

ARTICLES
ARTÍCULOS

OMBUDSMEN IN THE BRAZILIAN AND PORTUGUESE MEDIA: a reflection on the activities developed between 1989 and 2013

Copyright © 2014
SBPjor / Associação
Brasileira de Pesquisadores em Jornalismo

FERNANDO OLIVEIRA PAULINO

Universidade de Brasília

MADALENA OLIVEIRA

Universidade do Minho

ABSTRACT - This article aims to reflect on the history of the practices of *ombudsmen* in the Brazilian and Portuguese media, seeking simultaneously to identify the challenges and difficulties inherent to this function in mediatic communication. A comparative approach is adopted here, which, as is generally the case in social science, seeks to discover regularities and recognize differences in the activities developed by the *ombudsmen* in Brazil and Portugal between 1989 and 2013. Hence, using comparison to obtain a method to objectify the analysis, this study purports to outline the function in communication vehicles in both countries. With almost 25 years' existence in the lusophone sphere and, despite having properties such as the accountability mechanism, hetero- and auto-regulation, the *ombudsman* has not been widely adopted in Portuguese-speaking countries. In Brazil, the expansion of the function is still conceivable, while in Portugal, the *ombudsman* is an instrument undergoing steady decline. Affected by the European economic crisis, the Portuguese media have resisted the establishment of the institution and those who have already accepted it seem to be abandoning it progressively.

Keywords: Ombudsman. Accountability. Ethics. Meta-speech.

OMBUDSMAN EM VEÍCULOS DE COMUNICAÇÃO DO BRASIL E DE PORTUGAL: reflexão sobre atividades desenvolvidas entre 1989-2013

RESUMO - O objetivo do artigo é refletir sobre a história da prática de *ombudsman* em veículos de comunicação no Brasil e em Portugal, procurando, ao mesmo tempo, identificar os desafios e as dificuldades inerentes à função na comunicação mediática. A perspectiva adotada neste contexto recorre a uma abordagem comparativa que, à semelhança do que acontece nas ciências sociais em geral, visa descobrir regularidades e reconhecer dissemelhanças das atividades realizadas pelos *ombudsmans* do Brasil e de Portugal entre 1989 e 2013. Procurando, então, por meio da comparação, um método de objetivação da análise, neste artigo, buscamos delinear essa função nos veículos de comunicação dos dois países. Com uma história de quase 25 anos no espaço lusófono e não obstante as suas propriedades como mecanismo de accountability, hetero e autorregulação, a prática de *ombudsman* não chegou a generalizar-se nos países de língua portuguesa. Se no Brasil é ainda pensável a expansão dessa atividade, em Portugal, o *ombudsman* é já um instrumento em declínio. Afetados pela crise econômica que devastou a Europa, os veículos de comunicação portugueses resistem à instituição dessa posição e os que já a acolheram parecem estar a dispensá-la progressivamente.

Palavras-chave: *Ombudsman*. Accountability. Ética. Metadiscurso.

EL DEFENSOR DEL LECTOR EN MEDIOS DE COMUNICACIÓN DE BRASIL Y PORTUGAL: reflexión sobre actividades desarrolladas entre 1989 y 2013

RESUMEN - El objetivo del texto es reflexionar sobre la historia de las prácticas del defensor del lector (ombudsman) en medios de comunicación de Brasil y Portugal, procurando, al mismo tiempo, identificar los retos y las dificultades inherentes a la función. Se adoptó un enfoque comparativo que pretende descubrir regularidades y reconocer diferencias de las actividades desarrolladas por los defensores de Brasil y de Portugal entre 1989 y 2013. El artículo se propone hacer un retrato de esa función en medios de comunicación de los dos países, utilizando la comparación como método objetivo de análisis. Con una historia de casi 25 años en el espacio lusófono y a pesar de sus propiedades como mecanismo de transparencia (accountability), hetero y autorregulación, la práctica del defensor del lector no se ha generalizado en los países de lengua portuguesa. Si en Brasil todavía es concebible la expansión de esta actividad, en Portugal el defensor es un instrumento en declive. Los medios portugueses, afectados por la crisis económica en Europa, se resisten a crear ese cargo y los que ya lo hicieron, parecen estar prescindiendo de él de forma progresiva.

Palabras clave: Defensor del lector (ombudsman). Transparencia (accountability). Ética. Metadiscursio.

1 FROM THE PROFESSIONALIZATION OF JOURNALISM TO THE NEED FOR REGULATION OF JOURNALISTIC ACTIVITY

As it is an activity that defines itself by recording human history in the present, journalism is frequently regarded as an activity of passion. Yet, if on the one hand, journalism encompasses a vibrant and exciting side, drawing on the idea that its role is somehow to ‘oversee’ the constitutive powers (legislative, executive, judicial); on the other hand, there is a fragile facet resulting from the frontier between the will to inform and suitability.

