of a law that recognized and promoted community radio and television and when it started to deal with the regulation of concentrated media.

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1 www.parlamento.gub.uy/leyes/ley18232.htm

2 www.parlamento.gub.uy/leyes/ley18381.htm

3 www.parlamento.gub.uy/leyes/ley18515.htm

The digitalization of free-to-air television channels was seen as an opportunity to continue making progress regarding diversity and pluralism in the media system. In 2012, a presidential decree was passed that established the mechanism for the transition to digital TV in Uruguay, where goals and tools to do so are created⁴.

Among the most relevant aspects is the allotment of part of the spectrum for the community sector, an open call for new for-profit providers to enter the business and compete with the existing groups and the growth of the offer of free access to TV channels, as well as establishing new deadlines in the new contracts and demands for the providers, both current and new, which did not exist before (the licenses were granted in a precarious way and with no set expiration, for example).

Among these, the head of the service must “promote the production of national content and the use of national artistic, professional, technical and cultural human resources”, as well as “progressively provide access to people with visual or hearing impairment to all or part of the services provided, in line with the communicational plan”.

In July 2010, four short months after taking office, the government held a public event to launch the idea of reforming the general legislation about audiovisual media. It had the participation of national authorities as well as representatives of all social, business and academic fields related to the issue, and Dr. Catalina Botero, Special Rapporteur for Freedom of Expression of the IAHRC.

For the national authorities it was “indispensable to fully and quickly tackle the review and reform of the regulatory framework” of radio and television, in order to “overcome the dispersion of the existing regulation, most of which are decrees that patch up the problems and are inadequate to handle techno-

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4 http://archivo.presidencia.gub.uy/sci/decretos/2012/05/miem_585.pdf

logical convergence, the productive and democratic development goals of the country and international recommendations”. Therefore, it was inevitable to achieve “a democratic regulatory framework that focuses on human rights and is fair, convergent and flexible” which established “clear and precise rules that guarantee equal opportunity, reduce discretionary nature and provide legal certainty to all actors”⁵.

Many participatory enquiry processes started with the “Technical Consultancy Committees (CTC)”, institutional spaces held by the government in which State, business, social and academic actors exchanged information and opinions to collaborate with the creation of the Audiovisual Communication Service Law that would replace our old Broadcasting Law of 1978. The first one took place in 2010 to work on general aspects of the ACS Law⁶, and another one in 2012, to work on topics specifically related to the rights of boys, girls and adolescents regarding the media and freedom of expression⁷.

After this long, participatory process, in which media owners, journalists and civil society organizations and universities participated, the draft of the Audiovisual Communication Service Law that was sent by the Executive Branch to Parliament in 2013 is in the last stage of consideration. It has already been voted on by the Chamber of Deputies and the Industry Commission of the Chamber of Senators and it is expected to be passed in late 2014 (after the national election in October)⁸.

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5 MIEM-DINATEL, “Contributions for the elaboration of the Audiovisual Communication Service Law”, Zona Editorial, Montevideo, 2011

6 About this CTC and to have access to the full final report, go to www.apu.org.uy/wp-content/uploads/2010/12/Informe-final-CTC.pdf

7 About this CTC and to have access to the full final report, go to http://medios.presidencia.gub.uy/jm_portal/2012/comite_ninez_medios/informe-recomendaciones-finales-CTC.pdf

8 <http://observacom.org/uruguay-proyecto-ley-sca-aprobado-en-comision-de-industria-senado-2014/>

“Content” regulation and social responsibility of the media



The regulation of content that is broadcast in the media is, for many, a synonym of censorship and restriction to freedom of expression. There are reasons to spare for these reservations. Therefore, it is necessary to clarify what wants to be regulated, what for, what does not want to be regulated, and how and who will regulate or enforce this regulation, at least according to the Uruguayan perspective.

The President of the Republic, José Mujica, said: “The law that the Ministry of Industry is reviewing is full of enquiries. Enquiries so varied made with most of the important actors that are involved. It is not a draft bill to muzzle the media, the journalists. In fact, it will try to give legal certainty to the providers in some tricky areas from the legal point of view. And also guarantee freedom of expression, but not only more freedom of expression for the media, but also for all the people. Mind you, also for all the people. So this is not an attempt to silence media owners, but it does seek to state that they have obligations and responsibilities to society. Because we must protect people’s rights, the rights of the media, the rights of boys and girls on TV screens, even the rights of the impaired have to somehow be regulated. Advertisements sometimes, quite frankly, go overboard, and the fundamental right to access to events of general interest. And we know that sometimes in these issues there are conflicts of interests, legitimate conflicts of interests. That is why we need (a new) legal framework”⁹.

The new law does nothing that could be interpreted as an intrusion into the editorial line of informative programs of the regulated services. According to the government of Uruguay, media regulation does not imply regulating content in terms of demands and previous conditions regarding the veracity or lack thereof in the information and opinions give, or the

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9 José Mujica, weekly hearing on M24, May 31st 2012.

quality or impartiality of the channels of programs; all aspects that could turn into illegitimate restrictions to the exercise of freedom of expression and the right to information and communication¹⁰.

