

Who's Afraid of the Ombudsman? (Or why there is no one in the Argentine Press who Defends them)

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Abstract

The author has undertaken a study on the press ombudsman, or readers' advocate, in the Argentine press. Amado offers a detailed analysis on the background to the use of press ombudsmen in Latin America and provides the key concepts for understanding the issue at hand. The author's research is detailed and precise and fully explains the argumentation, development and reason for being of the ombudsman in the Latin American press. Her study probes the historical background of the press ombudsman, detailing the different models that exist throughout the world and then focuses on the practical utility of the readers' advocate. Amado concludes with an analysis of the relationship between the function of the press ombudsman and people's right to information under the democratic rule of law.

Resumen

La autora realiza un estudio sobre el defensor de los lectores en la prensa Argentina; analiza con profusión los antecedentes de esta figura en Latinoamérica y aporta los conceptos fundamentales para la comprensión del objeto de estudio. La investigación es puntual, precisa y explica a cabalidad el fundamento, desarrollo y razón de ser del *ombudsman* en la prensa latinoamericana. Su estudio pasa por los antecedentes históricos del *ombudsman* de la prensa, los diversos modelos que existen en el mundo, para luego centrarse en la utilidad práctica de la figura. El artículo concluye con el análisis de la relación que guarda la función del *ombudsman* de la prensa y el derecho a la información de las personas en un Estado de derecho democrático.

The figure of the Readers' Advocate or Press Ombudsman arrived late on the scene in the Latin American media. While international experiences pinpoint the 1960s as the beginning of the practice of having a readers' advocate, in Latin America, their appearance took a long time coming, until the 1980s. The daily newspaper *Folha de São Paulo* was the first in the Western Hemisphere to adopt the practice, which it did in 1989. The position of Readers' Advocate was established in the Colombian newspaper *El Tiempo* in 1992. The newspaper *O Povo*, published in the Brazilian city Fortaleza, inaugurated the post in 1994. In Venezuela, the press ombudsman appeared in April 1998, in the newspaper *El Nacional* (which recently institutionalized it, in 1999), the same time in which that figure emerged in Argentina, with the daily newspaper *Perfil*, which ceased publication several months later. At that time, two other Argentine publications had a person dedicated to establishing a dialogue with their readers, the cultural magazine *La Maga* and the women's journal *Luna*. Today the initial spurt has run out of steam.

Of course it must be acknowledged that not even in the major industrialized countries is the figure of press ombudsman widely codified. Sánchez Piña (citing the historical compilation made by Nauman) reports, for 1994, that there were close to 1,700 newspapers in the United States and only 37 of them had an ombudsman. The researcher also points out that *The New York Times* still does not have a person appointed to such a position, even though its pages encouraged the concept of the press ombudsman.

Research conducted by Jairo Faria Mendes,¹ professor at the Federal University of Rio de Janeiro, concludes that in Brazil, as in Latin America, the figure of the press ombudsman has yet to be definitively established in the media. He

¹ Santa Catarina Journalists Union, 'Ombudsman não vingou na Latin America', available at <http://www.sjsc.org.br/clipagem/clipagem.htm> [c. June 2004].

justifies this conclusion with data indicating that just three Brazilian media organizations currently maintain an ombudsman: the daily newspaper *Folha de São Paulo* (San Paulo), *O Povo* (Fortaleza), and the same group's radio station. Barely five years earlier, six other media outlets would have been included in the list: namely, *Folha da Tarde* (San Paulo); *O Dia* (Rio de Janeiro); *Diário do Povo* (Campinas, San Paulo); *Correio da Paraíba* (Paraíba); *A Notícia* (Santa Catarina); the magazine *Rumos* (Ceará); and Radio *Bandeirantes* (San Paulo). All these media outlets, according to Mendes, dropped their ombudsman overnight. In the rest of Latin America, that researcher finds that the newspapers *El Tiempo* in Colombia and *Hoy* of Paraguay are the only ones that have currently have a readers' advocate. Newer arrivals to the list would have to include *El Nacional* published in Caracas,² and the recent experience being promoted in Bolivia by the Grupo de Prensa Líder for its eight affiliated newspapers. This observation does not invalidate Mendes' general conclusion, which compares the Latin American situation with that of the main newspapers of the industrialized countries that have an ombudsman. He mentions the cases of the *Washington Post*, *The Boston Globe*, *The Chicago Tribune*, *The Los Angeles Times* (United States); *El País* and *La Vanguardia* (Spain); *Diário de Notícias* and *Público* (Portugal); *Le Monde* (France); *Il Corriere della Sera* (Italy); *The Guardian* and *The Sun* (Great Britain); *De Volkskrant* (Netherlands); the daily *Maariv* (Israel); the dailies *Milliyet* and *Hürriyet* (Turkey); and *Yomiuri Shimbun* (Japan, where half of its newspapers have ombudsmen). For this journalist, the reasons why the Latin American press did not particularly cultivate this mechanism for the self-regulation of its functions are the close ties that