As advanced by Honoré de Balzac (BALZAC, 2004, p.73), journalism is “a giant catapult set in motion by pygmy hatreds”. This idea rests upon the perception that the activity is subject to less noble trends and motivations, which is why the 18th and 19th centuries were typified by numerous negative approaches to the exercise of spreading news. Indeed, the debate about the virtues and ills of the practice of journalism is almost as ancient as the profession itself.

Explicit concerns from intellectuals, writers, politicians, the legitimacy of journalism and the quality of its production, have always been susceptible to intense debate. Thus, in view of its long tradition, journalism is, in the context of media, somehow responsible for the need for *accountability* mechanisms such as the *ombudsman*. In fact, any historical analysis of journalism would be incomplete if it did not take into consideration the history of contributions made

by major thinkers in literary and critical texts. These contributions, especially those from Germany and France, discuss the disturbances that a generally accepted profession could generate among the elites. From Karl Kraus, in Austria, to Gustav Freytag and Arthur Schnitzler, in Germany, Voltaire and Balzac, in France, Eça de Queirós, in Portugal, and Lima Barreto, in Brazil, there are innumerable examples of literary excerpts that attribute a certain adversity to journalism and journalists.

However, it is mostly since the process of professionalization of journalism that the ethical-deontological concerns have assumed a more formal scale. Until then, the activity was developed by ‘amateurs with an ability to write’, whose social status lacked genuine acknowledgment and for whom, in some cases, as highlighted by Freytag in the play *Die Journalisten*, the virtue lay in writing according to convenience, leftward for some, rightward for others. It is in this way that the ethical debate and need for regulation emanate from the acknowledgment of a professional condition unique to journalists.

Indeed, although the deontological matter is intrinsic to every human conduct, from a professional perspective, it began to feature in journalism only after the second half of the 19th century, when journalists were granted a professional status. At the time, there had been many decades of contempt for an occupation that sought at all cost to obtain public legitimation and address the lack of credibility created by mistrust over the integrity of the “gazetteers”. Yet the first ethical codes would appear only in the 1900s and, despite being coveted throughout the history of journalism, especially with regard to debates related to freedom of expression, it is only in the 20th century that ethics became a key issue in journalistic exercise.

Nevertheless, in this context of professionalization, the ethical concern revolves around three functions systematized by Pauli Juusela (JUUSELA, 1991, p. 7), as follows: 1) protecting the public from irresponsible, asocial and propagandistic usage of the media; 2) protecting journalists from pressure or any other activities that go against their conscience; and 3) keeping channels open, in other words, guaranteeing journalists’ access to information sources in order to exploit the utility they claim to possess in serving the public interest.

Although it could initially be considered that the need to regulate the activity was exclusively linked to the need to defend the public from the ills of perverse information, the truth is that the deontological question also has the purpose of contributing to the protection of journalists themselves and guaranteeing the conditions needed for a more honest,

fair and genuinely useful activity. Therefore, the ethical imperative seems to stem from the understanding that journalism is essentially a public service benefitting from freedom, but which deals closely with fundamental rights that may not always be consistent with this extensive freedom of action. Thus, it is an activity in which conflicts of interests are common, whether they concern the relation between information sources and a presumed public interest, or merely the dilemma between a journalist's personal conviction and their professional duties; and where ethics tend to fulfill, above all, a regulatory function. In fact, it concerns a branch of professional ethics; journalistic deontology involves especially the application of a reflexive theory to the problems generated during the exercise of the informative task.

The whole 20th century was rather dynamic from the point of view of journalism. The very emergence of communication means such as radio and television has helped to widen the debate and bring about acknowledgment of the need for, and importance of, adopting hetero- and auto-regulatory measures. In such a context, ethics councils and trade unions for journalists have surfaced, along with deontological codes intending to establish a series of principles on journalistic practice.

In addition to these mechanisms, the second half of the 20th century also witnessed the appearance of the *news ombudsman*¹, whose main function is to attend to and mediate public manifestations. Located between hetero- and auto-regulation mechanisms, this professional presupposes the opening of the profession to interaction with the public; a possibility that blogs and social networks have made even more immediate in contemporary times.

The objective of the present article is to promote reflection on the history of the *ombudsman* in the Brazilian and Portuguese media, seeking to discuss challenges inherent to the mediatic communication function, and its debilities such as the accountability instrument. In methodological terms, this study has sought to develop an approach that draws on comparison essentially as an instrument for social analysis. The comparative method plays a decisive role in social science for building knowledge.

Ever since the advent of classical social studies, from Comte to Weber, comparison has been used as an instrument for explaining social phenomena. This study particularly, beyond offering a historical perspective focusing on specific cases of *ombudsman* activity, has sought to treat practices by detecting any proximities between both countries, in this field. To this end, it develops a systematization of activities performed between 1989 and 2013, through a methodology underpinned by method and case

studies, drawing on case studies systematized by Marconi and Lakatos (1999) and a comparative evaluation from the investigation of Hallin and Mancini (2004), who noted points of proximity and detachment in media systems across countries from Latin America and Southern Europe.

