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Juan Carlos Suárez-Villegas
jcsuarez@us.es
Full Professor of Journalism.
School of Communication.
University of Seville. Spain.

Self-regulation of offline and online journalism in Spain in the experience of the Arbitration, Complaints and Ethics Commission

Abstract

This article presents the results of a study on the Journalism Ethics Commission of the Federation of Associations of Spanish Journalists (FAPE), as a body for the self-regulation of journalism in Spain. The objective of this study is to evaluate the performance of this Commission during its first decade of existence. On the other hand, the study presents an analysis of the Commission's doctrine on online journalism, to determine whether conventional ethical principles are used to solve the new ethical dilemmas. It will be demonstrated that the ethical principles of journalism have not changed but that it would be convenient to establish more specific ethical guidelines that are more adjusted to the challenges of online journalism, as it would contribute to clarifying the responsibilities of professional journalists in an environment of great confusion.

Keywords
Deontology, ethics, journalism, commission, accuracy, freedom of expression, self-regulation

1. Introduction

The self-regulation of journalism is one of the hallmarks of a democratic society. This initiative has been seen with good eyes even by the legislative powers, which have found in the self-regulation of journalism a useful complement to settle disputes within the profession in a more effective and agile manner (Desantes, 1973). We must not forget that information acquires a double value in liberal societies. On the one hand, it is a basic right of citizens and, on the other hand, it is also a consumer product, designed to satisfy certain sociological demands. This tension between the high standards of ethics in journalism and the temptation to produce sensationalist news to increase viewership or readership numbers persists as one of the main dilemmas among journalists, who are frequently urged by their own companies to increase revenue (Aznar, 1998, 2010; Ruiz, 2008). In this context, legal measures are not always the most appropriate tools,

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because they cannot get to the bottom of the attitudes and intentions underlying journalists' willingness to offer information from a socially-committed perspective. On the other hand, an excess of regulation can be counterproductive for the freedom of expression, because it could give the political powers a way to control, censor and interference with the work of journalists, their watchdog.

In an intermediate position, some people opt for co-regulation, of which there are different modalities depending on the sector of professionals and of the civil society that promote this form of regulation. Generally, co-regulation is used to describe the work performed by the audiovisual councils, whose regulatory function is carried out in collaboration with audiovisual media providers and representatives of the civil society. Spanish trade unions, for example, have shown interest for the co-regulation of journalism through their proposal to create a Council of Journalists[1]. The co-regulation of journalism has also been supported by several agreements promoted by public institutions and media companies to ensure gender equality and the protection of minors. Another debate focuses on the effectiveness or usefulness of these different forms to demand accountability from journalists and the media. In our view, they are not mutually exclusive but complementary options, each having the virtue of appealing to professional responsibility through regulations that emphasise different elements of journalists' social commitment.

A recent research study offers an interesting comparative analysis of the different self-regulation mechanisms of six European countries (González-Esteban & al, 2011). This article focuses on the voluntary self-regulatory bodies created by journalists themselves to ensure the ethical performance of the profession of journalism, the so-called press councils or ethics commissions. Their autonomy as voluntary regulatory bodies depends on the willingness of the journalism industry to choose and be part of the members that will operate these bodies and will ensure compliance with the ethical standards that have been established by the profession itself. However, the boards of these regulatory bodies also include among their members independent individuals that are not directly part of the journalism industry, so their self-regulatory character may be questioned to some extent. Nonetheless, it is always the journalism industry that is choosing to regulate itself and establish who will be its ethical judges to settle down professional disputes.

In Spain the first self-regulatory body was the *Consell de la Informació* (Information Council), created by the Association of Journalists of Catalonia in December 1997, to ensure compliance with the ethics code. At the national level, the Federation of Associations of Spanish Journalists (FAPE) launched the *Comisión de Deontología* (Professional Ethics Commission) in 2004. Several scientific articles have analysed the nature and operation of the *Consell de la Informació de Catalunya* (CIC) (Navarro Merchante, 1998). The research group of the Pompeu Fabra University also carried out an interesting study about its performance during its first fifteen years of life. A commented summary of this study is available on the blog of Eva Jiménez, a Professor from the Ramon Llull University (2012). Here it is important to highlight the creation of the *Jurado de Autocontrol de la Publicidad* (Advertising Self-regulation Jury) as a body responsible for ensuring compliance with the ethical rules of advertising in Spain in 1996. The activity of this regulatory body has been very intense due to the funding provided by its partners, which include major

