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**Aspects on Media Self Regulation
Reflected in the Activity of Romanian Journalists**

Daniela Popa

Danubius University of Galati, Faculty of Communication Sciences, daniela.popa@univ-danubius.ro

Abstract: The media organizations in Romania, reticent to the idea to constraint the press freedom, manage to understand the importance of implementing a system of media responsibility. Therefore, the present study is a research in incipient stage that begins with the identification of the initiatives of media self regulation as an alternative to the efforts of enacting press in Romania. The identification of the self regulating system in Romania will be accomplished through the description of the context of development of the media responsibility system in the Romanian journalistic culture and by underlining the self regulation initiatives. For the delineation and establishment of such important self regulation initiatives, the activity of an ethical instance is necessary, for the defense and solving cases of norms contained by the new deontological code. The establishment of such an instance in Romania will represent a viable solution for the development of a more ethical professional environment that confirms the assumption of media responsibility for the adhesion to quality journalistic standards.

Keywords: ethics; deontological code; responsibility; media organizations

Theoretical Frame

The journalists everywhere, members of associations, syndicates or just employees of some press enterprises have invested and are still investing their trust and respect in deontological codes seeing in them not only the specific alternative to the state law but also a form of coagulation for people of the press around some essential values not only for the good development of their profession but also for inter human communication between people everywhere (Runcan, 1998, p.210). At the base of these ethical and deontological codes was the responsible professional act. In journalism, as well as in other public professions, the responsible act, coherent with an ethical model, is always threat by structural pressures and conjuncture interferences (Runcan, 1998, p.7). The voluntary and concentrated effort of all professionals within the mass media environment to adhere to the common journalistic standards of a good quality has determined the appearance of the concept of self regulation. Self regulation or mass media accountability is identified where the journalists come together to form conduct rules for the deployment of their profession and to be certain that these rules are being respected.

The process of self regulation has its origins in the United States and began together with the intention of the industrial associations to define their own code of conduct, whose members became only those who adhered to those moral self definition rules. Whoever did not respect those rules willingly was not punished formally but there were sanctions such as the exclusion as well as the sanction to make the accusation public.

The actual state of self regulation in media in states such as Albania, Bulgaria, Bosnia and Herzegovina, Slovenia is similar to that in Romania all these five states getting only to the level of adopting, by professional or union journalists' associations, ethics codes or professional conduct codes. In some states, these apply both to journalists as well as radio broadcasters while in other states the codes were specifically conceived for the written press. Bosnia and Herzegovina is the only state among the five states that benefits from a Press Council that has the purpose to put the norms contained by the Journalists Code¹ into application.

In most of the European states, deontological codes uniquely for journalists have been adopted and there are self regulation organs for the media environment (Sweden, Great Britain, France, Italy, Germany etc.) that confirm that the efficiency of these organs makes the special legislative acts useless. The condition is that both the Deontological Code of the Journalist as well as the councils (commissions) for self regulating are recognized by all the means of mass information. In the Republic of Moldavia, the National Ethics Council can express their opinions regarding the litigations involving the person or product of their professional activity and is the only one with the ability and quality of expert in this environment of professional self regulation. The Extraordinary Congress of UJM chose, within its representatives, the components for the National Ethics Council that activates within their own Regulation.²

The majority of the European states benefit from the existence of Press Councils, News Councils or Media Councils that have extended their activities and are currently responsible for the publications of journalistic nature. A press council is an independent agency whose responsibility is the one to monitor the daily performance of the mass media. In Great Britain, the council comprises people with experience in media environment and examines the complaints from the public regarding the incorrect press releases or the defective ones (Dominick, 2009, p.454).

The existence of a mass media council ensures the public that someone supervises the professional activity of the journalists. In order for such a council to be able to be established we have to take into consideration certain reservations such as the existence of a free mass media system, private mass media means and a social responsibility ethics. Also, apart from these conditions there has to be taken into account that this council cannot be established by the state or the mass media because in this case censors would intervene, official coercions, the undermining of the credibility and it cannot have among its members people such as governmental officials or mass media employees (Deaver, 2004, p.183-184).