In accordance with the presuppositions of comparative analysis, this article relies especially upon descriptive work, approached from a historical viewpoint. The last section offers an exploratory discussion of the perils faced by *ombudsmen*, especially in Europe, including the risk of extinction.

2 OMBUDSMEN AS AN INSTRUMENT OF ACCOUNTABILITY IN THE MEDIA

Susanne Fengler (FENGLER, 2011, p. 9) suggests that media accountability instruments represent accountability practices from communication vehicles. The author classifies the experiences as follows: a) established practices, for instance the activities of *ombudsmen* and initiation of criticism of broadcast content, and b) innovative media accountability practices, such as blogs and the utilization of social networks (Twitter and Facebook) as interactive spaces between professionals and users.

The *Organization of News Ombudsmen* (ONO) brings together ombudsman practices from around the world on its website². The *ombudsman*, whose history is formally associated with the 1960s (there are records that point to anterior experiences in Asia), emerges with the purpose of opening a communication channel between the media and audiences, also appearing later with an equivalent function for some radio and television broadcasters. The first two instances take place in the USA, at the Courier-Journal, Louisville, and at the Washington Post (where this function was extinguished at the beginning of 2013). After those experiences, the practice emerges progressively in Europe, especially at major papers such as *El País* and *Le monde*.

According to Mário Mesquita, the *ombudsman* “consists of a fourth instance, invited to intervene, *a posteriori*, concerning the ‘consumers’ and ‘promoters’ complaints, with a view to re-examining, from an ethical point of view, the process of information” (MESQUITA, 1998, p. 91). Thus, for the author, the *ombudsman* is a sort of “information appraiser”, able to “re-open, publicly, the whole process of elaborating the information, favoring dialogue between journalists, sources and readers” (MESQUITA, 1998, p. 91).

Under modalities of action that may vary from organ to organ, the *ombudsman* is generally hired by the communication vehicle “to exercise surveillance over its professionals’ ethical and technical procedures” (MATA, 2002, p. 39). For Jorge Wemans, the first *ombudsman* at the Portuguese newspaper *Público*, the *ombudsman* is “a critic at home”, whose task is to “listen to readers’ complaints and obligate journalists to take them seriously and address them with a response”, in order “to remove suspicions, clarifying that which was unknown to readers” (WEMANS, 1999, p. 17).

For Mário Mesquita, however, the *ombudsman* relies on the need to recover or maintain readers’ respect for the newspaper, acting as a kind of “go-between” and exercising its duty on three levels: “examining and responding to complaints, doubts and suggestions from readers, undertaking regular, critical reviews of the paper, based on ethical reflection and deontological principles of journalism; and, ultimately, analyzing and criticizing aspects of the media’s functioning and discourse” (MESQUITA, 1998, p. 17). According to Mesquita, the first *ombudsman* in the Portuguese press, the power of this figure lies in its leverage and verbal authority, which seeks to “provide a voice for readers’ voices, criticize the paper within its own pages and formulate recommendations and suggestions” (MESQUITA, 1998, p. 17). Admitting that the *ombudsman* has no coercive force, Mesquita considers that the advantage of this function is the fact that it is constituted as a mediator, which has the “chance to criticize the newspaper within its own pages”, being able to “help reduce the isolation of readers with respect to the newspaper” (MESQUITA, 1998, p. 17).

However, for Caio Túlio Costa, the first *ombudsman* in the Brazilian media (and in Latin America), the *ombudsman* does not serve merely to take note of complaints (COSTA, 2006). Although the *ombudsman* does not have the “power to require the publication of a correction or request changes in professional practices, to demand the publication of an information supplement or, on the contrary, request the interdiction of an article on a particular topic”, as pointed out by Kenia Maia (MAIA, 2006, p. 9), the *ombudsman* undertakes an essentially symbolic role. For Joaquim Fidalgo, who also worked in this capacity at the *Público* newspaper in Portugal: “the *ombudsman* may play an invigorating role in stimulating debate (within and outside of its professional sphere) about the journalism being performed” (FIDALGO, 2004, p. 10).

As Huub Evers explains (EVERS, 2012), many reasons may underpin a communication vehicle’s decision to incorporate an *ombudsman*: on the one hand, the need to increase interaction with the audience and communication relations between readers, listeners,

viewers and professionals; on the other hand, the need to promote quality in journalistic and mediatic work, taking into account the audience's perceptions. According to this author: "a good process for handling complaints is a contribution to improving quality" (EVERS, 2012, p. 228), breaking with the idea that a newsroom is an impenetrable fortress.

Nevertheless, the *ombudsman* fulfills a function in which it is unable to punish irresponsible, dishonest, harmful acts or even inattentiveness from journalists and media professionals in general, though it does undertake -wherever the function is executed- the task of 'raising consciousness' for the purposes of mediatic activity. By giving a voice to the audience, "it promotes a kind of meta-discourse that foments reflection on the role and impact of social communication, whilst animating debate about the orthodoxy of an activity that is crucial nowadays, although mendable and questionable when it clashes with individual liberty (OLIVEIRA; PAULINO, 2012, p. 78).