Mujica added: “There is no interest in regulating informative content, or get involved with the editorial line of the media. It is not a matter of regulating content, it is not that this or any Administration can say what is good or bad; what is quality or not. That is not our role”¹¹.

To Uruguay, what an audiovisual communication service law regulates in terms of content must have to do with protecting the rights of other people and the public interest, as is the case in democratic countries around the world¹².

Therefore, the subjects to regulation of the draft bill that Parliament will analyze are: the promotion of national and independent productions in audiovisual media, as well as the conditions for the use of rebroadcasters –demanding a minimum of local, national and independent programming–; respect for the rights of boys, girls and adolescents –times slots and others–; regulations to guarantee the inclusion of people with visual or hearing impairments; and regulation of advertising to defend the consumers and users of communication services.

An audiovisual communication service law cannot be regarded as a law for those who already own media, but for all the people, who are the subjects of the rights of freedom of expression and information. In this sense, it is necessary to take into consideration the recognition and protection of the rights of those who are helpless, especially when it comes to vulnerable sectors and the protection

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10 Gustavo Gómez, “How to guarantee diversity and pluralism in the media: a contribution to the review and reform of the Broadcasting Law in Uruguay”, Fundación Friederich Ebert en Uruguay - FESUR, Montevideo, 2010

11 José Mujica, op.cit.

12 On the other hand, there is enough democratic regulation that is compatible with Inter American standards regarding the respect for the rights to privacy and one’s honor in Uruguayan regulation.

of which is of utmost importance, as is the case of boys, girls and adolescents.

It is unanimous in legislation around the world the inclusion of norms that regulate this aspect and that are accepted without objections by all the private actors although it is about restrictions to the exercise of free enterprise. It is a good example of the meaning aimed at by the State regulation in the new Uruguayan law: despite being a limitation to the free exercise of business activity in the media, it is legitimate because it is explicitly stated by law, and is necessary and in line with the goal that seeks to be protected¹³.

In this regard, the draft bill has a whole section dedicated to explicitly recognizing “people’s rights” about audiovisual media, among which are general regulations to recognize the right to citizen participation and non-discrimination, as well as specific chapters on “the rights of boys, girls and adolescents”, “the rights of people with impairments”, “the rights to access to events of general interest” and “the rights of journalists”.

Defining people’s rights

The first Technical Advisory Committee that was created to analyze and propose which should be the main aspects of the new audiovisual law agreed to propose to the government the creation of a “Media Ombudsman or Defender of the Audiences”. For the members of the Committee, in which several representatives of civil society participated quite actively as a Coalition for Democratic Communication¹⁴, one of the main concerns was the “recommendation to create a new regulatory framework to fulfill and protect the rights of parts of the population that have been historically discriminated against”.

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13 Gustavo Gómez, op.cit.

14 A group of dozens of social organizations, including the association of journalists and the degree in communication of the public university that promoted, participated in and defended the passing of the law (www.infoycm.org.uy)

According to the final report of CTC: “this position aims at balancing power relations between providers and consumers of audiovisual communication services. It would be a representative when it was difficult for citizens to demand the fulfillment of norms or rights, including the defense of collective or individual interests. It would receive and handle complaints and suggestions, making them known, presenting them to the relevant organizations and following up on them, acting ex officio when deemed convenient, writing reports and holding public hearings, making requests and recommendations. It promotes opportunities for dialogue between the media and the audiences, and more involvement of the citizenship in discussions about these issues and the exercise of their rights”¹⁵.

Both the government and the party that supports it in Parliament enthusiastically accepted the suggestion, including a chapter aimed at creating the “Defender of the Public”, which would defend and promote people’s rights recognized by the law.

Regarding institutional organization, instead of creating a new State office, the Legislative Branch opted for conferring these powers to the existing “National Institution for Human Rights and Defender of the People (INDDHH)”¹⁶, an independent body, chosen by the Parliament and with administrative autonomy.

The INDDHH will appoint a “Special Rapporteur on Audiovisual Communication Services” to handle these issues, in order to “defend and promote people’s rights regarding and before audiovisual communication services, especially, their right to promote, see and receive ideas and information”. It may “receive and handle reports on the isolation of the audiovisual communication services regulated by this law, regarding the orders that recognize

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15 www.apu.org.uy/wp-content/uploads/2010/12/Informe-final-CTC.pdf

16 Created by Law no. 18,446 on December 24th 2008. www.parlamento.gub.uy/leyes/ley18446.htm

and guarantee people’s rights”, and will have the power to “represent collective or individual interests before any legal or administrative body, as well as any public organization or private body or any organization in this field, both national or international”, request information to the media and “hold public hearings and summon the directly affected parties in its field”.

But apart from protecting and defending, the Defender of the Public will do promotion work to “promote and universalize access of the citizens to audiovisual communication” and “educate the citizenship to exercise communication, freedom of expression and the right to information, favoring critical reception and the intelligent, creative use of audiovisual communication services”.

In this regard and as proposed by the Coalition for Democratic Communication, it will coordinate “the creation, implementation and assessment of the National Plan of Communication Education which consists in media literacy and the development of the communicational skills of all the citizens, promoting the educational role of the media, quality professional training and research into these fields.”