For the press, the institution of ombudsman represents a novelty that is quite attractive both for the journalists range as well as for the public. The institution, to whom complaints are addressed, has the competence to dispose the publication of rectifications, apologies or denials and ask for prejudice repair and in certain more serious situations it can send the cases to be solved by the Media Council. The role of the institution of ombudsman (the Romanian semantic is that of "mediator") embodied in one person, contributes in Sweden, to the decrease in dissatisfaction and increase in satisfaction in the area of the two types of relation of a media institution: with its own members on the inside and with the beneficiaries and consumers from the outside (Catineanu, 2008, p.163). When under the action of editorial pressure certain products do not end up to be correspondingly corrected, the ombudsmen can intervene in the virtue of his responsibility and group conscience.³ The Swedish model is efficient and

¹ *Freedom and Accountability: safeguarding free expression through media self-regulation*

www.article19.org/pdfs/publications/self-regulation-south-east-europe.pdf

² <http://www.acces-info.org.md/index.php?cid=169&lid=164>

³ The media self-regulation Guidebook, The OSCE Representative on Freedom of the Media Miklós Haraszti, Vienna 2008

effective in the process of self regulation because it allows the existence of a judicial frame and a practice that guarantees the freedom of the press.

The Identification of the Self Regulation System

The notion of regulation refers to the activity of enactment, entailing the intervention of the state through its institutions in order to establish certain mandatory norms as well as sanctions for not respecting them. Any activity of regulation implicates the drafting of corresponding provisions for the establishment of the rule so that it answers the need that determined the normative initiative, the implementation of the rule and the supervision of its application as well as the sanctioning whenever the rule is breached. All these actions have to circumscribe to the initial objective that has been considered when deciding the enactment. This manner, the norm can reach the intended purposes, corresponding to its role to offer a uniform and generally applicable answer to a situation that can generate conflicts or confusion.

The regulation intervenes whenever a certain conduct is susceptible to affect the entire society or an entire activity field because through regulation the values that give substance to the norms are brought to light and acquire a public character. The regulation by law ensures a wide applicability and mandatory force through the intervention of the states' authorities in all stages of regulation and application. An important example is the regulation of the functioning of companies with audiovisual profile through the Law of Audio-Video no.48/1992, adopted by the The National Audiovisual Council, public authority autonomous and with executive character developing its activity under the control of the Parliament of Romania. Therefore, the legislator intervened through specific means in order to establish mandatory norms regarding the granting broadcasting licenses for audio-video, the establishment and programming the right of reply, sponsorship and advertising etc.

For the effectiveness of the application of these regulations, the initiatives for self regulation bring a clarification and detail the general norms so that the regulation becomes more accessible and easier to understand for those obliged to respect and apply it, contributing to a more rapid acceptance and appropriation of the norms. Thus, based on the legislation regarding the advertising, the media institutions that activate in the field of advertising felt the need to establish codes of conduct for the deployment of specific activities. Beginning with 1999, the date of the establishment of the Romanian Advertising Council (RAC), Romania benefits from self regulation in advertising and RAC is the sole Romanian organism for self regulation recognized by the National Audiovisual Council that soles the issues regarding advertising in virtue of the Code of Practice in Advertising drafted by its members.¹

Self regulation is a generally collective activity involving participants from a certain domain that agree to be submitted to rules established by the community they belong to. Thus, the rules are elaborated, administrated and put into application by the people whose behavior is regulated.