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[1] This form of self-regulation has also been promoted by the Forum of Journalists' Organisations (Foro de Organizaciones de Periodistas) which, faced with the risk that Spain could experience a situation like the one that occurred in England with News of the World, proposed the implementation of the Audiovisual Media National Council (*Consejo Estatal de Medios Audiovisuales / CEMA*) and the creation of the Information Co-regulation Council (*Consejo de Corregulación de la Información*), whose creation was considered in the Bill for the Organic Law on Guarantees for Citizens' Right of Information (*Ley Orgánica de Garantías del Derecho de la Información de la Ciudadanía / LOGDIC*), http://www.fesp.org/index.php/comunicados/item/180-

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multinational corporations, media companies and advertising agencies. This economic capacity along with its organisation in sessions to resolve controversial cases gives this Jury a greater organisational agility, which has contributed to its consolidation as an authority in the resolution of advertising disputes.

On this occasion, we will focus on analysing the Arbitration, Complaints and Ethics Commission (*Comisión de Arbitraje, Quejas y Deontología*) of the Federation of Associations of Spanish Journalists (FAPE), whose performance during its first decade of existence has not been addressed in any scientific work. The second part of this article analyses whether the ethics code created by this Commission provides any systematic criteria that can help in the efficient solution of the ethical dilemmas that have emerged in online journalism.

2. The Journalism Arbitration, Complaints and Ethics Commission

2.1. *Nature of the Commission*

The creation of the Arbitration, Complaints and Ethics Commission of the FAPE[2], came to complete the design of the self-regulation system embodied in the code of ethics developed by the latter, which also alluded, implicitly, to the creation of a body responsible for ensuring its compliance. In other words, the code of ethics of the FAPE considered making journalists liable when breaching their professional duties.

Throughout its resolutions the Commission has found opportunities to decide on its nature and operation. Thus, in resolution 4, it makes it clear that "*this is not a disciplinary body, but a mere moral body instituted by the FAPE to ensure compliance with the code of ethics*". Therefore, it has no punitive powers, because its resolutions are just value judgments about the practice of journalism according to the criteria set out in the code of journalism ethics, while its reports would be arguments about matters of general interest that may affect the professional ethics. Its moral authority and solvency is based on the respect granted to its decisions, due to their good judgment and independence, as pointed out by Rafael de Mendizábal, Emeritus Judge of the Constitutional Court and member of the Commission: "As a consequence, [it] has no power or *potestas* and only aims to get the *auctoritas* provided by its objective and impartial performance" (De Mendizábal, 2014).

The Commission is, therefore, a discretional body between the profession and the people that may be affected by irresponsible journalistic practices, which may affect their rights; an organism that applies the ethical guidelines voluntarily accepted by journalists, but whose decisions can also include legal reasoning related to the professional ethics. The Commission does not issue sanctions but moral reproaches, while the media players involved in the complaint are committed to publish its decisions. In short, its purpose is to establish the professional responsibilities of journalists, which is differentiated from the subjective responsibilities they recognise in their (ethical) conscience and their legal responsibilities. For this reason, the Commission understands that its work ends with the resolution adopted in the plenary session, without the option to appeal within this area,

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[2] The Arbitration, Complaints and Ethics Commission (*Comisión de Arbitraje, Quejas y Deontología*) of the Federation of Associations of Spanish Journalists (FAPE), was created on 17 May 2004, although its foundation meeting was held months later on 5 November of the same year. The Commission has had three different names throughout the last decade. In its early days, it was known as the Professional Ethics Council (*Consejo Deontológico*), until the resolution 2005/4 was passed. Then the FAPE opted for calling it the Complaints and Ethics Commission (*Comisión de Quejas y Deontología*), after the resolution 2006/5 was passed. Finally, after becoming a Foundation, its Board of Trustees adopted the current name in October 2012: the Arbitration, Complaints and Ethics Commission (*Comisión de Arbitraje, Quejas y Deontología*). Its first resolutions date back to 2005 and, since then until the end of 2014, it has issued a total of one hundred documents including resolutions and reports.

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without that implying that the complaint cannot be promoted in other areas, including the judiciary one.

Here it is convenient to note that as expressed by the Commission, "its resolutions and reports belong to the field of ethics, so it generates in journalists a moral obligation in relation to their professional conduct. Under no circumstances, it will delve into cases deemed to have violated the legislation, which would be the competence of the courts of justice" (resolution 12).