Given the co-regulatory spirit promoted by the Mujica Administration, along with the regulation of the very State, the law created the position of “Defender of the Audience”, in the very media and chosen by them, in order to promote mechanisms of self-regulation.

If the Audiovisual Communication Service Law is passed at the end of the year, all the licensees will be required to have “codes of ethics or professional behavior” that will be available to the public and the content of which “will be determined freely by each provider.” The State “will encourage” the media, individually or collectively, “to appoint a defender of the audience, who will be in charge of receiving and answering messages from the public regarding the fulfillment of the code of ethic or professional behavior”.



FINAL COMMENTS





Defenders of the Audiences, a new communicational actor

The enthusiasm of Latin America

By Cynthia Ottaviano

Listening, mediating, promoting, debating, doing research and raising awareness are some of the fundamental tasks of the Defender of the Public regarding the strengthening of Latin American democracies. In this scenario of emancipation, the role of the State is essential to safeguard the human right to communication and that is why it is necessary to create public offices that defend new communicational citizens.

“The communication process is more and more fundamental. Today, there is no determination of collective will outside the constitutional system”.

Ernesto Laclau

How many steps have we taken in this Latin American land when marching to conquer the human right to communication? How many words have we uttered to discuss and defend the need for democratic communication? How many times have we opposed to free enterprise being disguised as freedom of the press? How many flags have we raised to put an end to media concentration? How many texts have we written alone in our copybooks and computers to get collective freedom in search of a communicational “pedagogy of the oppressed”? There is no way to know these figures, but there is a way to get close to the results of these fights for emancipation.

In most of Latin America, since the beginning of the century, different people's movements have tried to democratize communication. They tried to make evident that the business stage, even the professional stage of communication, had ended, and that in democracy, one lives and must live a universal stage, in which businessmen are not center stage anymore, or communication professionals, but all of us equally. Because communication is a human systemic right, with two dimensions, an individual and a collective one.

And if it is a human, fundamental, inalienable right, States must safeguard it. It is a social activity of public interest in which the State must have an active role and guarantee the participation, preservation and exercise of the rule of law, as well as the values of freedom of expression, as stated in the Audiovisual Communication Service Law of Argentina.

It is clear then that “the promotion of diversity and universality of access and participation, with equal opportunity for all the inhabitants in the nation, to access to these benefits”, cannot be up to the good will of the media “owners”, the licensees or journalists.

Around the world, for the past decades, it has been made clear that it is not only totalitarian States that put human rights at risk, but also corporations, big companies that seek an hegemonic communication that serves their own economic, political and ideological interests at the expense of the interests of the people.

In fact, in different countries with their scenarios, it is those corporations that want a hegemonic communication that unifies meanings and editorial lines. They too oppose anti-concentration laws, which are necessary for democratic communication.

In this scenario of tension, of fights over information, the aim is to define a new reality and begins to build a new communicational citizenship. This is a historical multicultural context, which recognizes new full subjects of rights and creates new organizations, such as the Defenders of the Public or the Audiences, which may contribute to correcting existing asymmetries.

It is not a coincidence that the tendency in these parts, in which self-regulation has not been very fruitful, is to create Defenders of the Public or Audiences through laws or new regulations that regard the audiences as full subjects of rights.

Going from the mercantilist conception to these new paradigms from the human rights perspective implies also defending the audiences. That is how in 1996, in Colombia, the first steps towards the

creation of the Defenders of the Viewer were taken; then in Brazil in 2008, the position of the Ouvidor at EBC; a year later in Argentina, with a nation-wide Defender with power over all radio and television, with a budget, missions and power given by that law; in 2013 in Ecuador and Mexico, despite great criticism. Meanwhile, in countries like Peru, Uruguay and Chile, a regulatory framework that includes them is also being promoted by civil society.

Among these models we can see parliamentary selection processes of the Defenders, as is the case of Argentina. Others would be created and depend on a human rights protection organization, as it is proposed in Uruguay. Others are only for the public radio and television system, and happen as a result of agreements between the Advisory Council and the director, as in Brazil. There are also those who are chosen by the board of a medium, as in Colombia. Or appointed through open calls of a State body, as should have been the case in Ecuador since last October.

The truth is that despite the various selection processes and terms in office (from one year to indefinite), there are more similarities that bring together the Defenders of the Audiences in Latin America than differences: all of them receive and handle complaints of the listeners and viewers, aim at promoting reflection and raise awareness among those who make up communication, promote the rights to the audience and critical education in and about the media. They all make public recommendations, given that they do not have power to sanction. Its power lies basically in mediation and pedagogy. And in this sense, there are opportunities for dialogue.

We all know the difficulties in our daily work to spread the voices of the audiences and correct asymmetries between the new communicational citizenship and audiovisual media, aware of the fact that while what is new struggles to be born, what is old refuses to die. Because those who want communication to be hegemonic do not want to abandon their privileges, while those who had to silence their voices fight and make an effort to speak and be heard.

That is why the basis of our task has to be pedagogical, to commit to making that communicational citizenship that is based on the collective construction of plural, diverse and inclusive communication. That is the only way for the human right to communication, consecrated as a two-way right, to be real, tangible and concrete.

The Defender of the Public of Argentina, from its creation to September 2014, has trained over 20,000 people throughout the country, in more than 1,200 hours of work. We have held nine public hearings, in which over 600 speakers expressed their informed opinion on radio and television before 2,420 participants.