Initially, self regulation was presented by the business environment as a means for the consumer to identify the better businessmen that have subscribed to a code of conduct with the purpose of making their activity more efficient and guarantee a certain quality standard for the products and services being provided. Recently, self regulation has been promoted as an alternative to legal regulation imposed by the state, as an answer to the slow reaction of the authorities towards the technological developments and the dynamics of commercial changes. The main purpose of self regulation is ensuring a certain standard of conduct that would result in the increase in the clients' level of trust in the products and services being offered. By subscribing to a certain code, accepted by as many

¹ <http://www.rac.ro>.

companies and known by many consumers an increased level of trust in that market in ensured. At the same time, by self regulation, the industry can establish its own objectives for development and means of collaboration in order to reach the latter.¹

In general, the advantages of self regulation are efficiency, flexibility, respect stimulation and reduced costs for the functioning of this system. The elaboration and adoption of the norms that comprise this system entail the allocation of a period of time much reduced in comparison with the elaboration and application of legislations. The norms established for the instrumentation of self regulation are not imposed from the outside but they involve an internal monitoring by those already familiar with them. Therefore, self regulation can be proved to be more efficient and flexible in comparison with the legislation which consumes a lot of formal procedures.²

Self regulation allows the change in the point of view regarding values and options for monitoring and application of mechanisms. At the same time, the state can supervise the fulfillment of self regulation but the costs implied by this supervision are much smaller than the actual regulation of the mass media system.

The Initiatives of National Self Regulation at Media Level

In general, at editorial level, statutes are established that contain norms of professional conduct which ensure the deployment of the journalistic activity in good conditions, according to the ethics and deontology. Accordingly, these norms refer only to editorial activity, being different from the statutes of personnel or internal regulations of press companies that contain dispositions regulating the relations between all employees, irrespective of the positions they occupy. On the other hand, the norms contained by a deontological code of the journalist refer solely to the professional conduct, the role and rights of the journalist in relation with the rules of writing, protection of the sources, collecting information, independence, status abuse and correction of faults.

The elaboration of codes of conduct is the procedure of self regulation most commonly met in all states. Their special impact does not reside only in the participation of the community at the elaboration of the norms that will be subsequently adopted voluntarily by each member of the community. The great advantage of the codes of conduct is the language in which they are drafted; a language different from those of the national legislations, difficult to be interpreted at times even by the specialists.

Currently, the status of the deontological codes in Romania is introduced in the fragmented context described in the previous pages. The Romanian Professional Journalists Union has drafted the first professional code of conduct namely the Deontological Code of the Romanian Professional Journalists Union. Its content is roughly simple, unstructured, the 15 articles being exclusively dedicated to the accountability of the journalist towards the public (the respect for the truth, verified information, discrimination, presumption of innocence etc.) within the Union there is a National Journalists Council³, internal structure that defends the rigorous respect of the norms contained in the Deontological Code by all the members of the Professional Journalists Union. The institutional strength of the Professional Journalists Union is also consolidated by the motions and regulations elaborated by the Council whose breach is sanctioned.

¹ <http://www.apti.ro/Autoreglementarea%20in%20serviciile%20furnizate%20pe%20Internet%20-APTI.pdf>.

² Bert Jaap Koops et alii, *Should self-regulation be the starting point?*, ITeR, Haga, 2006.

³ The statute of the Romanian Professional Journalists Union, <http://www.uzp.org.ro/docs/statut.uzp.2010.pdf>.

At the same time, the Romanian Press Club has the Deontological Code of the Journalist as trade mark, adopted since the establishment of the Club and whose provisions regarding the professional activity of the journalist are not treated with the same negligence. If the Professional Journalists Union's Code referred only to the obligations its members has, in the Code of the Romanian Press Club the focus is equally placed on the rights of its members. Therefore, in the virtue of the freedom of speech, the journalist has the right to criticize, refuse any intervention that could influence his decision, has the right to be informed when employed regarding the editorial policy of the institution and has the right to refuse any text of false presentation of the dates and facts. What the Deontological Code of the Journalists, elaborated by COM in Sinaia, 2004, brings as a novelty are the premises of the notion of public interest in the debut of the Code, together with some rights such as: the right to oppose censorship of any type, the right to refuse to attract advertising contacts or sponsorship contracts for the press institution he/she works for, the right to be defended by the press institutions he/she works for as well as by the professional association or union association that represents his/her interests, the protection of the copyrights.