Although the word *ombudsman* (originally Swedish) is adopted generically in this study, it has had various names across different countries. In France, the 'médiateur' assumes the role of mediator between the audience, company and journalists. In Spain, the *ombudsman* is known as the 'defensor del lector', 'defensor del oyente' and 'defensor del espectador' (depending on the exact vehicle); names that seem to denote a defensive posture for the audience vis-à-vis media companies and journalists. In Germany, the *ombudsman* is identified as the 'leseranwalt', literally translated as "readers' attorney".

The denomination *ombudsman*, Carlos Maciá Barber argues (BARBER, 2006, p. 49), "possesses a special touch in the Anglo-Saxon (Canada, USA, Porto Rico), Ibero-American (Brazil, Colombia, Mexico, Venezuela, Ecuador) and Oriental (Israel and Japan), spheres". However, in Portugal, the *ombudsman* is presented as the "provider of the readers" in the press, a concept later extended to the audiovisual media under the specific title "provider of the listeners" and "provider of the viewers". In Brazil, there is a distinction between press media and audiovisual media. As regards newspapers, the *ombudsman* maintains the original designation. On public radio and TV, it operates under the title 'Ouvidoria', which alludes on some level to the function of Auditor General in Ancient Rome, or the King's Auditor during colonization, and especially to the system of public Ombudsmen fomented by the National General Ombudsman.

Although there are no notable differences concerning the expected competencies of the *ombudsman*, it is clear that different designations can entail divergent interpretations of their roles. While, in some cases, it

is presented as a defender, listener or an attorney – therefore clearly on the audience's side, representing it along with the media organization and journalists -, in other cases, it is a mediator or provider of clarification and an instance of interaction “for both sides”. This is the subtle difference that, to a degree, also exists between the Brazilian and Portuguese cases. The Brazilian media tends to present the *ombudsman* as an ‘attendant’ for the audience, while Portuguese organs seem to adopt a concept which holds that the *ombudsman* can also initiate actions, without depending on demands from the audience.

3 THE LUSOPHONE EXPERIENCE WITH OMBUDSMEN

The Brazilian experience is not only the first in the lusophone world, but also in Latin America. The function was inaugurated by Caio Túlio Costa, who published his first column in *Folha de São Paulo* on September 24th, 1989. Titled “When someone is paid to defend the reader”, his opening column announced the advent of a function that aimed “to discuss the week’s news and the press’s treatment of issues, with one, sole objective: to read newspapers and listen to news with the eyes and ears of a demanding reader. Accurate information is a precondition for building an opinion and adopting a stance on life’s events”³.

On its website, the newspaper explains that: “Folha had contemplated the creation of the function since 1986, motivated by the success of the Spanish newspaper *El País* and the American publication ‘The Washington Post’⁴”. *Folha de S.Paulo* inaugurated the function in pioneering fashion during the 1980s, and has maintained it to this day, which has made the vehicle a reference in the domain. For almost 24 years, the newspaper had ten *ombudsmen* spanning twelve mandates. The following individuals succeeded Caio Túlio Costa: Mário Vítor Santos (1991-1993), Junia Nogueira de Sá, (1993-1994), Marcelo Leite (1994-1997), Mario Vítor Santos (who stayed in the job for a year, in 1997), Renata Lo Prete (1998-2000), Bernardo Ajzenberg (2001-2004), Marcelo Beraba (2004-2007), Mário Magalhães (2007-2008), Carlos Eduardo Lins da Silva (2008-2010). The position is currently held by Susana Singer.

Despite other, independent experiences at regional newspapers, in Brazil’s national press, the *ombudsman* is only attributed a different meaning from that espoused by other publications, in one other, daily periodical, *O Povo*. At this newspaper, the post was created in 1993 (with Adísia Sá), and the current incumbent, Daniela Nogueira, is the fourteenth

professional to occupy this office. Adísia Sá (1993-1996) was followed by: Márcia Gurgel (1996-1998), Lira Neto (who performed duties only in 1998), Gilson (1999-2002), Débora (2000-2002), Regina Ribeiro (who took up the position for a year, during 2002), Roberto (2003-2004), Glauber George (2004-2005), Plínio (2005-2007), Paulo Verlaine (2007-2009), Rita Célia (2009-2010), Paulo Rogério (2010-2013) and Erivaldo Carvalho (2013-2014). As stated in the newspaper *O Povo*, the *ombudsman* “has the duty to produce daily, internal criticism, write a weekly column to be published in Sunday’s edition, and attend to readers”⁵.

In the press, mandates generally last for a year (renewable up to 3 times at *Folha de São Paulo* and *O Povo*). The decision to adopt an *ombudsman* is a free choice exercised by newspapers, unconnected to any political considerations that would oblige them to maintain the post. The general competencies of the *ombudsman* are to receive and analyze readers’ complaints and write a weekly column, which, in the case of these two newspapers, is published on Sundays. In contrast to audiovisual media, the *ombudsman* for the press operates exclusively at the level of information, and does not deal with entertainment.