We were there for the creation of three radios lead by native people and farmers –Radio Origen 90.1, the first station of the Diaguita people in Tucuman; FM Monte Adentro - Sacha Hukup 88.7 in Monte Quemado, Santiago del Estero and sixth MoCaSE-VC station, and FM Aím Mokoilek - Soy Mocoví 88.5, in Colonia Dolores, Santa Fe- we succeeded in favorably solving 70% of over 3,200 complaints about discrimination, gender-based violence against women in the media, breach of the suitable-for-all-audiences time slot, incomplete programming schedules and lack of access for people with an impairment to audiovisual media. The remaining 30% is still pending, but it will surely take the same course. Because despite the difficulties, the reflection and discussions caused by the Defender of the Public on deadly mercantilist production were fruitful, and little by little, have brought about change.

These are the 10 keys of the Defender of the Public of Argentina to contribute to the making of a new communicational citizenship:

1. Listening to the complaints, reports and enquiries of the public, in person, online, but in public hearings as well, the democratic participation mechanism par excellence.
2. Mediating and helping to answer complaints, to have a dialogue to ensure communication, leaving behind penalizing paradigms.
3. Promoting the rights of the audiences, in simple formats for everyone equally (Braille,

audiobook, simple Spanish, languages of the native peoples, special editions for boys and girls, adolescents and beginners). Overseeing the creation of new radio stations and television channels for those audiences.

4. Training and acknowledging the pedagogical essence of our task, taking the Defender to schools, neighborhoods, newsrooms, unions, universities and other social spaces. Promoting academic curricula and granting or being a way of granting scholarships in different fields of communication (we have already sponsored almost 100 students from different fields).
5. Observing and creating observatories with civil society and different organizations at a national, provincial and municipal level (the ones running at present are about health and the environment, violence and access).
6. Doing research that is quantitative, qualitative, ethnographic and long-term on the audiences, which will let us reflect on communication, its causes and consequences (we have agreements to do research with the CONICET, the National Scientific and Technical Research Council, for instance).
7. Promoting permanent discussions and workshops and systematizing them to multiply them (17 workshop with 577 attendees that contributed to the collective creation of guidelines for the responsible reporting on several topics, such as natural disasters and catastrophes, mental health, crime, sexual and religious diversity and institutional violence).
8. Raising awareness of different issues and making a change (2014 was the Year of the Fight against Media Violence on radio and television: in the first semester, over 50 activities were carried out in more than ten provinces, which meant 102 hours of work with almost 1,800 people).
9. Bonding with different public organizations to make integral public policy, with civil society as the reason for change and along with other Defenders around the world to make the work richer (we have signed 76 agreements).

10. Transforming and affecting the different educational stages, of all social backgrounds, taking into consideration that it is a cultural change, not temporary.

We know that we are not alone in every step we take, we are accompanied by the Defenders of the listeners, the viewers and the public of that Latin America that seeks a new foundation, a deepening that will necessarily imply the recognition and exercise of multiple human rights, among which is communication.

In this scenario of emancipation, exchanging experiences, discussions and cooperation agreements, doing research and training sessions, between the Defenders of the Audiences of Latin America and other institutions related to the promotion of the right to communication is fundamental.

The First Latin American Congress of Defenders of the Audiences, promoted by the Defender of the Public of Argentina, aims at becoming a body that takes into consideration our identities, cultures and languages, as well as our problems and challenges as Defenders. Those were the first steps towards the creation of the first regional organization and they marked our commitment to cooperate and collaborate. Because, as our joint declaration states: “the OID deems fundamental”:

- To follow up on complaints, reports and enquiries.
- To exchange resolutions of cases with common or similar issues.
- To have a database with laws, regulations, court rulings, recommendations, mediations, etc., that work as additional support in the resolution of cases in each country.
- To do regional research on key topics such as sexual diversity, gender-based violence, the communicational rights of historically marginalized or vulnerable groups: boys, girls and adolescents; and native peoples, among others.
- To sign agreements with universities and educational institutions of different stages, to make recommendations for the creation of academic curricula that promote the recognition and exercise of the rights of the audiences.

- To write a biannual report on the progress and unfinished business regarding audiovisual communication in each country in particular and the region in general.
- To promote the creation of the position of Defender, Ouvidor or Mediator in different media as a way to show commitment and transparency to the audiences.
- To foster the creation of codes of ethics and style manuals as tools for self-regulation of the media.
- To promote cooperation with other Defenders of the Audience not only in Latin America, such as the Organization of News Ombudsmen (ONO).

We know that only the active participation of the new communicational citizenship can guarantee the enforcement of new laws or to create them where there are not any, because they are the key to put an end to dominant position and concentration, which are so harmful to democracies, but also to broaden their rights and regard the audiences as active subjects of communication, of the deepening of Latin American democracies. Latin America is enthusiastic about the present, with the tradition of our peoples and facing future generations.

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APPENDIX





LETTER OF INTENT

Agreement on the Creation of the Inter American Organization of Defenders of the Audiences (OID)

At the end of the First Latin American Congress of Defenders of the Audiences, which took place at the Defender of the Public of Argentina, the members of the Inter American Organization of Defenders of the Audience (OID) signed the creation act of the organization.

