

Radio ombudsman services of Brazilian Public Radio (EBC) as media accountability instruments



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ABSTRACT: This paper aims to analyze and provide parameters for radio ombudsman services, considering the ombudsman experience carried out by the Brazilian Public Communications Enterprise (EBC) radio stations. The analysis of the listeners' feedback during July 2008–September 2011 allows us to conclude that the ombudsman experience may be considered a Media Accountability Instrument (MAI) focused not only on journalism but also on music and entertainment. The ombudsman performance may be a MAI because it provides visibility and transparency to errors, issues and dilemmas associated with the media actions. Thus it stimulates more credibility, prompt discussion with readers, listeners and viewers, and could encourage a culture of greater accountability in the newsroom. The EBC ombudsman sought to be a mediation channel that provides visibility to matters raised during the weekly radio program: *Radio in Debate*.

KEYWORDS: media accountability, ombudsman, public broadcasting, radio



INTRODUCTION: MEDIA ACCOUNTABILITY INSTRUMENTS (MAI) IN BRAZIL

According to Fengler et al. (2011, p. 9) Media Accountability Instruments in the digital age can be classified as: a) established instruments of media accountability like press councils; ombudsmen; media journalism in trade journals; b) innovative instruments of media accountability emerging online: such as editorial weblogs; websites monitoring news content; webcasts of internal critique sessions or team meetings, and online ombudsmen and the media-critical activities on Twitter and Facebook. In Brazil we can find established few instruments, such as a) ombudsman in Folha de São Paulo newspaper since 1989, b) Ethical Codes reformed by journalists in 2007 (www.fenaj.org.br), applied by journalist unions around the country and nationally by the National Journalists' Union, Ethical Code by media owners in the 1990s (www.anj.org.br), c) ANDI, News Agency for the Childhood Rights

(www.andi.org), a non-governmental watchdog organization that analyzes how child and youth subjects are covered by the media. The ANDI also offer courses and trains journalists. With the EBC's creation, it introduced the ombudsman with practices in its radio and TV stations and in the *Agência Brasil* News Agency (agenciabrasil.ebc.com.br).

The Internet has enabled the appearance of online media watchdogs. In 1994, the journalist Sérgio Buarque de Gusmão created the Gutenberg Institute (www.igutenberg.net), a pioneer Media Accountability Instrument focused on media criticism. The Press Observatory (www.observatoriodaimprensa.com.br) is another pioneer initiative dedicated to the critical analysis of the media based on “journalistic criteria, which offers a singularity among other organizations running in conformity with the media accountability system in the country.”¹ The Press Observatory was created by journalists with academic support and maintains these activities until nowadays stimulating other initiatives. The Press Observatory is a journalistic channel focused on journalism criticism, with a regular online presence since April, 1996. In 1998 the website became a TV program and in 2000, a radio program. The National Network of Press Observatories (www.renoi.blogspot.com) was formed in 2005 to stimulate actions mainly from university projects like *SOS-Imprensa* (www.unb.br/fac/sos) and *Objethos* (www.objethos.wordpress.com). Based on ethical codes, books, researches and journalism reflexions, these Brazilian media watchdogs seek to contribute to the construction of a more balanced and less biased media.

THE OMBUDSMAN AS AN MAI

The Organization of News Ombudsmen (ONO) lists 54 ombudsmen around the world on its homepage.² An ombudsman institution in its current meaning (as a mediator between different interests) originates from Sweden, where a parliamentary ombudsman was instituted by the Swedish government in 1809 and given the responsibility of dealing with the claims of citizens regarding government services and public administration. Concerning the media, the introduction of an ombudsman can be seen as a response to journalistic deontology. Interestingly enough, the newsrooms of the biggest European economy, namely Germany, with a high level of journalistic professionalism “have rarely adopted the concept” (Fengler et al., 2011, p. 9). The *Hamburger Abendblatt* of the Axel Springer company, however, has an ombudsman who joined ONO in 2012, at work since 2009.³

Mário Mesquita (1998, p. 37) defines seven levels of activity of the ombudsman in the media:

¹ Retrieved March 18, 2012 from <http://www.forumdavos.com/partners/2012>.

² Retrieved March 18, 2012 from <http://newsombudsmen.org/membership/regular-members>.