2.2. *Who can submit complaints to the Commission?*

The diversity of individuals and institutions that have approached the Commission has raised the question of the active legitimation needed by the complainant to file an ethics complaint. According to the previous regulation (article 9.1), only the person directly affected by journalistic malpractice can do submit a complaint. A restrictive interpretation of this criterion in the first years of operation of the Commission resulted in many complaints being rejected for investigation based on their lack of active legitimation. Although complaints filed by third parties are admitted and resolved since the adoption of resolution 33, resolution 47 proposes a more open interpretation of the concept of active legitimation, understood as direct legitimate interest, which justifies the filing of complaints by third parties that may have a "positive effect in the legal sphere of the complainant or can remove an obligation of responsibility in that area, as it is understood by Administrative Law". This situation was resolved in the regulation approved in 2013, which in addition to the victim, recognises the active legitimation of any citizen involved in cases *of social alarm or scandal* on which, based on their impact on the Spanish society, the opinion of the Commission can be deemed appropriate. This is the approach that has been taken in the past few years and which has made it possible to examine cases related to gender-based violence and the protection of vulnerable groups.

2.3. *Structure*

In its Regulations, the Commission establishes that the number of members that will constitute its board will range between a minimum of ten and a maximum of nineteen, without establishing a precise number. At least two of them will be chosen based on their prestigious status as lawyers and three others, as a minimum, based on their status as journalists. The remaining members will represent the Spanish society and will come from the academic world, social or cultural foundations, from the media or any civic institution. In all cases, one of the requirements to become a board member is to demonstrate a commitment towards journalism ethics, freedom of expression and the fundamental rights of citizens. The inclusion of a diversity of professional backgrounds among the members of the Commission constitutes an instance of its independence and its desire to integrate diverse perspectives in the analysis of journalism ethics.

2.4. *Quantitative analysis of the Commission's resolutions*

This section presents a quantitative evaluation of the documents produced by the Commission during its first ten years of history. This evaluation is based on a thorough examination of all the resolutions issued by the Commission. For the examination of the complaints we created a database and cross-examined the ethics-related variables included in the complaints, in order to draw conclusions about the performance of the Commission during its first decade of operations. In order to carry out this task successfully, it was necessary to analyse each of the resolutions and to classify them according to their deontological concepts and meanings, since often there are important disparities between

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the concepts used in the formulation of the complaint and the ethical arguments used by the Commission in the resolution.

The procedure consisted in creating a database of all the resolutions to be able to carry out a quantitative analysis of the ethical issues, to identify what the complaints addressed by the Commission are about, and establish the complainants' social or institutional representation, in order to evaluate the performance of the Commission as an actor in the self-regulation of journalism. Finally, since this work is part of an R&D project on ethics in digital journalism, we decided to extract from the Commission's ethical framework those arguments that allow us to determine whether the code of ethics used for the conventional media has been to respond to the new ethical dilemmas posed by digital journalism. As we will see later, the Commission provides a partial response that should be complemented by more specific ethical guidelines for online journalism.

According to its website, the number of documents prepared by the Commission during these ten years is 102: nine reports; one case in suspension, pending court judgement; 19 rejected (not investigated) complaints, due to the lack of active legitimation of the complainant or due to the lack of ethical foundations; 73 admitted and resolved complaints, of which 51 were resolved in favour of the plaintiff and 22 unfavourable to the complainant. This assessment follows an exhaustive analysis of the resolutions, which has allowed us to make some modifications to the meaning of the resolutions based on the following reasons. Resolution 4, labelled as rejected, has been included as one of the reports prepared by the Commission, because the arguments for the rejection includes one of the most interesting reports on a very significant ethical issue: the tension between judicial confidentiality and freedom of expression. On the other hand, we must indicate that we labelled as resolved "favourable to the complainant" all those resolutions that agreed even if only partially with some the arguments of the complainant. Another exception that needs to be clarified is the change of direction of resolution 21, about the possible violation of professional secrecy, which did not take place because it was not explicitly invoked by the information source. However, the resolution agrees with the plaintiff that the conduct of the director of the media company in question constituted a flagrant abandonment of this ethical duty. The following figure shows the outcome of the resolutions.

Figure 1. Outcome of resolutions

| Favourable to the complainant |
| Unfavourable to the complainant |
| Reports |
| Rejected complaints (not investigated) |
| Suspended complaints |

2.5. *Who submits complaints to the Commission?*

Complaints have been submitted both by natural persons and legal entities. In 48 cases the complaints were submitted by natural persons, of whom 33 were victims and 13 were third parties. The legal entities that submitted complaints include public institutions, associations, trade associations, media companies, courts of justice and even the Spanish Royal Family. Of these legal entities those who filed the largest number of complaints were the civil associations, on 15 occasions, including the Association of Communication Users (AUC); the Observatory of Television and Audiovisual Content (OCTA); the Spanish Association of Paediatrics; the "Sylvia Rivera" Association of Transsexuals of Andalusia; the "They Are Our Children" Association (SNH); and the Genera Association, among

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others. There has also been a complaint that has been considered "bizarre" due to the distant relation between the alleged victim and the complainant: a feminist association complained about the alleged violation of the presumption of innocence of an individual accused of drug trafficking (resolution 70). Here it is important to note that usually civil associations do act within the scope of the legitimate interests of their members.