This decision was approved by the Rapporteur for Freedom of Expression of the Inter American Commission on Human Rights (IACHR), Edison Lanza, and its main aim is to strengthen the bonds between the Defenders of the Audiences in Latin America and other institutions involved in the development of audiovisual communication from the perspective of human rights.

The Defender of the Public on Audiovisual Communication Services (Argentina), Cynthia Ottaviano; the General Defender of Empresa Brasil de Comunicação (Brazil), Joseti Marques; the Defender of the Audience of Canal Capital (Colombia), Gustavo Castro Caycedo; the Defender of the Audience of Canal RCN (Colombia), Consuelo Cepeda; the Defender of the Audience of Canal TRO (Colombia), Mario Mantilla Barajas; the Defender of the Audience of Canal Caracol (Colombia), Amparo Pérez; the Defender of the Audience Defense Committee of Canal Teleantioquia (Colombia), Olga Restrepo Yepes; the Defender of the Audience of Canal Once TV (Mexico), Felipe López Veneroni (through the enclosed power of attorney); the Defender of the Audience of Canal 22 (Mexico), Francisco Prieto Echaso; the Defender of the Audience of Radio Educación (Mexico), Beatriz Solís Leree; the Mediator of the Mexican Radio Institute (Mexico), Adriana Solórzano Fuentes; and the Ombudsman of Noticias MVS (Mexico), Gabriel Sosa Plata; henceforth known as “The Defenders of the Audiences of Latin America”.

Additionally, the former Deputy Defender of Empresa Brasil de Comunicação (Brazil), Fernando Oliveira Paulino; and the former Ombudsman of Noticias MVS (Mexico) and board member of the Organization of News Ombudsmen (ONO), Gerardo

Albarrán de Alba; henceforth known as “the former Defenders of the Audiences of Latin America”.

And the representatives of the following institutions, organizations or programs related to audiovisual media: the Ombudswoman of CBC (Canada), Esther Enkin; the Director-General of the Media Observatory Fucatel (Chile), Manuela Gumucio; and the founder of the Association of Mass Communicators Calandria (Peru), Rosa María Alfaro Moreno.

All of them present as speakers at the “First Latin American Congress of Defenders of the Audiences”, held in the city of Buenos Aires (Argentina), from September 14th to 16th, 2014.

STATE THAT:



The Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10th, 1948, expresses in Article 19 that “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

States ratified this right in the agreements following said Declaration. In the Americas, this was done in the Inter-American Convention on Human Rights,

best known as “Pact of San Jose, Costa Rica”, passed on November 22nd, 1969, and which expresses in Article 13 that “everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice.”

Said view of the freedom of expression, expressed in these and other international declarations, constitutes the regulatory basis that has supported the existence of the Human Right to Communication, and communication is seen as a social activity of public interest.

Said Human Right has two dimensions, because it includes the right to express one’s own thoughts without harm or impediments, and the collective right to receive information and be exposed to the opinions of others. This perspective sees audiences as full subjects of right because they can receive and produce information.

This has been widely recognized by laws and legislative projects regarding audiovisual media that have appeared in Latin America in recent years in order to achieve communicational democracy.

These rules create or propose to create opportunities for the audiences to make complaints, suggestions or remarks about the media.

Said opportunities are formalized or aim to be formalized through the creation of figures or organizations that do pedagogical work, promote the right to communication and work as a link between the audiences and the different actors in the communication process.

The inclusion of the figure of Defender, Mediator or Ouvidor in Latin American media is expressed in the following laws, which are mentioned in chronological order of sanction: Colombia (Law no. 355, December 20th, 1996, Article 11), Brazil (Law no. 11,625, April 7th, 2008, Article 20), Argentina (Audiovisual Communication Service Law, no. 26,522, October 10th, 2009, Articles 19 and 20), Ecuador (Organic Communication Law, June 13th, 2013, Article 73), and Mexico (Federal

Telecommunication and Broadcast Law, July 14th, 2014, Articles 259, 260 and 261).

Said figure has also been suggested in drafts and popular initiatives that aim to limit media conglomerates which affect the possibility of diversity and pluralism, both of which are fundamental for audiences in all democracies: Peru (Public Broadcast Law Draft, March 31st, 2008, Article 34, which is based on the Radio and Television Law, no. 28,278, June 23rd, 2004, Article 34), Brazil (Popular Initiative Law Draft of Electronic Mass Communication, August 22nd, 2013, Article 31), Uruguay (Audiovisual Communication Service Law Draft, December 10th, 2013, Articles 65-67) and Mexico (Popular Initiative for an Integral Telecommunication and Broadcast Law, presented by the Mexican Association of the Right to Information, September 4th, 2013, Articles 220-224).

The existence or proposal of the creation of a figure like the Defender, Mediator or Ouvidor in such laws and drafts puts Latin America in an outstanding position regarding the defense and representation of the rights of the audiences.

The laws regarding audiovisual media and the existence of the Defenders of the Audiences themselves must be accompanied by collective analysis and action that allow communication to truly be a two-way right in which audiences play a key part.