³ Retrieved March 18, 2012 from <http://www.abendblatt.de/hamburg/article1197794/Wahlunterlagen-fehlen-Der-Leser-Botschafter-deckt-die-Panne-auf.html>.

a) Critical and symbolic function: discusses the newspaper in its own pages, extending to the space of the public the debate about editorial decisions that are traditionally confined to the newsroom and the journalistic milieu; b) Mediating function: establishes a connection with the readers, answering their complaints and criticisms; c) Corrective function: takes care of the correction of imprecise and incomplete facts, appealing to experts if necessary; d) Persuasive function: recommends measures meant to remedy actions prone to violate the rights of the reader; e) Pedagogical function: explains the mechanisms of journalistic production to the readers, ranging from the relationship with sources to the selection of information; f) Dissuasive function: through his(her) criticisms, the ombudsman can eventually affect the decisions of editors and reporters; g) Civic function: the activity of the ombudsman can foster debate on political, economic, and social issues.

According to Hugo Aznar (1999), receiving and responding to the claims of the public is the chief function of ombudsmen, “which implies a significant compensation for the traditional deficit of the media in moments of paying due attention to the public.” The complaints can be divided into three major groups: a) those that refer to errors and inexactnesses involving minor details; b) those tied to more serious errors and controversial issues involving the treatment of information and other media contents; and c) those voiced by people who see themselves as affected by a story with which they are dissatisfied. Ideally, through contact with the parties involved, the ombudsman makes a decision guided by deontological codes, the editorial manual of the media, or criteria associated with professional practices. After analyzing the case in point, the ombudsman makes the situation public in his or her column (or radio/television program), which appears on a regular basis.

In the Brazilian experiences, the ombudsman’s column (or program) is published (or broadcast) once a week, providing those who made complaints and the general public with an analysis and an explanation of the case. A controversial aspect of the ombudsman’s function has to do with the exercise of criticism by someone who, in the majority of cases, had a professional role in the media, which has the potential for raising constant doubts about the impartiality and balance of his or her actions. In any case, the presence of an ombudsman can improve the image of the institution (van Dalen & Deuze, 2006) and contribute to mediation and the stimulation of new experiences of MAI, as one of the Council of Europe’s reports on press self-regulation and co-regulation states: “the ombudsmen [...] are legitimate editorial instruments and can carry out useful functions in conjunction with genuine press councils” (Aznar, 1999).

THE OMBUDSMAN OF THE BRAZIL COMMUNICATION ENTERPRISE (EBC)

In May, 2007, the Ministry of Culture sponsored the First National Forum of Public TVs, organized in partnership with the Brazilian Association of Public, Educational, and Cultural Broadcasters (ABEPEC), the Brazilian Association of University Television (ABTU), the Brazilian Association of Community Channels (ABCCOM), and the Brazilian Association of Legislative Televisions and Radios (ASTRAL).

Representatives of the Radiobrás and the Roquette Pinto Educational Communication Association (ACERP) also attended the event.

The discussions involved various sectors of civil society, including academic specialists, communicators, filmmakers, journalists, and directors of non-commercial radio and television stations, as well as organizations committed to thinking about communications. The Forum declared to contribute to the creation of a public TV system, which the president's government pledged to implement. Five months after the Forum, Temporary Decree 398 was published, which was later transformed by the Congress into Law 11,652/2008, which created the Brazil Communication Enterprise (EBC). This law assigned the task of unifying and managing the radio and television stations heretofore under the control of Radiobrás (National TV, National Radio of Rio de Janeiro, National AM and FM Radio of Brasília, National Radio of Amazonia, and National Radio of the Upper Solimões) and ACERP (Educational TV of Rio, Educational TV of Maranhão, MEC AM Radio, MEC FM Radio, and MEC Brasília Radio).

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

An internal company rule, authorized by the Administrative Council and the Council of Trustees, determined that the Chief Ombudsman be assisted by three Deputy Ombudsmen: one for the eight radio stations, one for the Agência Brasil News Agency, and another for TV Brasil (the result of the merger between the former Educational TVs and National TV).⁴ All of them, like the Chief Ombudsman, receive a mandate, an essential prerequisite for them to act with complete independence of the executive board. Thus, the ombudsman seeks to be: "one of the main doors opened to society by the EBC. Through it circulate the demands, the expectations, the suggestions, the compliments, and the criticisms of the public about their vehicle of communication. And, in return, in a two-way process, the responses, when required. But not them alone. Questions, too, insofar as it is up to the Ombudsman to prod the public to participate in this debate."⁵

⁴ The current ombudsman is Regina Lima. The ombudsman service in the radios results from a Cooperation Agreement between EBC and University of Brasilia with professors and students monitoring the programs and making a weekly program since January 2010.