Regarding the organisations and professional associations of journalists, they approached the Commission on eight occasions: on two to request reports (resolutions 85 and 87), and on 6 to submit complaints (resolutions: 5, 75, 78, 87, 88 and 95). For their part, media companies and journalists have filed complaints nine times, about conflicts between journalists and their employers and among journalists themselves. Other complaints were filed by different institutions such as the National Audience (*Audiencia Nacional*), local governments (twice); a council from an autonomous community; the Community of Madrid's Children's Ombudsman (*Defensor del Menor*); the Spanish Royal Family; the Embassy of Colombia and a Delegation of Spain's Tax Agency. Complaints have also been filed by other entities of public relevance such as political parties (on two occasions), a developer and various health centres (on three occasions). We could say that this variety of legal entities and individuals who have approached the Commission to request its intervention as the moral arbiter of disputes with the media, constitutes a good recognition to its institutional role in the self-regulation of journalism in Spain.

The analysis in terms of the gender of complainants, whether natural persons or representatives of legal entities, reveals an interesting result: 57 complaints were filed by men and 25 by women, while in five cases the plaintiffs included both men and women. In the rest of cases the gender was not specified. In the case of men, there is a clear tendency to complain about issues concerning factual accuracy more than over more social issues (36 and 19 cases, respectively), while women show an almost similar level of concern for controversies over factual accuracy (25 times) and social issues (22 times), such as domestic violence, the protection of vulnerable groups, and personality rights.

3. Ethical analysis of the resolutions

3.1. *Brief reference to the contents of the code of ethics*

To understand the analysis of the deontological data it would be convenient to make a brief reference to the contents of the code of ethics of the FAPE. This document contains a Preamble, in which the Federation expresses the social commitment of the profession of journalism, and other three section titles.

1) *General principles (articles 1-7),* which alludes to the values that have to guide the exercise of journalism: the search for the truth (art. 2), the defence of the freedom of expression (art. 3), the honesty to the exercise that freedom (art.3); the limits of the freedom of information in relation to the personality rights: honour, intimacy and image (articles 4 and 5); the enhanced protection of these rights in cases involving children (art. 6); and the protection of vulnerable groups from the effects of news and media discourses affecting their social status (art. 7), "therefore, a special sensitivity shall be maintained in cases of news or opinions pieces whose content may be discriminatory or is likely to incite to violence or degrading human practices".

2) *Statute (articles 8-12),* devoted to describe the rights of journalists to produce quality and independent journalistic content. It recognises a set of basic rights for the information professional: professional secrecy, personal conscience, editorial independence, decent labour conditions, copyrights, and the right to oppose measures that can compromise the internal or external pluralism in the processes of information concentration.

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3) *Standards of Practice (articles 13-20),* which consists of a set of standards of conduct required from journalists in order to adhere to the values laid down in the *General principles* section: truth-telling, honesty and editorial independence. For this reason, there is a correlation between articles 2, 13 and 17, because while article 2 refers to truth-telling as a journalistic value, articles 13 and 17 establish a protocol to ensure information quality. Similarly, we could relate article 3, on "*the freedom to investigate and disseminate information with honesty and the freedom of commentary and criticism*", with article 14, which requires to do so by lawful methods, and with the due respect to the rights of the information source (articles 15 and 16). Articles 18, 19 and 20 aim to ensure the other essential value of journalism: editorial independence, by avoiding any circumstance that conditions information on the grounds of personal, commercial, or partisan interests.

3.2. *Analysis*

Having examined the different sections of the code of ethics, we will offer an analysis of the resolutions based on the previous sections in order to establish a comparative analysis between them.

Of the complaints, 54% (39 of 73) are related to some of the points listed in the *Standards of Practice* section. The most common reason was the lack of factual accuracy, in 29 cases (40%), based on the lack of contextualisation of news, false information or lack of fact-checking. In fact, 20% of the complaints (16 cases) assert that the source was not contrasted so they were not able to express their version of the story. These ethical failures enabled the victims to subsequently exercise other types of rights such as the right of rectification and the right of reply, which are invoked in 10% of these demands (to be precise, the right of reply on eight occasions and the right of rectification on seven).