² The figure of ombudsman was created in this newspaper in 1998, and as of 2002 took the name advocate, and is currently under the responsibility of Alba Sánchez.

the region's communications media maintain with pressure groups, both political and economic, and the slow consolidation of civil rights. These points are very much related to the fact that in our societies, the exercising of citizenship rights does not appear so clearly related to the right to access information.

1. Who does the Defender Defend?

The figure of defender of readers' rights or ombudsman seeks to offer audiences a guarantee of precision, ethics and balance in news coverage. By providing an intermediary who is in a condition to establish a dialogue with the readers or listeners, the media body bolsters its credibility and that of its journalists, by being seen to adopt a responsible and open approach. This decision is part of the framework defining the media's social responsibility, as a mechanism of self-regulation of the press, since it is voluntary and not official, and is regulated and financed by the corresponding media outlet itself. Thus, the establishment of the figure of press ombudsman is in response to the invitation to promote mechanisms of self-regulation, outlined in the European Code on the Ethics of Journalism,³ when it urges 'the media to agree to submit to rigorous ethical principles that guarantee freedom of speech and the fundamental right of citizens to receive truthful information' (Article 36). To comply with this principle, the Code suggests the creation of mechanisms of self-regulation formed by journalists, editors, readers' associations, and academics, whose views 'will help the individual, who has the right to the information, to form a critical judgment on the journalist's work and its credibility' (Arti-

³ Cited by Ernesto Villanueva, *Deontología informativa. Códigos deontológicos de la prensa escrita en el mundo*, Mexico, Iberoamerican University, 1999, pp. 44 and others.

cle 37). In the same sense, the active participation of the public is also codified in the UNESCO's International Code of Journalistic Ethics, which in Article 5 demands that 'the journalist favors the public's access to information and the public's participation in the media, which includes the obligation to publish corrections, rectifications and the right to reply'.⁴

Perhaps I should begin from this philosophical principle in seeking the reasons why the establishment of the position of press ombudsman has met with difficulties and resistance. It should not be forgotten that if the post of ombudsman is codified, it is in response to the growing number of questions that journalists began to raise by the mid-twentieth century concerning the function of the press, when the idea of the media as the fourth estate controlling the other three democratic pillars began to crumble. The fallibility of journalistic endeavors (due to their being human) and the consolidation of the other factitious powers that hinder research and the publication of information, led to systematic self-criticism in relation to journalistic procedures, in anticipation of any normative restriction that governments could impose on the press.

However, with the exception of Sweden, which includes the figure of ombudsman in its National Ethics Code, the figure is a strategic option for media outlets that regulate their functions through the Advocate's Statute, or style manuals, as in the case of *El Economista* in Mexico, *El País* of Spain and Colombia's *El Tiempo*. This trend, although it endorses the idea of self-regulation and offers institutional strength to the ombudsman's functions, at the same time leaves the problem to the criteria of the media outlet, which in many cases evaluates its advisability more from the point of view of readership marketing than from the vantage point of the defense of readers' right to know information and the pro-

⁴ *Ibidem*, p. 32.

cesses by which it is produced. These are the reasons that led Germán Rey, press ombudsman at the newspaper *El Tiempo* between 2000 and 2002, to speak of a ‘position under construction’:

The characteristic of the ombudsman as a “black hole” brings together several of the most important issues in journalistic practice. On the one hand, the variations and the vitality of the right to information, which is a double-edged right, for the owners, directors and journalists as well as the readers. On the other hand, it ratifies the sharp transformations that the media experience in the social environment, such as, for example, the relationship between commercial logic and journalistic autonomy, the public sense of information, the importance of the complementarity of fundamental rights with freedom of speech, the growing role of the media in governability, and, in general, in democracy, its intervention in monitoring all the branches of government, including itself, and its intervention in the creation of social climates or environments.⁵

It should not be forgotten that part of the ‘construction’ of the position of ombudsman is in the hands of the citizens, since the emergence of the post of advocate of their rights as media audiences depends on the demands that they direct toward the press. The active participation of society in the defense of its right to information can be noted in the organization of professional advisory councils, such as the Swedish Press Council, founded in 1916 (and whose function is linked with that of the ombudsman), or the Journalists College of Peru. Another organizational example of citizen intervention is that of the the readers’ advisory councils, such as in the case of the daily newspaper *Hora Zero* of Porto Alegre, Brazil, comprised of nine board members se-

⁵ Rey, Germán, ‘El defensor del lector: un oficio en construcción’, *Sala de Prensa, Web para Profesionales de la Comunicación Iberoamericanos*, s.l.i., year V, vol. 2, no. 53, March 2003, <http://www.saladeprensa.org>.

lected among the readers, or the *Diario Do Grande de Sao Paulo*, which has a council comprised of ten readers who offer their services based on 'the desire to discuss the content of the newspaper'. Other forms of civil society participation are the media monitoring committees, forums, movements of readers and audiences and media oversight committees, among other mechanisms that seek to improve the informational quality and that could possibly interact with the ombudsman. In all of these cases, the basis of their functioning resides in an agreement among the owners of the media outlet, journalists and members of civil society to improve the process by which public information circulates.⁶

2. Who Defends the Argentine Press?

In Argentina there are a few prior experiences in mechanisms for self-reflection. In fact, only one newspaper institutionalized the figure of the ombudsman, which was the daily *Perfil*, in 1998. Although the newspaper was only in circulation for a few days, it was the first media outlet that appointed an experienced journalist to the post of ombudsman to make sure that 'the professional and ethical rules codified in the style manual are rigorously adhered to'.⁷

The only prior examples of the figure of press ombudsman were for the magazine *La Maga* between 1991 and 1997 and the post occupied by journalist Clara Fontana in the women's journal *Luna* (also published by the Editorial Perfil publishing house), whose section was entitled 'Dia-

⁶ In Argentina, organized critical reflection on the media is incipient. Cases that can be mentioned include the recently established Argentine Journalism Forum (FOPEA, www.fopea.org) and the Civil Rights Association (www.adc.org.ar).

⁷ Perfil, *Cómo leer el diario*, Buenos Aires, Perfil, 1998, p. 267.

logue with the Readers'.⁸ None of these publications is currently in circulation.

It should be recalled that in Argentina very few media outlets have even made the decision to develop a style manual. The daily *La Voz del Interior* published in Córdoba prepared such a guide in 1990, and the national newspapers *Clarín* and *La Nación* did so more recently — in 1997 — although these were not widely circulated among their readers. These two media outlets are the only ones that currently have a prototype of an ombudsman, who while not covering all the aspects and functions of such a post, does seek to establish a link with their readership. The daily *La Nación* has, since May 1998, published a weekly column by Octavio Hornos Paz entitled 'Weekly Dialogue with the Readers', in which the author seeks to respond to formal, spelling and stylistic concerns sent in to the editors. In the case of the daily *Clarín*, the experience is much more recent and consists of a space for readers inaugurated in May 2004 that is published in the Sunday edition of the newspaper. Contrary to the letters to the editor section that on some days appears in the opinion page of the morning edition, this is a more extensive space dedicated to publishing readers' opinions and suggestions, which is supplemented with a column on journalistic commentaries written by the paper's editor in chief, Osvaldo Pepe. According to the author's own definition,⁹ the column is a 'means for connecting more closely with the readers and offering them services' designed to bring the media closer to its audience, although he recognizes that at present this task is somewhat different from the more complex function of the traditional ombudsman.