⁵ Letter from Ex-Chief Ombudsman. Retrieved May 12, 2011 from <http://www.ebc.com.br/ouviv-doria>.

The ombudsman for the broadcasting stations of the EBC, unlike ombudsmen for other news media, also handles messages related to entertainment, technical aspects of wave reception, and the fulfillment of the editorial plans of the stations.

A radio program, unlike a column in a newspaper or on a website that can be bypassed after a brief moment, depends upon a conscious decision by the audience to switch the radio on, and if they do not like the content they have one of two basic choices: switching to another broadcaster or switching the radio off. Both choices reduce the broadcaster's ratings. The introduction of the *Radio in Debate*, involving the presence of an ombudsman, into the schedules of the radio stations and TV Brasil posed additional challenges. The prime reason was that whereas programs on public radio stations (and on TV Brasil) are dynamic, lively and studded with jingles, *Radio in Debate* was a torpid, music-less dialogue. The secondary reason was that replacing a dynamic, lively programme with *Radio in Debate* negatively affected the broadcasters' ratings. The concern to keep the public's attention contributed to the creation of an exclusive MEC FM version shortly after the first editions of *Radio in Debate*⁶ were aired. This exclusive version had classical music effects, special themes and a more acceptable locution that was more suited to an audience accustomed to different aesthetic standards of language used by other EBC radio broadcasters.

RADIO IN DEBATE: THE PROGRAM OF THE OMBUDSMAN ON THE RADIO STATIONS OF THE EBC

Between October, 2008 and February, 2010, the Chief Ombudsman and the Deputy Ombudsman in charge of the radio stations met with the head of EBC radio network operations to define the formats and schedules for the transmission of the program of the ombudsman. It was decided that the program would be broadcast on Fridays, with a retransmission on Saturdays. The program, called *Radio in Debate*, took its inspiration from national and international⁷ practices, choosing a weekly theme⁸ of general interest to the EBC radio network⁹ to occupy the first two blocks of each edition. There are very different profiles among the EBC stations, with contents that range, for example, from the needs of riverside inhabitants and

⁶ *Radio in Debate* podcast are available at: <http://www.radioagencianacional.ebc.com.br/assunto/r%C3%A1dio-em-debate>.

⁷ Mainly, the Portuguese experience on Public Radio and TV (www.rtp.pt). Retrieved June 12, 2011.

⁸ E.g. *What's a Radio Ombudsman?*, *Radio and Women*, *Radio and Childhood*, *Radio and Public Policies*, *Radio and international journalism*, *Radio and Public Relations Offices*, *Radio and Economic Journalism*, *Radio and Cultural Diversity* etc, interviewing journalists, listeners and specialists. The audio *Radio on Debate*'s files area available at www.radioagencianacional.ebc.com.br. Retrieved March 18, 2012.

⁹ National Radio of Rio de Janeiro, National AM Radio of Brasília, National FM Radio of Brasília, National Radio of Amazonia, National Radio of the Upper Solimões, MEC AM Radio, MEC FM Radio, and MEC Brasília Radio.

indigenous communities in the Northern region (Amazon National Radio) to the public that appreciates the concert music played on the MEC FM Radio in Rio de Janeiro.

What follows are some examples of mediation to demonstrate the specific characteristics of the activities performed. Between July 2008 and September 2011, the ombudsman's office responded to 451 claims from the public concerning the radio stations (70 for National AM Radio of Brasília, 196 for National Radio of Rio, 76 for National FM Radio of Brasília, 63 for National Radio of Amazonia, and 46 for MEC AM Radio, MEC FM Radio, and MEC Brasília Radio). More than 150 editions of the *Radio in Debate* program were produced and broadcast, with the final minutes devoted, sometimes specifically, to the transmission of criticisms, compliments, and suggestions sent by the audience, along with the replies of those responsible for the operations of the stations and comments by the ombudsman's office, which has analyzed the consistency of the programming in terms of the principles and objectives of public communication.