The separation of facts and opinions (art. 17), related to article 13, which speaks of the lack of factual accuracy, was invoked on 11 occasions, almost always as further evidence of article 13. Therefore, it could be included in the percentages referred to that article.

There are few references to the rest of the ethical issues included in the *Standards of Practice*. Just a couple of them, in fact: one on the compatibility between being a journalist and the participation of journalists in commercial advertising (article 18), and the other about the use of licit methods to obtain news (article 14). In summary, there are several practices that may affect factual accuracy as an intrinsic ethical principle of information (Suárez-Villegas, 2014).

Articles 4 and 5 of the code of ethics are devoted to the protection of the personality rights: honour, intimacy and image. Article 6 reinforces these guidelines when the informative treatment can affect children, while article 7 establishes guidelines for the protection of the rights of vulnerable groups. These articles are contained in the *General Principles* sections and constitutes the framework of values that express the ethical and social commitment of journalists. Therefore, they are extrinsic limits to the right of information as they may collide with other fundamental rights, and as a result a high public interest is required to justify the publication of news that may affect such rights. The argument of this part of the ethics code that is most commonly invoked in the complaints is the protection of the right to privacy and personal image, on 19 occasions (27%), while the right to honour was invoked eight times (12%). Three of these cases have also invoked article 6, which reinforces the protection of minors in relation to these rights (5%). In most of the complaints, the verdict was favourable to the plaintiff.

Cases related to the protection of vulnerable groups (article 7) were mostly submitted by third parties, which explains the fact that the first seven complaints were not admitted due to the lack of active legitimation. These complaints questioned the use of the term "illegal" and the allusion to the nationality of protagonists of news stories. It was not until

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resolution 33 was approved, in relation to a case affecting people with autism, when the Commission, leaving aside the issue of active legitimation, warns about the importance of ruling on the merits of the case and rules that:

> "It is true that article 7 ([the journalist] must refrain from referring in derogatory manner to any physical or mental disability) forces the journalist to maximise its respect towards the weak. In this case, *La Razón* has infringed that article with the repeated and inadequate broadcast in the newspaper and on its website of the aforementioned photography, which hurts the collective autistic sensitivity, as it had been warned by the plaintiff, and towards which the medium did not manifest any consideration".

After this resolution, all complaints concerning the possible discrimination of people as a consequence of an irresponsible information treatment, were admitted by the Commission. In total, there have been 10 complaints related to this issue. Despite this is a small number of cases, the Commission has established in this area an important and solid ethical standard, in line with the constitutional doctrine, but also with important complementary aspects of interest for the exercise of journalism.

For example, the resolution 47 examines the treatment given to an indigent by fans of a football team, encouraged by the commentator who wants to illustrate his joy with a fictional scene of generosity towards an "indigent", and this is used as a lure for the amusement of viewers. Another example is the resolution 84, which offers an interesting argument on more subtle forms of discrimination against women.

This study has also noticed that article 7c, which states that journalists "*Must always avoid expressions or testimonies that are degrading or harmful to the status of individuals and their physical and moral integrity*", should be located in point 5, which refers to the right to honour, instead of article 7. In fact, all cases which invoke article 7c do so to complement article 5, as one of the ways in which the complainant has been affected in his/her honour, and not as part of article 7. It is a question that is raised more with regards to the journalistic opinion than with regards to the treatment of news. Therefore, the complaints make it seem clear that article 7c is interpreted as a formula for the protection of the right to honour and not exclusively linked to the belonging to vulnerable groups.

Another central theme in journalism ethics is "honesty", understood as the commitment to tell not the descriptive truth of the events but the intentional truth about the meaning of these events within a broader understanding of the context in which they occur. Frequently, honesty is usually the ethical characteristic required from opinion pieces, but there can also exist a lack of honesty when the account of the events is deformed to hide their real meaning. Therefore, accuracy involves the verification of facts, also requires honesty as the commitment to give facts their most authentic meaning so that it is closer to the interests of citizens. In this sense, honesty begins by addressing issues with an important public interest and by avoiding their concealment with smoke screens that divert the attention of the citizens. This ethical principle is expressed in the code of ethics with the following terms: "in accordance with this duty [respect for the truth, art. 2], the journalist will always defend the principle of freedom to research and disseminate with honesty information and the freedom of commentary and criticism".

This principle was invoked on nine occasions (15%). Perhaps the most relevant case is resolution 7, in which a journalist was accused of spreading a rumour without any proof, knowing the it was a painful matter that was causing damage to the affected family because, just to meet an informative expectation that encouraged more curiosity from the public than the informative truth, of which the journalist had no evidence.