⁸ Amado Suárez Adriana and Daniela Blanco, 'Algunas experiencias locales e internacionales', in the dossier 'Conferencia Internacional: Autoexamen de la prensa', *Un Ojo Avizor* magazine, no. 15, March/April 2000, p. 34.

⁹ Phone interview with Osvaldo Pepe, June 29, 2004.

In this sense, it should be recalled that the function of the readers' advocate function has two main facets: to control for questions of style (oriented internally within the newsroom) and to guarantee journalistic ethics (which places the focus on information for the readership). In relation to formal questions or those involving style and spelling, it is interesting to note that they are usually the most numerous and frequent, given that they are the most common observations made by the readers. With regard to journalistic ethics, concerns over aspects such as the mixing of information with opinions, leaving out data, imprecision in the news, bias in the information provided, problems with sources, etc., are less visible to readers. Even more complex is the analysis of the right to information as a civic right that includes the coverage of minorities, slanders and offenses, or the right to reply. Such questions arise at the initiative of specialists and academics.

It is interesting to note that in Argentina, the two functions are separated in the two national daily newspapers mentioned above, and neither of them offers the synthesis that an authentic readers' advocate would demand. And both newspapers seem very far from doing so. In this sense, Osvaldo Pepe points out that at the daily *Clarín* they are clear that this space for readers is an incipient approximation to the function of ombudsman the prior preparation for which was the newspaper's participation in the First International Seminar for Readers' Advocates held in December 2002 sponsored by the Foundation for New Journalism.¹⁰

The limited nature of these functions becomes clear when they are compared to the scope recognized by the Organi-

¹⁰ The First International Seminar of Readers' Advocates was held in the Casa Clavigero in Guadalajara, in December 2002, organized by the Foundation for New Journalism and sponsored by the newspaper *Público* of Guadalajara, the IDB, the Friedrich Ebert Foundation and the ITESO.

zation of News Ombudsmen (ONO), which speaks of seeking fairness, precision and responsibility in the media; consolidating their credibility; investigating the reasons that motivated the public's complaints and recommending corrective actions; keeping the director of the media outlet informed about such concerns; becoming an internal critic; representing the media's readers, channeling their complaints, suggestions, recommendations and observations; and defending the media outlet and making public its ethical positions and editorial line, either through a regular column or participation in collective activities, such as conferences and meetings with the community. In addition to these tasks, others can be added, depending on the case, such as internal work through meetings with the different writing teams, or developing communication tools such as memorandums, reports or surveys among those working for the media outlet.

It is clear that the cases that I have mentioned are barely an overview of what seeks to be a self-critical review of journalistic efforts, with the added difficulty that in the two newspapers analyzed, the journalists are active members of the editorial staff, and therefore they lack the appropriate distance in order to maintain the necessary impartiality.

3. Between Ethics and Marketing

As a first approximation to finding an answer to the question of why Argentina does not have a readers' advocate in any of its media outlets, perhaps it would be worthwhile to analyze the reasons why the position of ombudsman has not become universal in the media on a worldwide level.

One unavoidable factor is that of economic considerations, since ideally the post should be appropriately paid, especially because whoever occupies the position should

be an experienced journalist with a long history in the profession, and he or she probably would have worked in a top assignment before being named readers' advocate. However, these questions are not too relevant, as Aznar correctly points out:

While it is true that the appointment of an ombudsman implies a financial cost, it is also the case that this inconvenience should not be exaggerated, since it can turn into an easy excuse. It is the case that its cost rules out the possibility that a large number of low circulation publications, with few staff, or reduced incomes can have an ombudsman. Nevertheless, there are a significant number of newspapers and magazines that today in Spain could have an ombudsman, without even mentioning the giant national and autonomous radio and television chains that handle multi-million budgetary figures... In any event, we are speaking of a business commitment to ethics that no one has affirmed has to be free of charge. To assume the economic cost of self-regulation is precisely one of the changes in the corporate media culture that is being demanded.¹¹