In view of these objectives, discussions and formalization of cooperation agreements between the Defenders of the Audiences of Latin America and other institutions in the field of the promotion of the right to communication are indispensable.

To date, there is no organization in Latin America that gathers the existing Defenders of the Audiences and promotes joint action with regard promotion, training and research, or the exchange of resolutions, legal support, case studies and proposals for specific presentations.

Therefore, the Defenders of the Audiences of audiovisual media in Latin America shall sign the following letter of intent with the following goals:

1) GENERAL GUIDELINES OF THE ORGANIZATION

The Defenders of the Audiences handle complaints, enquiries and reports, but above all, they work as mediators and educators with the radio and television audiences and media licensors and workers.

Therefore, OID believes it is indispensable to strengthen the bond between the Defenders of the Audiences of Latin America and other institutions that are committed to the development of audiovisual communication from the human rights perspective.

In view of this general purpose, it is important to:

- Follow up on complaints, reports or enquiries.
- Exchange resolutions of cases with the same issue or about the same topic.
- Create a database with laws, guidelines, court rulings, recommendations, extrajudicial mediations, etc.; which complements the resolutions of the cases handled in each country.
- Do regional research on key topics as sexual diversity, gender-based violence, communicational rights of historical marginalized or vulnerable groups: boy, girls and adolescents; and native peoples, among others.
- Have agreements with universities and educational institutions of all levels and assess them regarding the development of curricula that promote the recognition and exercise of the rights of the audiences.
- Write a biannual report on the progress and pending subjects with regard audiovisual communication in each country in particular and in the region as a whole.
- Promote the creation of the figure of the Defender/Ombudsman/Mediator in the media as a way of showing commitment and transparency to the audiences.
- Encourage the media to create ethics codes and style manuals in order to use them as self-regulation tools.
- Promote cooperation with other organizations of

Defenders of the Audiences that are not strictly Latin American, such as the Organization of News Ombudsmen (ONO).

- Promote the creation, development and consolidation of OID in the member countries with national representatives.

B) STRUCTURE OF OID

There shall be three categories of members of this organization, always in a personal capacity.

Founding or regular members

These are Defenders/Ombudsmen/Mediators currently in office with powers in audiovisual media in Latin America. Most of them hold executive positions. Once they finish their terms in office, they shall become honorary members.

Honorary members

These are Former Defenders/Ombudsmen/Mediators that have worked as such in audiovisual media in Latin America. Most of them hold executive positions.

Associate members

These are representatives of community or civil society institutions and organizations, observatories, universities and educational organizations that promote action, projects and research on audiovisual communication in Latin America. They shall join OID upon recommendation by regular or honorary members or application by the interested party. Some of them hold executive positions.

In view of this composition, OID shall have the following organization:

A President

He/she must be a Defender/Ombudsperson/Mediator in office and elected by majority vote until getting two thirds of all votes.

A Board of Directors

It shall have three regular members (representatives from different countries), two honorary members and an associate member. By simple majority.

The President and Board of Director positions shall be renewed biannually. Those who held a position in the last term may only be elected for an additional term. Said election process shall take place at the annual congress of the organization.

C) STAGES OF OID

It is suggested that the organization go through two stages, a preparation one and a consolidation one.

Preparation Stage

From 2014 to 2015. It shall start upon signing an Agreement of Goodwill expressed in this document. The main aim of this stage is to promote the existence of OID in Latin America, and to invite other Defenders of the Audiences and institutions in the field of communication to join it. Thus, after a year of promotion, the number of members and representatives from different countries will have increased.

Consolidation Stage

It is projected that as from September 2015, when the Second Latin American Congress of Defenders of the Audiences will take place, OID shall have the appropriate legal status.

D) ANNUAL CONGRESSES OF OID

The signatories express the will to meet annually, ideally in October or November, in different countries in Latin America, to not only discuss matters relevant to the organization, but to carry out public activities to promote and raise awareness, do research and hold training activities regarding the rights of the audiences.

At each Congress, the members of OID shall select where the next meeting will be.

E) COMMUNICATION AND PROMOTION RESOURCES

The following shall be developed:

OID website

With information about the organization, contact details and promotion of the activities carried out regionally by the organization and by each Defender or institution that is part of it.

Virtual forum

Exclusive for members so as to exchange information, make enquiries and discuss cases.

Virtual library

It shall consist of books, articles, dissertations, self-regulation guides, laws, recorded talks, videos and other material regarding the key topics in the field of audiovisual communication.

E-book and/or annually/biannually edited book

With articles, management reports, summaries of presentations and their solutions, research, guidelines and other literature produced by its members.