Although other media have adopted an *ombudsman* for short periods of time, *Folha de São Paulo* and *O Povo* are the only press units where the function has been maintained constantly. In audiovisual media, the *ombudsman* existed for a time on *TV Cultura*, but has never had a regular program as a public channel presenting work developed within a broadcaster’s programs. On radio and television, the role of the *ombudsman* is practically exclusive to the public communication system, and it now has a strong presence within the audiovisual sector at the Brazilian Public Communications Enterprise (EBC). Since its creation in 2007, the EBC has incorporated an *ombudsman* service.

Law 11.652, from April 7th, 2008, establishes that:

[...] The EBC will include 1 (one) *Ombudsman* (unit)^{NT}, led by 1 (one) *ombudsman* (personal), who shall perform internal scrutiny of the programs that it produces or broadcasts, with respect to the principles and goals of public broadcasting services, as well as examining and discussing the complaints and grievances of viewers and radio listeners regarding programs.

Appointed for a mandate of two years that can be renewed once, the EBC’s *ombudsman* then adopts the official designation of *Ombudsman*, maintaining a bond that can only be severed “in case of resignation or legal proceedings culminating in a final judgement.”⁶ Their competencies involve:

[...] writing daily internal newsletters with critical reviews of the previous day's programs, to be forwarded to the Executive Board"; 2) "conduct, under sole editorial responsibility, at least 15 (fifteen) minutes of weekly program, to be broadcast by the EBC (...), focused on public disclosure of analyses on EBC programming"; 3) "elaborate bi-monthly reports on the EBC's performance, to be forwarded to the members of the Board of Trustees".

In line with the characteristics of the company - which incorporates *TV Brasil*, *Agência Brasil* (news agency), *TV Brasil Internacional*, *Radioagência Nacional* and eight radio stations - the EBC *ombudsman* corresponds, in fact, to a team of technical assistants that ensures *ombudsman* services and whose duty, as stated on the *Ombudsman's* website, is to receive, analyze and distribute "comments and requests for information from the public to the Citizens' *Ombudsman* Service"⁸.

At the EBC, Joseti Marques succeeded Regina Lima and Laurindo Leal Filho, thereby accumulating the function for all EBC vehicles. She is responsible for the program '*O Público na TV*', broadcast on *TV Brasil*, and '*Rádio em Debate*', broadcast on all the group's radio stations. In addition, she writes a weekly *Ombudsman* column for the *Agência Brasil* news service.

According to an analysis produced in 2012 (Oliveira; PAULINO, 2012), the EBC *Ombudsman's* program takes the form of inviting guests, interspersed with interviews with citizens, including commentary from the *ombudsman*, who assumes the role of presenting/moderating the interviews. In the Brazilian radio version, the duration of the *Ombudsman* program corresponds to the duration of the Portuguese *Ombudsman* program. For fifteen minutes, the *Ombudsman* follows the same structure used on television, acting essentially as a host who interviews guests.

Unlike what happens in newspapers, where every *ombudsman* is responsible for only one organ, in the universe of EBC radio, the *Ombudsman* faces the challenge of being responsible for one product before different stations⁹. Between February 2009 and July 2012, the program had two versions, precisely to meet the different profiles of the radio stations. Since August 2012, however, the program has had only one edition, and has continued to be organized around one topic considered of general interest to all these stations.

In her address to the audience, Regina Lima explained that the *Ombudsman* has "an important mediatory role between citizens and professionals who make up the news agency, the radio and TV that compose the public communication system."¹⁰ As stated by

the former *ombudsman*: “the *Ombudsman* is tasked with building mechanisms that contribute to improving the quality of debates about the public communication system.”¹¹

Similarly, Laurindo Leal Filho had already expressed this view. In his routine, open message to the audience on the *Ombudsman* website, he identified the *ombudsman* as “one of the main doors to be opened by the EBC to society.”¹² For the first *Ombudsman* at the EBC, this door would allow the circulation of “the demands, expectations, suggestions, compliments and criticisms from the audience to their communication vehicle.”¹³ According to Leal Filho, besides the production of responses, the *Ombudsman* should also produce “questions, as it is the *Ombudsman’s* responsibility to instigate audience participation in this debate.”¹⁴ In his opinion, “a public broadcasting system exists only if the audience feel as though they own the company”, hence why the need to respond to public demands was understood, to “take them into consideration, and whenever possible, apply them in order to adjust the direction of the company.”¹⁵

In the Brazilian case, 29 people have acted as *ombudsmen* at leading agencies, either in the print or broadcast media; while in the Portuguese context, fewer than 20 individuals have assumed the post. The figure of the *ombudsman* first appeared in the newspaper *Diário de Notícias*, in 1997, inaugurated by the journalist Mário Mesquita. Although there had been an earlier example at a sports newspaper in 1992, *Diário de Notícias’s* initiative is commonly regarded as that which marked the beginning of the function in the mainstream Portuguese press.