The fact remains that international experiences demonstrate the lack of conflict between the ombudsman and the company. This confirms that professionalism and ethics can also be 'good business', as Canadian professor John Virtue argues. Or as Aznar notes, citing an English saying, 'ethics pays', since the expenses incurred in maintaining an ombudsman would be, according to analysts, broadly compensated by the benefits that he or she would bring to the media outlet. Nevertheless, it is clear that the appointment of a readers' advocate is more than a marketing strategy. As Xavier points out,

¹¹ Hugo Aznar, 'El ombudsman como mecanismo de autorregulación', *Revista Latina de Comunicación Social*, Tenerife, La Laguna University, no. 13, January 1999, <http://www.lazarillo.com/latina/a1999c/145hugo.htm>.

some professionals and academics see the post as an effective tool for marketing and customer attention, which seeks to establish better contact with the reader-consumer. Others, meanwhile, see the post at best as a marketing strategy to be publicized by the newspaper.¹²

In the final analysis, if the media are considered to be companies that market a product, the ombudsman is a figure that would tend to buttress their marketing efforts in relation to the quality of the production processes. On this point, there is a clear difference between the conditions of the press in Europe and North America and the performance of the media in Latin America, specifically, the precarious working conditions experienced by journalists in the latter region. This is not only in relation to long shifts on the job (Albarrán) and the general lack of job security,¹³ but also because in many countries, journalists work freelance, as out writers. These conditions, coupled with the media concentration that extends to different outlets with similar procedures, means that editorial and ideological orientations are diluted, both in relation to their producers (the journalists) as well the public, which sees its ability to exchange points of view with the media outlet undermined.

Here lies one of the greatest dangers to which the journalism business can succumb, which is well defined by Argentine journalist Orlando Barone, who states that

¹² Mario Xavier, 'Ombudsman de la prensa, ¿por qué son necesarios?', *Chasqui — Revista Latinoamericana de Comunicación*, Quito, CIESPAL (Internacional Center for Higher Education in Communications for Latin America), issue 54, June 1996.

¹³ A. Amado Suárez, 'La dimensión económica de la prensa argentina: una industria sin información', in *Actuales desafíos de la investigación en Comunicación*, Comahue National University, Gral. Roca, Memorias de las VII Jornadas Nacionales de Investigadores en Comunicación, (CD-Rom), 2003.

the biggest risk of imbalance in a newspaper is placing too much emphasis on economic and commercial aspects... The risk is that to the extent that the newspaper becomes a multi-million proposition, the objective of a profitable business winds up deferring or distancing the paper from the validity of its ethical focus.¹⁴

In this sense, as Sánchez Piña correctly states, the dilemma paying the cost of putting internal questions up for public discussion and revealing the shortcomings of the profession is resolved by assuming that the best way to establish a bond with the audiences is through the credibility that the readers assign to their media outlet:

No journalist likes their work to be criticized and even more so, a newspaper as a media outlet does not always look favorably upon its work, or its way of functioning, being openly criticized, since this would have an impact on its credibility in the eyes of its readers. However, the establishment of the reader's advocate is a way of demonstrating to them that the newspaper is acting in accordance with ethical principles and with total transparency, since this indicates the newspaper's intention of wanting to improve its work and that it is open to criticism and dialogue.¹⁵

Undoubtedly many editors feel that a press ombudsman is unnecessary, since every editor should be an ombudsman. As Barone correctly points out, the readers' advocate is 'a specialist designated by the company itself to function as a tribunal in relation to the newspaper's failings', which is why 'the readers' advocate is obviously viewed with mistrust by the editors, although evidently s/he is not physically seen, since s/he works separately from the others. The readers'

¹⁴ Orlando Barone, '¿Para qué sirve el defensor del lector?' *Boletín periodismo.com*, issue 77, July 2004, available at <http://www.periodismo.com>.

¹⁵ Zaira Sánchez Piña, 'La figura del defensor del lector en el diario colombiano *El Tiempo* y el diario venezolano *El Nacional*,' Caracas, Andrés Bello Catholic University, 1999.

advocate is an authorized regulatory position. And it tends to be momentous'¹⁶ This observation seems to suggest that, faced with such a threat, many decide that it is best to avoid responsibility.