2) GREEMENTS (SEPTEMBER 2014/ SEPTEMBER 2015)

Members of OID

This document establishes that the Founding and Regular Members of OID are:

- Cynthia Ottaviano, Defender of the Public on Audiovisual Communication Services (Argentina)
- Joseti Marques, General Defender of Empresa Brasil de Comunicação (Brazil)
- Gustavo Castro Caycedo, Defender of the Audience of Canal Capital (Colombia)
- Consuelo Cepeda, Defender of the Audience of Canal RCN (Colombia)
- Mario Mantilla, Defender of the Audience of Canal TRO (Colombia)
- Amparo Pérez, Defender of the Audience of Canal Caracol (Colombia)
- Olga Restrepo Yepes, Defender of the Audience Defense Committee of Canal Teleantioquia (Colombia)
- Felipe López Veneroni, Defender of the Audience of Canal Once TV (Mexico), through the enclosed power of attorney

- Francisco Prieto Echaso, Defender of the Audience of Canal 22 (Mexico)
- Beatriz Solís Leree, Defender of the Audience of Radio Educación (Mexico)
- Adriana Solórzano Fuentes, Mediator of the Mexican Radio Institute (Mexico)
- Gabriel Sosa Plata, Ombudsman of Noticias MVS (Mexico)

Moreover, this document establishes that the Honorary and Founding Members of OID are:

- Gerardo Albarrán de Alba, Former Ombudsman of Noticias MVS (Mexico)
- Fernando Oliveira Paulino, Former Deputy Defender of Empresa Brasil de Comunicação (Brazil).

Lastly, this document establishes that the Associate and Founding Members of OID are:

- Esther Enkin, Ombudswoman of CBC (Canada)
- Manuela Gumucio, the Director-General of the Media Observatory Fucatel (Chile)
- Rosa María Alfaro Moreno, Founder of the Association of Mass Communicators Calandria (Peru).

Applying to become an Associate Member of OID

This document establishes that Honorary and Regular Members propose to accept the following as Associate Members of OID: Manuela Gumucio, Rosa María Alfaro Moreno, Esther Enkin and Flavia Pauwels.

Electing Authorities

In view of the proposals and the voting at this meeting, Cynthia Ottaviano is proposed to be the first President of the Inter American Organization of Defenders of the Audiences (OID) in its Preparation Stage.

Following the procedures detailed in section B of this Letter, in the Consolidation Stage, the aim is to appoint the following Board Members of OID:

- Beatriz Solís Leree, Gustavo Castro Caycedo and Joseti Marques, representatives of the Regular Members.
- Gerardo Albarrán de Alba and Fernando Oliveira Paulino, representatives of the Honorary Members.
- Rosa María Alfaro Moreno, representative of the Associate Members.

Proposals of locations for the Second Congress (2015)

The location shall be determined by consensus at the meeting to be held on Sunday, September 14th, 2014. Those Defenders who are interested in hosting the Second Latin American Congress of Defenders of the Audiences and would be able to do so are required to make it known prior to that date.

- Headquarters of OID: Buenos Aires, Argentina.
- Second Latin American Congress of Defenders of the Audiences: Cartagena de Indias, Colombia (as proposed by Consuelo Cepeda).

In accordance with what has been expressed, this commitment is made formal in the city of Buenos Aires, Argentina, on September 16th, 2014, indicating that the necessary actions will be carried out to make OID formal in line with the proposed guidelines.

Fernando Cedeño Rivadeneira, President of the Citizen Participation and Social Control Council of Ecuador, serves as witness of this act.



LETTER OF INTENT

The Ombudsmen of Latin America hereby commit to promoting gender equality and fighting violence against women in the media.

Additionally, at the opening of the Latin American Congress of Defenders of the Audiences, the members of the Inter American Organization of Defenders of the Audience (OID) signed a letter of intent in order to create an environment to promote gender equality and fight media violence against women in the region.

The Defender of the Public of Audiovisual Communication Services (Argentina), Cynthia Ottaviano; the General Hearer of Empresa Brasil de Comunicação (Brazil), Joseti Marques; the Defender of the Viewer of Canal RCN (Colombia), Consuelo Cepeda; the Defender of the Viewer of Canal TRO (Colombia), Mario Mantilla Barajas; the Defender of the Viewer of Canal Caracol (Colombia) Amparo Pérez; the Defender of the Viewer Defender Committee of Canal Teleantioquia (Colombia), Olga Restrepo Yepes; the Defender of the Viewer of Channel 22 (Mexico), Francisco Prieto Echaso; the Defender of the Public of Radio Educación (Mexico), Beatriz Solís Leree; the Mediator of the Mexican Radio Institute (Mexico), Adriana Solórzano Fuentes, the Defender of the Audience of Canal Once TV (Mexico), Felipe Neri López Veneroni (see the enclosed power of attorney); and the Ombudsman of Noticias MVS (Mexico), Gabriel Sosa Plata; from here on, “the Defenders of the Audience of Latin America”.

Moreover, the former Hearer of Empresa Brasil de Comunicação (Brazil), Fernando Oliveira Paulino and the Former Ombudsman of Noticias MVS (Mexico) and member of the board of the Organization of News Ombudsmen (ONO), Gerardo Albarrán de Alba; from here on, “the former Defenders of the Audience of Latin America”.

And the representatives of the following institutions, organizations and programs related to audiovisual communication media: the anchorwoman and journalist of Empresa Brasil de Comunicação (Brasil), Mara Régia Di Perna, the vicepresident of the Organization of News Ombudsmen and

Ombudsman of CBC (Canada), Esther Enkin; the General Director of the Media Observatory Fucatel (Chile), Manuela Gumucio; the President of the Council of Citizen Participation and Social Control (Ecuador), Fernando Cedeño Rivadeneira, and the founder of the Association of Mass Communicators Calandria (Peru), Rosa María Alfaro Moreno; from here on, “the representatives of said institutions”.