Mário Mesquita exercised the function for *Diário de Notícias* between January 1997 and February 1998. He was followed by: Diogo Pires Aurélio, a professor of philosophy at the New University of Lisbon; Estrela Serrano, who had worked as a journalist, teacher and publicist (2001-2004); José Carlos Abrantes - who was essentially a professor of theory and history of image at the University of Coimbra and Lisbon’s Graduate School of Communications and Media Studies (2005-2007); and Mario Bettencourt Resendes, who had been the newspaper’s editor and in charge of creating the post of “provider of the readers”.

However, Bettencourt Resendes’s mandate was cut short due to serious illness and he died shortly after. During this period, unlike what happened with the Brazilian media, the newspaper removed the function, which would only be reinstated in January 2012 by the current provider, Oscar Mascarenhas, journalist and former president of the Portuguese National Journalists’ Union.

At *Público*, the figure of the *ombudsman* appeared just one month after the post was inaugurated at *Diário de Notícias*. The aforementioned Jorge Wemans was the first provider (1997-1998) at this paper; he is the longest-serving individual to fulfill the function in the Portuguese press (although the most recent provider left the service in February 2013 and so far, no successor has been announced). Wemans was succeeded by Joaquim Fidalgo (1999-2001).

The post remained vacant at the *Público* newspaper until 2004, interrupting the performance of duties for reasons not disclosed to its readers. During 2004, the post was held by Joaquim Furtado, followed by another interruption. It was only in 2006 that the newspaper reinstated a provider, Rui Araújo, who remained until 2007. Joaquim Vieira was in charge between 2008 and 2009. José Queiroz was his successor, assuming the position in 2010 until February 2013. In October of that year, the professor Paquete de Oliveira took up the post.

With a much more occasional experience, *Jornal de Notícias* created the function only in 2001, fulfilled by former director Fernando Martins, who undertook the role for nearly four years. He was followed by the paper's second and last provider, Manuel Pinto, a former journalist at the newspaper and professor of journalism at the University of Minho. He was in charge between 2004 and 2006. Although *Jornal de Notícias* announced the restoration of the function in 2011, it seems definitively to have abandoned this project.

Between 1997 and 2013, the Portuguese press had a total of 14 providers, journalists by training, though two university professors with no background in journalism were appointed at *Diário de Notícias*. At all three newspapers, only one woman was ever nominated. After their mandates, providers edited books, recounting the experience (for example, MESQUITA, 1998; WEMANS, 1999; AURÉLIO, 2001; FIDALGO, 2004; MARTINS, 2005; SERRANOS, 2006; ABRANTES, 2008).

In Brazil, appointing the *ombudsman* is a voluntary act by the newspapers' editorial boards, meaning that there is no legal obligation to that effect. Regarding the Portuguese audiovisual media, the function only exists in the public media due to the adoption of special legislation in early 2006. Having thus been created following government initiative, the figure of the *ombudsman* was presented as a way of making public broadcasting operators a reference for private organs. Established by Law 2/2006, on February 14, the providers of listeners and viewers assumed their duties in September of that year.

On television, the post was initially filled by José Paquete de

Oliveira, who served two mandates. In 2011, he was replaced by José Carlos Abrantes, who had fulfilled the role at *Diário de Notícias*. The current incumbent is Jaime Fernandes. In addition to managing an office devoted to constantly “addressing” public solicitations, the viewers’ provider for the RTP channels is also responsible for broadcasting the weekly program ‘Voz do Cidadão’. While the press *ombudsman* works solely on journalistic content, the scope of activity on television and radio also extends to general programs, and thus to content that is not exclusively informative.

Furthermore, the listeners’ provider generally functions similarly to the viewers’ provider. With an ordinary standing, both the listeners’ provider and the viewers’ provider work for all the channels of the public broadcaster. José Nuno Martins was the first to undertake the role for all RTP radio stations, and he created the program ‘Em nome do ouvinte’. The first public radio provider was succeeded by three other professionals: Adelino Gomes (2008-2010), Mário Figueiredo (2010-2012) and Paula Cordeiro, university professor, who has been in office since 2012 and is the second woman to assume the function of *ombudsman* in Portugal (the first, aforementioned, was Estrela Serrano at *Diário de Notícias*).

As a relatively new concept on radio and TV, the *ombudsman* has featured more regularly in the audiovisual media than the press, stemming from the fact that it is a legal obligation. However, despite the wishes of the Minister responsible for instituting the position at public broadcasters, it has never been implanted at private entities. In Portugal, the *ombudsman* has been relatively low-key.

4 FRAGILITIES, INSUFFICIENCY AND SKEPTICISM

A cross-reading of the Brazilian and Portuguese experiences provides scope for reflection on the figure of the *ombudsman*, its place as an instrument of accountability, hetero- and self-regulation, and the future development of the role.