In another case a journalist wrote an opinion article about some events in which he was involved, resulting in a disproportionate story with no journalistic perspective, which turns

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his journalistic opinion into a very personal opinion; the journalist does not offer any evidence other than his personal experiences, based on which he makes a general assessment of the operation of a public service, in addition to using said space to adopt an insulting tone towards the staff offering that service (resolution 67).

With regards to the Statute (articles 8-12), whose objective is the protection of the rights of journalists, four complaints were received (6%). Two of them deal with journalists' right of professional secrecy (resolutions 21 and 72). The other issues addressed in the complaints were the demand of better working conditions (resolution 77) and the protection of the copyrights of audiovisual content (resolution 66).

An outline of the main ethical concepts examined in the complaints is presented in the following figure:

Figure 2. Ethical concepts examined in the complaints submitted to the Commission

Accuracy	Intimacy and image	Honour	Honesty	Vulnerable groups	Incompatibilities	Professional secrecy	Working conditions	Copyrights

4. The ethics of online journalism

The human values which journalism is rooted in have not changed. Journalism is still committed to the truth of the events, which must be narrated with honesty, plurality and factual accuracy. This profession demands diligence in the methods used to collect information, expositional clarity, a precise language, the separation of facts and subjective evaluations, and respect for the rights of the people involved. Therefore, "Journalism", with capital J, depends on human goods that do not vary over time regardless of the formats in which it is expressed. However, the informational dynamics and characteristics of each medium can expose these values to various circumstances that can compromise journalists' full adherence to them. As Singer (2008) points out, the principles are the same, but it is convenient to reformulate them and adapt them to the ethical challenges of digital journalism (Hayes & al., 2007).

Digital journalism has been an important "tsunami" from the point of view of the news-making processes. It is necessary to note that the double adoption/adaptation process implicated by the new digital information and communication technologies involves ethical challenges in terms of the professional identity of journalists, the social and moral values that underlie their digital practices and the standards of excellence that the public requires in order to ensure the relevance and necessity of online journalism in a democratic society (Singer & Friend 2007; Kovach & Rosenstiel, 2007). In this sense, we can see that the definitions of "journalism" and "journalist" have suffered deep reconfigurations, partly as a result of the growing technologisation of the collection, processing and dissemination of information, but also as a consequence of the gradual change of the role of the audience, which once was perceived as 'passive' consumer of media products (Allan, 2006; Gillmor, 2006). These circumstances require more open and versatile journalists, as well as the reaffirmation of the ethical values as unmistakable identity marks of the social commitment of journalists, as reflected on the previously exposed results.

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The demand for instant information prompted by the rapid expansion of social networks, the privacy harassment derived from the misuse of the new information and communication technologies (ICTs), the anonymous information leaks, more increasingly diffuse limits between advertising and journalism, the liquid identity of journalists as a consequence of the increasingly large number of digital users, and the factual accuracy required when writing news items, are just some of the ethical dilemmas posed by the Internet as a tool for the creation and dissemination of journalistic content (Ward & Wasserman, 2010).

The permanent updating of news enabled by ICTs should be accompanied by the verification of facts and use of direct sources, in order to avoid speculation over unknown issues and events. In this regard, it is worth remembering that sometimes technology can be a slippery slope for journalistic malpractice, because the viral dissemination of news can cause false or misleading impressions about the way news events actually occur. Therefore, although the rhythm of digital media requires speed, this objective should not be achieved by sacrificing the minimum standards required to ensure factual accuracy. As Mico has pointed out, "the race to be the first to break the news motivates the dissemination of errors and irresponsible practices such as the publication of manipulated images or the dissemination of unverified news" (Mico & al., 2008: 17).

In this regard, it would be convenient to accept the innovations that the informative dynamics of journalism 3.0 represented for the digital format and to analyse the ethical dilemmas resolved by the Commission.

This analysis will be based on the doctrine established in the resolutions whose subject matter was news stories published by digital media or the online version of traditional media. Here it is important to note that in Spain, as in occurs in most European countries, no ethics codes have been specifically developed for online journalism. For this reason, we have carried out an examination of the doctrine of the Commission on various cases related to digital journalism. The number of identified cases was 19. The first interesting fact from this study is that citizens show more concern for the way the news affect their rights, their image of social groups than for questions of factual accuracy (10 and 7 cases, respectively). The other issue that has been the subject of controversy and has been associated with the violation of copyrights, is the appropriation of user generated content by media companies (on 2 cases).

Without claiming to be exhaustive, we will refer to the ethical issues that have been addressed through these controversies.