When it comes to complaints about the fairness of the journalistic content, the ombudsman's office uses as references the Radiobrás Writers' Manual,¹⁰ published in 2006 and still valid, because the EBC has not formally replaced it with a new text, and the Brazilian Journalists' Code of Ethics (revised in 2007). Nevertheless, the listeners' feedback is not limited solely to questioning the ethical issues on news material that is aired (less than 50% of the feedback was about ethics and fairness in journalism).

The EBC radios' ombudsman experience is also different from others because the majority of demands and its mediation are related to entertainment issues. The EBC stations have editorial plans which define the profile of musical programming, a central feature of MEC FM Radio and National FM Radio of Brasília, and which serve as parameters for the actions of the ombudsman's office. A variety of issues have been raised by the public. The ombudsman's office has constantly received suggestions, for example, for the musical choices, websites of the stations to offer online the contents that are broadcast on the air. Partly, these suggestions have been taken into account by directors.

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

¹⁰ Available at <http://www.jornalismodigital.org/wp-content/uploads/2010/05/Manual-de-Jornalismo-Radiobras.pdf>. Retrieved March 18, 2012.

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

Listeners of National FM Radio of Brasília questioned the insertion of the journalistic radio news bulletin *National Inform*, which, every hour on the hour, interrupted the musical programming with news broadcasts. This demand was taken into account in an adjustment by the responsible editors for journalistic content and the Office of Coordination of the National FM Radio, which suspended the mandatory link-up, allowing the radio to transmit news reports after the conclusion of the musical piece that was on the air. The Ombudsman's Office also engaged in dialogue with cultural producers in Brasília. One of them suggested that the programming of the National FM Radio should include greater musical diversity, a suggestion that received follow-up through the creation of the mini-program *Music of the World*, which debuted in April 2009. Also in April 2009, the site www.radiomec.com.br began offering a Musical Chart of the contents broadcast by the MEC FM station and the possibility for listeners to hear some programs on podcast and make online suggestions of musical pieces for the programming. However, there was no definitive response by the Office of Informatics Management about when the entire broadcasting contents of the radio stations will be available on the EBC website (www.ebc.com.br), which depends upon the opening of a formal bidding process for the acquisition of equipment.

In the first semester of activities (from February through August 2009) *Radio in Debate* also provided information about the fairness of journalism in Public Radio, avoiding government interference in themes and coverage. Also, it produced editions on the Record Label Rádio MEC,¹¹ the correction of journalistic content that was broadcast (due to the use of inconsistent information derived from news agencies), and compliments on the nocturnal programming content of the radios. Besides this, after being invited by the Office of Coordination of the National Radio News Agency (radioagencianacional.ebc.com.br), the *Radio in Debate* program has been available since May, 2009 in the Program Bank and is downloaded each week by radio stations throughout Brazil. The June 12th and 13th edition, for example, was accessed by more than 60 radio stations.

Regarding National AM Radio, National FM Radio of Brasília, National Radio of Amazonas, and National Radio of the Upper Solimões (in the deep Amazon), some of the messages broach the possibility of partnerships between the EBC and organizations interested in the joint production of programs or events, such as the contact between the directors of the School of Music of Brasília and National FM

¹¹ Listeners contacted the ombudsman's office asking more information about selections' criteria in Record Label Rádio MEC, an EBC record service available at <http://www.seloradiomec.com.br> (Retrieved March 18, 2012). This label recorded important Brazilian musicians like Hermeto Pascoal and Nelson Sargento and also offers CDs with historical moments of the radio.

Radio and the carrying out of the Sucupira Park Music Festival (organized by the Utopia FM Community Radio, with the support of the EBC, in partnership with the Ministry of Environment and the University of Brasília).

CONCLUSIONS

The experience of the Ombudsman's Office of the EBC demonstrates that an Ombudsman can contribute to greater credibility. He is also capable of motivating debate with the readers, listeners, and viewers as well as fostering a culture of greater accountability in newsrooms. The initiative could also stimulate a growing rigor and exactness on the part of EBC and their professionals in a country with a tradition of little media accountability (Hallin & Papathanassopoulos, 2004).

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

Public participation can grow with actions that constantly stimulate public feedback and promote dialogue with radio administrators and professionals. Other initiatives related to accountability, such as public hearings and the creation of councils of readers, listeners, and viewers, should also be undertaken for the purpose of raising the quality of public communication.

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