The representative executive organ of the Romanian Press Club that takes note and can be referred to regarding the breaches of the norms provisioned by the Deontological Code of the Journalist is the Honorary Board¹. This Board defends the profession of journalists against any aggression or interference from the state or any other forces and adopts resolutions that are mandatory for all its members. To this end the Romanian Press Club has issued an official recommendation² regarding the self regulation of the professional relations between the media owners, editors and journalists. This recommendation represents the product of the negotiations between the Romanian Press Club, the Media Monitoring Agency, Employers Association of Local Publishers in Romania, the Centre for Independent Journalism and the MediaSind Trade Union on November 15th, 2007 in order to establish a set of recommendation norms that can be applied and respected in the professional activity of the signatory parties. The norms regard the transparency of the mass media societies regarding the property and their management, the editorial policy and its application, the rights guaranteed to the journalists and editors by the media owners. The demarche of the Romanian Press Club regarding self regulation has continued through the establishment at the end on 2009, of the Media Commission, an organism without judicial personality in the virtue of the Protocol between the Romanian Press Club, the Journalists Association in Romania, commission comprising members of the Romanian Press Club and the Journalists Association in Romania. The purpose of this Media Commission is to decide, under professional aspects, upon the deontological matters that concern the mass media in Romania.³

Within the reunion in October 23-24, 2009, the Convention of the Media Organizations adopted the new Deontological Code of the Journalists which represents the result of the discussions between the main media organizations in Romania, accomplished following the unification of the deontological codes existent on the market. It was drafted after the layout of the Deontological Code of the Journalist and it distinguished itself by a consistent content, structured in 16 articles. We have to mention here the fact that the recommendations regarding the avoidance of the conflicts of interests, the submission of the declaration of interests and the definition of professional deviations of maximum seriousness are taken over from the Deontological Code of the Journalist elaborated by the Romanian Press Club. The article regarding the presents, sponsorships and other benefits brings additional aspects such as the possibility for the journalists to accept promotional and advertising materials and objects with

¹ Statute of the Romanian Press Club, <http://clubulromandepresa.ro/wp-content/uploads/2010/05/statut.pdf>.

² <http://www.pressclub.ro/publicatii/norme.pdf>.

³ <http://clubulromandepresa.ro/?p=85>.

symbolic value. Regarding the right to reply, the new code refers to the term of 30 days from the issue of the journalistic product, within which the right to reply can be solicited.

Together with this first initiative of media self regulation, the Convention of Media Organizations has completed the demarche by establishing the Group for Good Journalistic Practice. The latter aims at improving the journalistic act by publicly signal and moral sanctioning for the deontological slips that journalists and media companies are responsible for and by promoting educational programs in journalistic ethics and press consumption. The existence of a Certificate for Good Journalistic Practice will condition the mass media institutions to become members of a Group for Good Journalistic Practice in order to obtain that Certificate. The principle on which obtaining and maintaining the Certificate for Good Journalistic Practice is the credibility of the information source, obtained by respecting the Single Deontological Code by the employees and collaborators of the mass media institutions.

The General Assembly of the Employers Association of Local Publishers (APEL) has actively participated at the process of unification of the ethical existent codes and has supported permanently the position of the Convention of Media Organizations to this end, by recognizing the Single Deontological Code in the meeting held on November 28th, 2009¹ considering this process as being absolutely necessary for the increase in the quality of the journalistic act. In order to be given national recognition, this code will be recommended for approval to the over 50 publications that are APEL members and in what concerns the mechanisms for the implementation of the Code, APEL will present constructive solutions for the development of a mechanism of professional analysis and decision.

Aspects on Media Self Regulation Reflected in the Activity of Romanian Journalists

Through all these initiatives, of the media organisms to adhere to high quality journalistic standards, the process of media self regulation in Romania has opened its options.