1. One of the issues raised is related to the risks posed by the comments sections of news stories and the responsibility of the medium in the management of user participation. In the opinion of the Commission, the medium assumes a public responsibility that it cannot pass over to the people making such comments. For this reason, the medium must take measures to filter such comments and avoid possible damage to the rights of third parties. The private nature of such comments, frequently insulting and discriminatory, may not be transferred to the public as part of the service provided by the media. This could provide a public platform to malicious voices, which can turn a debate of public interest into an irrational and abusive confrontation and previously organised attacks. Among other measures, the medium must demand the identification of the participants, the acceptance of a code of ethics for civic participation in social communication and to designate a professional to manage the politics of citizen participation in the medium (resolutions, 61 and 62). An interesting work on the participation of the public in online media, which discusses the various forms of participation and also the legal responsibility of the medium, is the book written by Alfred Hermida on *Participatory Journalism* (2011).

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2. In online journalism the ease to rectify news headlines or content could relax the responsibility that the journalist must assume to check on the news story from the first moment it is published, in order to prevent rumours from being taken as facts. Journalists should not try to predict what may happen but to tell the public what happened. This responsibility should not be downplayed by the fact that other media have published it. This requirement is more intense when it comes to clues or information found in social networks, which should not be taken as sources of information, but as signs of possible news of interest which should be verified through other more reliable channels. These issues are reflected in resolutions 68 and 76.

3. Another issue is the responsibility that should be enforceable to contributions taken from blogs and later published in the media as opinion pieces. Resolution 56 of the Commission refers to the very-personal character of such formats as blogs, whose subjective character seems reasonable to understand while remaining as such, so they enjoy greater freedom when it comes to express opinions on any topical issue. However, this perspective varies when blogs become part of a journalistic medium and assume a role of public responsibility towards readers. The Commission has considered that the ethical standards that must be required from these contributions must be similar to the ethical standards required from opinion articles: honesty of opinion, social responsibility values and, above all, respect for people, avoiding insults which have no informational value and constitute a direct affront to human dignity. The resolutions in which these doctrinal aspects are addressed are 33, 56, 67 and 98.

4. Another issue that can be detected in the doctrine of the Commission is a critique to the sensationalism that characterises news headlines in the digital media and the use of shocking images to increase readership. In addition, pictures that have little or no relation with the object of the news are often used as bait, which causes a decontextualised reading based on what the image suggests. Often, sensationalism is more intense precisely in cases of death and very sensitive issues such as gender violence and the protection of minors. In addition, sensationalism seems to privilege news stories about gender-based violence, events involving minors or personal tragedies. Within the resolutions of the Commission, some cases are very illustrative. For example, the resolution about a news story about birth in Spain, titled "The *moras* [pejorative for Muslim women] from Melilla, more prolific than rats", which in addition to constitute an offense to the dignity of women, takes the part for the whole, because it is referring to the entire population, without specifying the ethnic or religious origin of the women in question. The medium leads the public to think that the news story is about Moorish and Muslim women as the news piece is accompanied by a photo of young Muslim children praying. Another story that reveals this sensationalist trend was the one published by *Periodista Digital* on 5 May 2014, titled "Fake posh boyfriend deceives naïve woman in Barcelona and takes her as slave to Romania", which actually narrated that the woman in question had been rescued by the police from this prostitution network. This news story is illustrated with a photograph showing a woman performing consensual S&M sexual practices, which humiliates even more the female victim of an episode of this nature. In this way, the denunciation of the offence almost becomes an advertising of criminal acts, which is has a counter-productive effect on the denunciation of this form of violence against women (resolution 96). Another case of news with a sensationalist and decontextualised treatment was one that included the picture of a minor run down by a car on the Granada newspaper *Ideal* (resolution 78).

5. Another debate in the field of online journalism revolves around the status of the contributions submitted by citizens to the media, in order to know determine whether they are voluntary or aim to promote their professional services and get a chance of being hired by the medium. Increasingly, the media attend and feed on the contributions from readers who interact with the medium and wish to send articles, cartoons, videos and other

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materials that may be of informative interest. However, this condition of voluntary collaboration has subsequently been challenged by their authors, who have approached the Commission to denounce what they consider to be an appropriation of their work. To this end, the Commission has established that it corresponds to the authors of these collaborations to make it clear to the medium that the work is submitted, not as a voluntary collaboration, but with the intention of showcasing their professional services and to be considered for a job by the medium. Otherwise, the medium can assume that any content submitted by readers is a voluntary collaboration, especially if it has a specific section enabled for this purpose (resolution 101).