Indeed, it has always represented a comparatively minor function. As suggested by Mário Mesquita, the *ombudsman* is “in the middle of an infernal triangle - readers, sources and journalists,” playing a “lone role” that always risks “being misunderstood and unloved” (MESQUITA, 1998, p. 92). Though it may, as the author argues, “develop a concept of social responsibility in the press and help diminish readers’ alienation from their newspaper” (MESQUITA, 1998, p. 92), in truth, the *ombudsman* has never been established as a widespread function throughout all journalistic media.

In Portugal, perhaps in contrast to Brazil, there has been a clear, progressive decline in the function, though it has featured at three nationwide, daily-circulation newspapers. Currently, the post only exists at *Diário de Notícias* and *Público*. In the case of the Brazilian media, the function has expanded in limited fashion, with the creation of the EBC *Ombudsman*, added to the channels created by *Folha de S. Paulo* and *O Povo*. Arguably, the containment of revenue losses, with a smaller reduction in the circulation of Brazilian newspapers compared with Europe and the USA, has not had the effect of calling into question the existence of these services at the two private vehicles mentioned above.

Moreover, the low rate of audience participation and the financial burden represented by hiring a “house critic”, are generally the main reasons cited by *ombudsmen* themselves, who, pondering their activity, lament the weak involvement of citizens.

In an article debating the current impasse surrounding this function, Rick Kenney and Kerem Ozkan explain that the *ombudsman's* activity “does not go far, in terms of providing a voice and visibility to the work of criticizing the media’s actions, in responding to media consumers and interacting with the community” (KENNEY and OZKAN, 2011, p. 39). According to these researchers

the best hope for the establishment of a credible system of accountability is to redefine the mission of the *ombudsman*, and integrate the ideal with the best writing practices in the context of autonomous and external scrutiny (KENNEY and OZKAN, 2011, p. 39).

Although the decline in activity of the *ombudsman* is a contradiction in modern societies, as suggested by Huub Evers (2012), several factors seem to have helped soften the impact of these “professionals of ethics”. The proliferation of open access platforms such as social networks and blogs, has promoted disinterest in a mediating role between the public benefit and the duty of media professionals.

Within these new spaces for public debate, “consumers” encounter a favorable environment to express criticism and comment, thereby undermining the role that ought to be played by the *ombudsman*. Although contributions in this new public sphere lack analysis from experts, or connoisseurs of journalism’s functioning; readers, listeners and viewers nonetheless have the chance to debate and criticize under circumstances that promote interaction.

With respect to the proliferation of devices, traditional media consumption has decreased substantially. Audiences are more

fragmented today than in the past, which means that audiences are increasingly less dependent on newspapers, radio and television, where the *ombudsman* is present.

Lack of knowledge regarding the ombudsman's competencies has undermined the activity. Although studies on educational communication and media literacy increasingly promote measures to encourage critical media consumption by the public, in reality, the *ombudsman's* role continues to be largely ignored. Having always undertaken their duties with relative discretion, Brazilian and Portuguese *ombudsmen* are not usually acknowledged as fully fledged "examiners of ethics". Hence, as regards effectiveness, they are often belittled.

In a widespread context of weaknesses inherent to its mission, arising from the unawareness of audiences, the figure of the *ombudsman* must also grapple with the threat posed to the entire, traditional media system: the global economic crisis. The difficulties experienced by media groups require organizations to cut jobs in areas deemed dispensable.

The task of contemplating the future of the *ombudsman's* position cannot disregard the transformations that have occurred in media production. Circumscribing the mission through regulation and accountability on the part of journalists and other media professionals with respect to traditional modes of communication, means restricting the possibilities of expanding the ethical imperative.

Due to an increasingly large network of informational content production, the challenge will broaden the ethical concern into a chain of circulating messages that is no longer applicable solely in newspapers, on radio or television. In summary, the diachronic approach of *ombudsmen* in Brazil and Portugal leads to the conclusion that, contrary to the idea of a "slow death", the mechanism needs to: redefine its field, take advantage of alternative relational channels with the public as well as internet resources, and even cultivate greater awareness within audiences of the role of communication in social and cultural development.

NOTES

- 1 In his first column for the newspaper *Público* (Portugal), Jorge Wemans explained that *ombudsman* is a Scandinavian word meaning someone chosen by the community to ensure that snow, ice and dirt would be removed from the streets and that chimneys would be unobstructed, during long winters." (WEMANS, 1999, p. 17). He even added that "the

concept illustrates perfectly the function of the readers' provider [name given to this figure in Portugal]. Not in this sense of a chimney-cleaner, but meaning that it must be a dustman, sweeping away the barriers that stand between the reader and the paper." (WEMANS, 1999, p.17).