The study made by the Press Monitoring Agency and the Center for Independent Journalism, regarding the press self regulation, underlines that half of the interviewed journalists agree to the fact that there are not people sufficiently credible to be chosen in such an organism or self regulating the domain and that would judge the breach of deontological norms. Less skeptical regarding the existence of a credible person of this kind that would lead a self regulation organism are the newspapers journalists. 70% from the people interviewed agreed to the adoption of a law for the press that would improve the quality of the journalistic act. According to the professional position of those interviewed, the journalists without leading positions declared that in a higher proportion that the heads of departments and managers. At the same time, 35% from those interviewed agree to a great extent that a law would lead to the enclosure of the press freedom.²

Starting from the results of this study, we can underline the fact that the Romanian journalists are not familiarized yet with the professional implications of such a legislative action. Here intervenes the role of the media organizations that are already involved in the process of self regulation to initiate campaigns in order to inform the citizens and their colleagues on the functioning, advantages and disadvantages of implementing this mechanism.

¹ <http://www.organizatiimedia.ro/index.php?p=2>

² Press self regulation in Romania, ActiveWatch, october 2009

In November and December 2009 the two rounds for the election of the President of Romania took place. The political fight for the occupation of the most important position in the state divided the journalists according to their political beliefs or the editorial line imposed by the owners of media corporations. The politicians made unprecedented pressures, many times directly through the media owners and the latter proved to be engaged in sustaining one or the other candidate. The media owners have imposed editorial policies and set the decisions of the obedient journalists in the first line of visibility, disposed to breach the rules of the job in order to influence the debate frame.¹

These situations are frequent in every electoral year. The public's trust in journalists decreases together with their credibility because the public manipulation is obvious. In a democracy, the political and economical pressure is normal up to a certain point and the journalists have to resist them. In the center of the campaign was Traian Basescu, the winner of the elections, with a second mandate of President of Romania. Traian Basescu is known as being a politician with a conflictive history in the relation with the media being responsible for many disputes with the press from his high rank within the state. Some patrons have allied against him and have legitimated his speech as being anti moguls in the eyes of the public. Others, sustaining that they do nothing more than counterbalance the media market, have supported him point blank. The result was a campaign that revealed many of the incorrect techniques and extremely debatable ones used by the journalists. The flagrant breaches of journalistic ethics and media legislation together with the partisanship have set back the efforts for professionalization made in the past few years.²

This is a case in which the system of media self regulation should prove its efficiency. The instances of self regulation should accomplish a rigorous supervision of the journalistic activity in electoral years and many times they should take note of the electoral sideslips.

According to the OSCE report regarding the presidential elections, some private speakers especially Realitatea TV and the Antena network have adopted a hostile attitude towards the acting president reflecting the campaign in an unbalanced manner, lacking also impartiality. The tendency was obvious, especially during the news in the first round broadcasted by Antena 1 where Basescu benefited from 59% of the coverage, from which 79% in negative tone and only 4% on positive tone, indicated the OSCE monitoring. Similar situations were encountered in the case of the newspapers: Jurnalul National, from the same corporation as Antena, granted the president 83% of the space dedicated to the candidates, from which 77% with negative content and 8% positive content. The Cotidianul granted 74% out of which 83% with negative content and only 3% positive one.³

The trust of the Romanian citizens in television dropped from 70% in June 2008 at 61% during the electoral campaign in 2009 according to the euro barometer requested by the European Commission. The study asserts⁴ that the excessive polarization of the speech and the involvement of the big press corporations in the presidential campaign seem to have led to a waste of trust for these media channels.

Also, we have to take into consideration also the fact that no organism of self regulation can be efficient unless people are informed regarding their right to complain and note the irregularities met as media consumers (regarding what they read in the newspapers, what they have seen on television or heard on the radio).⁵ But this level of consciousness has to be touched first by the journalists. In the

¹ Press freedom in Romania, Active-Watch Press Monitoring Agency, May 3, 2010.

² Ibidem.

³ Ibidem.

⁴ OSCE Report, February 17, 2010.

⁵ The media self-regulation Guidebook, The OSCE Representative on Freedom of the Media Miklós Haraszti, Vienna 2008.

situations in which the mass media manages an electoral campaign, the editorial freedom is being violated, poor quality media products are being promoted also the conflict and discredit are being promoted. The media consumers have reacted each time and most of the times they turned against the journalists who have abandoned the ethics for the sake of the politics. Here the system of media accountability intervenes still minimized by the journalists that do not benefit from the right to be independent and work in a media institution in which the quality of the journalistic act is being promoted.