All of them will take part and speak at the “First Latin American Congress of Defenders of the Audience”, which is taking place in the city of Buenos Aires (Argentina), from September 15th to September 16th, 2014

IT IS STATED THAT:



The Beijing Declaration and Platform for Action, signed at the Fourth World Conference on Women of the United Nations Organization (UN), held in September, 1995, established for the first time the importance of incorporating the perspective of gender in communication, affirming in section J the need to “foster a well-balanced, non-stereotyped portrayal of women in the media” and “increase the access of women and their participation in the voicing of ideas and decision-making in the media”.

The Committee on the Elimination of Discrimination against Women (CEDAW) considers gender-based discrimination to be an impediment to the exercise of human rights and fundamental freedoms in the political, economic, social, cultural and civil fields; and stressed that “the participating states will undertake all the necessary measures to change socio-cultural

patterns of behavior of men and women, in order to achieve the elimination of prejudice and habitual practices or others of any kind that are based on the idea of superiority or inferiority of either gender or on stereotyped ideas of men and women”.

The Organization of American States at the Inter-American Convention on Prevention, Punishment and Eradication of Violence Against Women (Convention of Belem do Para) considers violence against women to be a human rights violation; it establishes that the right of every woman to a violence-free life includes the right to be “valued and raised free from the stereotyped patterns of behavior and social and cultural practices based on inferiority and subordination” and it suggests states to come up with actions to “encourage the media to create appropriate broadcast guidelines that contribute to eliminating violence against women in all forms and highlighting the respect for the dignity of women”.

On May 15th, 2014, during the Belem do Para + 20 Hemispheric Forum “Prevention of violence against women: Good practices and proposals for the future”, the Inter-American Commission of Women of the OAS that met in Mexico issued the Pachuca Declaration “to strengthen efforts to prevent violence against women.” In the field of communication, this Declaration aims to “foster the self-regulation of media and their oversight through autonomous bodies that include citizen participation and, similarly, promote the fulfillment of international norms, respecting both freedom of expression – including the right of women and girls to information and communication – and the right to non-discrimination”.

The Defenders of the Audience (also called Hearers, Mediators or Ombudsmen, among other titles used depending on the country and the language), must promote the rights of radio and television audiences.

Said mission of the Defenders of the Audience is in line with the essence of the American Convention on Human Rights, which states in article 13 that “everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information

and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice.”

The Defender of the Public of Argentina, which was created by the Audiovisual Communication Service Law, has named 2014 “the Year of Fighting Violence against Women and Gender-Based Discrimination in the Media”, with the aim to carry out actions of awareness-raising, education and promotion in order to foster gender equality in audiovisual communication (DPSCA resolution no. 32/2013).

Violence against women and gender-based violence in the media are cultural practices that can be transformed and eradicated.

Working with audiovisual media is possible, desirable and auspicious due to the fact that they can lead to change in the cultural construction of new portrayals that promote human rights and discuss inequality in social relations.

It is necessary to deepen citizen debate regarding violence against women and gender-based violence in audiovisual media.

While the public field is not limited to what is in the media, in highly mediatized societies, the development of cultural policies that seek to implement strategies to transform the portrayal and media coverage of gender inequality and violence against women is a step towards eliminating deeper socio-cultural differences.

The participation of every social actor is key for this problem to be part of the public agenda.

Given all these reasons, the current and former Defenders of the Audience of Latin America and the representatives of the aforementioned institutions, with regards to the commemoration of another “Latin American Day of the Image of Women in the Media”, hereby declare that:

- The image of women in the media must be portrayed in an integral way. In order to do so, it is key to make visible the needs, thoughts and manifestations of the organized movement of women, as well as the relation between gender and science, human rights, politics, salary equality, health and education.

- Communication from the point of view of rights means providing relevant information to the citizens. Hence, it would be extremely important for gender issues to be covered with a wider view that includes social, economic, cultural and historic aspects.
- In this regard, it would be relevant to avoid communicational practices that foster sexualization and reification of women and that strengthen discriminatory socio-cultural patterns.
- It would be key for media coverage of gender-based violence to eliminate spectacularization strategies and to stop providing personal information of the victims.
- It would be of great benefit that the number of female share-holders or women in the boards of the media in Latin America grew. That way, they would have the real chance of making decisions regarding editorial lines, classification and newsworthiness.

Given this scenario, the current and former Defenders of the Audience of Latin America and the representatives of the aforementioned institutions, agree to:

- Work together in order to raise awareness and promote gender equality in audiovisual communication.
- Foster, to the extent of their abilities, the analysis of the use of language in the media, promoting respectful, inclusive, non-sexist terms.
- Work so that the perspective of gender is incorporated in the professional practice of communicators.
- Share and exchange research, cases, material and all tools regarded as relevant in order to come up with a regional concept of how to go about the perspective of gender in communication.
- Identify and recognize good communication and gender practices in every country.

As proof of conformity with said terms, this commitment is signed in the city of Buenos Aires (Argentina) on September 14th, 2014.



September 15th and 16th, 2014

Headquarters of the Defender of the Public of Audiovisual Communication Services

Buenos Aires, Argentina.