- 2 <http://newsombudsmen.org/>
 - 3 http://www1.folha.uol.com.br/folha/ombudsman/omb_19890924.htm
 - 4 <http://www1.folha.uol.com.br/folha/ombudsman/cargo.shtml>
 - 5 <http://www.opovo.com.br/vocefazopovo/>
 - 6 Paragraph 3, Article 20 of Law 11.652 from April 7th, 2008.
 - 7 *Idem*
 - 8 <http://www.ebc.com.br/home/ouvidoria>
 - 9 In effect, "there is a very different profile between EBC stations broadcasting content on, for instance, the needs of northern riverine populations or indigenous communities (*Nacional da Amazônia* Station), and enthusiasts of concert music, present on MEC FM in Rio de Janeiro" (PAULINO, 2010, p. 105).
 - 10 See: <http://memoria.ebc.com.br/portal/ouvidoria/carta-do-ouvidor>
 - 11 *Idem*
 - 12 *Ombudsman* Letter, no longer available on the EBC website (last accessed: August 2009).
 - 13 *Idem*
 - 14 *Idem*
 - 15 *Idem*
- NT Since it is common in Portuguese (Brazil) to use different terms to denote the *ombudsman* as a person, and the *ombudsman* as the organ that encompasses the service, I also chose to bear out the difference in English, referring to the former as *ombudsman* and to the latter as *Ombudsman* (unit).

REFERENCES

BALZAC, Honoré. **Os jornalistas**. Rio de Janeiro: Ediouro, 2004.

BARBER, Carlos Maciá. Um modelo de Defensor del Lector, del Oyente y del Telespectador para el perfeccionamiento del ejercicio del periodismo en España. **Comunicación y Sociedad**, Navarra, v. 19, n. 1, 2006, p. 47-66, 2006.

COSTA, Caio Túlio. **Ombudsman**. O Relógio de Pascoal. São Paulo: Geração Editorial, 2006.

EVERS, Huub. The news ombudsman: lightning rod or watchdog? **Central European Journal of Communication**, Wroclaw, v. 5, n. 2 (9), p. 224-242, Outono, 2012.

EBERWEIN, T.; FENGLER, S.; LAUK, E.; LEPIK-BORK, T. (Ed.), Mapping **Media Accountability** – in Europe and Beyond, Köln: Herbert von Harlem Verlag, p. 7-21, 2011.

FIDALGO, Joaquim. **Em nome do leitor**: as colunas do provedor do Público. Coimbra: Minerva, 2004.

HALLIN, Daniel C.; MANCINI, Paolo. **Comparing Media Systems**: Three Models of Media and Politics. Cambridge: Cambridge University Press, 2004.

JUUSELA, Pauli. **Journalistic Codes of Ethics in the CSCR Countries**. Tampere: University of Tampere, 1991.

KENNEY, Rick; OZKAN, Kerem. The ethics examiner and media councils: improving ombudsmanship and news councils for true citizen journalism. **Journal of Mass Media Ethics**: Exploring Questions of Media Morality, v. 26, n. 1, p. 38-55, 2011.

MAIA, Kenia. O ombudsman na Folha de S. Paulo: entre a crítica da mídia e as reclamações dos leitores. In: IV Encontro Nacional de Pesquisadores em Jornalismo, 4, Porto Alegre. **Anais**. Porto Alegre: SBPjor, 2006. p. 1-11. Available at: http://sbpjor.kamotini.kinghost.net/sbpjor/admjor/arquivos/ind_kenia_maia.pdf Accessed on: 15 abr 2013.

LAKATOS, Eva Maria; MARCONI, Marina de Andrade. **Fundamentos de metodologia científica**. São Paulo: Atlas, 1999

MARTINS, Fernando. **A geração da ética**. Coimbra: Minerva, 2005

MATA, Maria José. **A autocrítica no jornalismo**. Coimbra: Minerva, 2002.

MESQUITA, Mário. **O Jornalismo em Análise**: a coluna do Provedor dos Leitores em análise. Coimbra: Minerva, 1998.

OLIVEIRA, Madalena; PAULINO, Fernando Oliveira. O ombudsman nos meios públicos de comunicação em Portugal e no Brasil: da promessa de uma ética participada aos desafios cotidianos. In: LEDO, Margarita; LÓPEZ, Xosé; SALGUEIRO, María. **Anuário Internacional de Comunicação Lusófona 2012**: Medios Públicos e espazo lusófono. Santiago de Compostela: Agacom, 2012.

SERRANO, Estrela. **Para compreender o jornalismo**. Coimbra: Minerva, 2006

WEMANS, Jorge. **O Público em Público**. Coimbra: Minerva, 1999

Fernando Oliveira Paulino Professor, Communication Department of the University of Brasilia, Coordinator of the Ethics, Freedom of Expression and Right to Communicate group, and member of the Directive Council of the Latin American Association of Communication Researchers (ALAIIC). E-mail: paulino@unb.br

Madalena Oliveira Professor, University of Minho, vice-chair of the ECREA Radio Section and general secretary of the Portuguese Society of Communication Sciences (SOPCOM). E-mail: madalena.oliveira@ics.uminho.pt

RECEIVED ON: 28/09/2013 | APPROVED ON: 04/04/2014