Another significant case in the erosion of the consumers' trust in the media products is the case of the campaign for promoting the Gazeta Sporturilor Publication (GSP) in which the people from GSP sent the football managers anonymous letters with the slogan of the campaign ("We care about sports. Maybe too much") with letter cut from newspapers and the recipients, Dumitru Dragomir and Mircea Sandu have interpreted them as being death threats, fact that generated a large number of news in the press. More than that, the journalists wrote, again under the protection of anonymity, messages with washable paint on the cars of a few football players and have launched the rumor that the GSP web site has been hacked in. After the press took over the information as being real the truth regarding the events came to light: it was all framed and was organized within the "guerilla" campaign of Gazeta Sporturilor.¹

In this case the message that wanted to be transmitted, a campaign against corruption in sports was affected by the wrongfully chosen procedure to promote the publication at the same time. The paper was accused to have wrongfully mixed journalism with marketing.² The role of a publication is to inform on real fact and in cases when the subjects are invented with advertising purposes and this aspect is not announced, the consumer is confused and feels betrayed fact that leads to the decrease in credibility in that publication. The effect of this campaign was not the expected one and the critics and accusations acted like a boomerang on the publication.

Therefore, the media self regulation is a way to eliminate the media products that have poor quality, contributing to maintaining the credibility of the public in the products chosen by them and implicitly in the journalists. This self control will allow the journalists to work in an honest and legal environment and their products will surely attract the credibility of the consumers. Last but not least, media self regulation will be able to offer the media organisms a certain authority in their relation with the state.³

Conclusions on the System of Media Self Regulation in Romania

These initiatives of media self regulation prove to be very flexible instruments that lead to the understanding and awareness of the aspects related to the respect of some professional principles. The current context in our country is not yet favorable for the implementation of self regulation at the level of media institutions, both from a normative point of view as well as from the perspective of the notoriety of the mechanisms of self regulation already existent. The codes of conduct that have maintained their veracity should move forward to a level of popularization that is greater than the one already existent and what is more important is that this process has to be accomplished both at the level of the journalists as well as at the level of the media products consuming society.

¹ Press freedom in Romania, Active-Watch Press Monitoring Agency, May 3, 2010.

² Ibidem.

³ <http://www.rac.ro/autoreglementarea-in-romania>.

What is also important is the clear delimitation of these organisms of self regulation. On one side we have the National Audiovisual Council with the purpose of supervising the audiovisual activities and on the other side we have the Media Council and Group for good journalistic practices, freshly established organisms of self regulation that cover the supervision of the other fields of the journalistic activity. All these instances have to be responsible for the interpretation of the norms of the Single Deontological Code in the actual situations triggered by reclamations and also with the establishment of reparatory measures. By using these instances to solve reclamations, the media products consumer has no costs, saving also time and financial resources necessary in case of court cases. This aspect represents a considerable advantage for the average citizen.

The feeling of belonging to a powerful journalistic group will determine the identification of common values and the development of collective professional knowledge. Therefore, the provisions of the single deontological code will have to answer to these common perceptions in order to be able to determine the solidarity of the journalists in rigorously promoting the norms it contains.

The analysis of the new deontological code would reveal many of the functional necessities of this prime mechanism of self regulation. The criminal liability of the journalists for the crimes of insult and calumny are the first problem of the great journalistic community in Romania. The necessity to transform the criminal liability in a civil one would allow the deontological norms to intervene along with the competent instances in order to apply them.

For the analysis of the impact of self regulation on the professional activity of the journalists is important that we take into account the perception and attitude of the consumer in assessing their degree of trust in the media products. This is very important because the process of self regulation must not represent the result of state pressure and the initiative must be founded on the need to create quality media products and increase the degree of accountability from the journalists' side in their professional conduct.

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