Another objection would be that it has also not been demonstrated that the presence of a readers' advocate makes the editorial staff infallible, as was pointed out in a personal interview conducted with the editor-in-chief of the daily *Clarín*, (the crisis faced by the daily *El País* in relation to its coverage of the March 2004 terrorist attack inevitably came up in the discussion, along with the self-criticism formulated by its readers' advocate Malén Aznarez, which demonstrated that the newspaper was able to react, but only a *posteriori*). This requires acceptance of the pedagogical role of the readers' advocate, which as such, implies an imperceptible but constant effort to educate and provide an example.

Ultimately, all these limitations only serve to show that for the figure of ombudsman (or the ombudswoman, to play with the false English etymology of this Swedish word) to exist, multiple conditions should be present, the observance of which should not, in and of itself, cease to be an interesting exercise in reflection concerning the circumstances in which journalism is practised. Based on suggestions raised by Sánchez Piña after analyzing the Colombian and Venezuelan experiences in readers' advocates, I can conclude with the following considerations:

- Without a statute or an ethical framework, guaranteeing a consistent application of the functions of a press ombudsman is unlikely. In the experiences in Argentina, it is clear that in terms of their functions, the ombudsman adopts his or her own profile. Furthermore, the periodic

¹⁶ Barone, *op. cit.*, footnote 14.

renewal of the person occupying the post is not even considered.

- Since it is not necessary that the readers' advocate be a professional media worker, it is interesting — and key to the media's opening up to society — that the position can be occupied by individuals familiar with the media, but not part of the editorial staff. As Sánchez Pina points out, 'it is preferable that whoever represents the readers is not a journalist working in the same newsroom of the publication, since he or she would tend to be more benevolent with their co-workers and it would not inspire the readers' trust'.¹⁷ This also does not occur in Argentina, neither presently or in past experiences.
- It is important to operate within the social context in which the ombudsman will be functioning. It is clear that in Argentina, reading levels are low, and have fallen 30 per cent in the past few years.¹⁸ But irrespective of the economic reasons that superficially explain the decline in newspaper sales, one cannot fail to include in the analysis the degree of confidence in the media held by public opinion. Although in Argentina the press enjoyed a high level of prestige during the past decade, sales levels have barely begun to recover from the abrupt decline they experienced in 2002,¹⁹ following the institutional crisis in the local government and the perception on the part of public opinion on how the press performed in relation to the event. In this sense, it is the re-

¹⁷ Sánchez Piña, *op. cit.*, footnote 15.

¹⁸ Based on the official figures published by the Press Circulation Verification Institute, www.ivc.com.ar.

¹⁹ According to the monitoring study carried out by the Center for Studies for the New Majority, media credibility levels dropped from an average of more than 50% during the 1990s to 27% in 2002 (the figures can be consulted in the September 18, 2002 edition of the newspaper *La Nación*).

sponsibility of the Argentine media to undertake actions so that readers will know their rights and learn how to make them effective. Sánchez Piña offers some suggestions in this regard:

The conferences with readers, readers' visits to the newspaper and courses for readers on how to use the channels of participation that have been made available to them, activities that are currently being organized by the Ombudsman's Office of the daily *El Nacional*, are an example that can be repeated in other print media to provide readers with the tools that can help them efficiently participate.²⁰

The UNESCO Declaration of 1978 states that 'information is an essential component of democracy and is a primordial right of the individual in that the right to information gives value to and allows other rights to be exercised'. In this context, every effort that society makes is healthy. However, it is to be expected that the media outlets themselves, concerned to continue to occupy their privileged position in the social sphere, will be the ones who promote mechanisms for reflection on and improvement of their work. In this spirit, the pedagogic tasks of the readers' advocate could be included, which teach audiences what their participation in the informational circuit consists of, and in doing so, make them more aware of the values that the media place in circulation when choosing a way of covering the news. Whether or not there exists a legal framework that protects readers' rights, the press ombudsman permanently defends such rights. And this is an interesting road that the Argentine press can begin to travel.

²⁰ Sánchez Piña, *op. cit.*, footnote 15.

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