As we can see, so far the complaints submitted to the Commission that involve issues related to digital journalism have not been many. Other issues of special ethical importance, such as the use of social networks, the job profile of journalists in the social networks, the personal brand of journalist, the right to oblivion in the internet age (Whitehouse, 2010), and many others, have not emerged in the complaints. However, they will surely appear very soon, because every day there are cases that challenge the limits of the new scenario in which information seems to be available to everyone and the ethical rules appear to have fallen in disuse. How can ethical guidelines be formulated when information in cyberspace is not subjected to limits and there are news agents that act as transmitters of information without assuming a professional position? What role must the media play in a volatile environment for the protection of people's rights? The media's commitment to ethics codes seems to be the only endorsement they can offer about their professionalism and credibility. For this reason, it is necessary for the codes of journalism ethics to implement supplementary ethical guidelines in order to specify the meaning of the principles of journalism in view of the new challenges of digital journalism.

Several studies have analysed the timid developments that have occurred in the self-regulation of digital journalism in different countries (Deuze & Yeshua, 2001). In any case, as a recent comparative study of the codes of journalism ethics has pointed out, only nine of the 90 ethics codes that were identified included allusions to digital journalism, which shows the limited self-regulation on the ethical challenges of digital journalism (Díaz-Campo, & Segado-Boj, 2015).

In our country, it is convenient to echo the will of the reform to the ethics code of the Information Council of Catalonia, which includes a guide of principles in this regard, although it is still limited to address the aforementioned ethical dilemmas. Here it is also important to note the 2014 reviewed edition of the *Libro de Estilo* ("Stylebook") of *El País* newspaper, which introduces more precise criteria to address ethical dilemmas of online journalism. At the international level, the more detailed document that we have found in the field of digital journalism ethics is the Associated Press 2012 *Social media Guidelines for AP Employees*. Another important effort to develop comprehensive guidelines to use social media is the work coordinated by Hulin and Stone (2011) for the Organisation for Security and Co-operation in Europe (OSCE).

From a theoretical perspective, there have been several authors who have addressed since long time ago the ethical conflicts that the so-called electronic environment could generate (Casasús, 2001). An analysis of the adaptation of codes and other ethics-related documents reflects the slow adaptation of journalism to the innovations of online journalism (Ruiz & al., 2007). Some ethical issues that have emerged in the so-called digital newsrooms have been addressed with great clarity by García Avilés (2014). There are other works that have analysed, from a comparative perspective, the perception of journalists in three European countries: Spain, Italy and Belgium (Suárez-Villegas, 2015).

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5. Conclusions

The first ten years of operations of the Commission have consolidated it as a self-regulation body for journalism in Spain. Thus, Spain has taken the path followed by most European countries to strengthen extrajudicial methods to resolve disputes in the field of freedom of the press, which guarantees the independence of journalism, and offers an alternative for citizens to denounce journalistic malpractice.

These ten years of experience have allowed the Commission to develop an important ethical doctrine on such issues as factual accuracy, the protection of people's rights, responsibilities towards vulnerable social groups, the rights of journalists, and the compatibility between the exercise of journalism and other activities in the field of social communication, among many other issues.

The social legitimacy of the Commission is reflected in the variety of social, institutional and professional agents who have seen it as an organism with moral authority for the resolution of ethical disputes in the field journalism.

The resolutions on problems that affect digital journalism have been scarce and have been resolved based on the interpretation of the principles contained in the code of ethics with reasonable success. However, it is desirable to develop a set of specific principles to exercise online journalism, each equipped with criteria capable of responding in advance to the ethical challenges that journalists face in the digital environment. This need is more urgent due to the following reasons: 1) the proliferation of news media outlets run by a single person or by a small number of people; 2) the growing individualisation of the profession of journalism and its exercise in virtual newsrooms that have renounced to the old newsrooms which generated a shared professional culture; 3) the proliferation of non-journalistic formats that may be confused with the work of professional journalists; and finally, 4) journalism understood as a profession in which anything goes in order to become the first to break the news or to offer sensationalist news content focused on increasing visits and advertising revenue. Under these conditions the compliance with the professional duties is questioned. Therefore, extending and adapting the ethical criteria to digital journalism can mitigate these risks and guarantee a common framework of guidelines that may be required to those news outlets and journalists who claim to be professional journalists.

On the other hand, it is striking that in the few resolutions involving digital newspapers the ethical questions that were raised were related to personality rights and the protection of vulnerable groups, and not to other issues like factual accuracy, as it occurred with conventional media. This change seems reasonable if we consider that beyond factual accuracy, which has also become a fleeting trait given the dramatic speed of the news flow in the digital realm, what can become more decisive are the discourses that are transmitted to citizens and the risk of affecting the personal rights which may be subsequently transmitted through the repercussions of the social media.

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