



Standards for government relations with journalists and the media



**ASAMBLEA GENERAL
GENERAL ASSEMBLY
OCT 17-20 2024**

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Prepared by the Inter American Press Association (IAPA) in consultation with international organizations, press organizations, communicators, and media companies of the Americas as a contribution to institutional strengthening and freedom of expression in the continent.





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Introduction

The relationship between those who govern and the press has never been tension-free. Naturally, this should be the case since it is the function of the media to contribute to citizen control of the actions of those who exercise the power of a State. In this task, frictions arise concerning the publicity of government acts, mainly when journalism fulfills its mission of investigating possibly illegal, irregular, or unethical acts that can be expected from leaders and officials.

In recent years, this interaction has led some countries to open confrontation, with official discourse stigmatizing the work of journalists and even describing the press as the enemy of the people. It is usually only the preamble to direct censorship, persecution, deportation, and imprisonment of communicators and media executives.

Restrictions on access to information in the hands of the State affect citizens' right to be informed and to exercise control over those in power. Verbal violence not only represents an aggravation for press personnel but, with increasing frequency, ends up endorsing the actions of criminal groups that attack journalists and publishing companies.

The deterioration of democracy in various parts of the world, which in some Latin American countries has led to an autocratic drift or the return of dictatorial regimes, has been accompanied in all cases by limitations on Freedom of expression and Freedom of the press, as well as by obstacles to access to public information. When these freedoms are weakened, and governments resort to a culture of secrecy, other human rights are then subjugated, which is why it is vital for citizens to remain alert and demand transparency as a condition for governance.

No ruler can proclaim to be a defender of freedoms, democracy, or institutionality if they do not recognize freedom of expression and freedom of the press because democracy implies citizen control of the actions of those in power. And the press is an essential ally for society to exercise this control.

Likewise, no ruler can claim to be a democrat, a defender of freedom and the sovereignty of the people, which is the essence of a republic, if he practices secrecy and does not guarantee free access to public information. It includes complying with the obligation to publicize the acts of government without conditioning the journalistic line of the media and to submit periodically to press conferences without conditioning beyond the direct link that is attempted through social networks or other mechanisms.

The distinction is clear: whoever silences, censors, persecutes journalism, and pu-

nishes the free expression of citizens does not inhabit the democratic field but is on the way to an autocracy.

It is not a matter of ideological positions but of commitment to democracy. If this commitment exists, left- or right-wing rulers may promote more significant or lesser state intervention and trust the value of public regulations or market forces. But no one should speak in the name of popular sovereignty and practice, be intolerant of all criticism, and refractory to the essential transparency in public administration.

On this point, it is worth reiterating a principle that is no less obvious than it is necessary to reiterate over and over again: governors, officials, legislators, judges, or employees of the public administration and state companies are not owners of the information they generate or access; they are guarantors that citizens can access it, quickly and free of charge. Exceptions to this principle must have been established by law, and the rule that so establishes it must be based on reasons that comply with international standards.

The same clarification applies to freedom of expression and freedom of the press: exercising these freedoms is not a concession of the authorities but an inalienable right of the people, as we will see later when analyzing the Declaration of Chapultepec.

The two previous clarifications mark an insurmountable limit for those who pretend to exercise a public function within the framework of institutionality. Those who come to power by the citizens' vote must start from the premise that they were elected to represent society, to produce the changes they proposed to the community that consecrated them, but also know that this does not make them superior, does not make them immune to criticism, nor does it grant them the right to impunity.

On the contrary, elected officials, legislators, magistrates, and even lower-level employees of the different state bodies should always be aware that public officials are subject to greater societal scrutiny. And the job of journalism is to inform, not to protect the official from social scrutiny.

An active citizenry, a free press, and governments that are open and tolerant of criticism are essential to improving regional institutionalism.

The purpose of these standards for the relationship between governments, journalists, and the media is to provide normative and behavioral guidelines to foster a better relationship in this interaction and strengthen the institutional environment in the region.

We were inspired by the Model Protocol for Intervention and Interaction of Security Forces with Journalists, Communicators, and Media, presented in 2023 by the

United Nations Educational, Scientific and Cultural Organization (UNESCO), after a process of consultation with security agencies and civil society and freedom of expression organizations, including the IAPA.

We also considered documents from Latin American governments, companies, and corporate advisory agencies.

Valuable contributions emerged from documents approved by the Inter-American Press Association itself and other international organizations and entities, such as the Charter of Aspirations; the Chapultepec (1994) and Salta (2018) declarations – which systematized, respectively, the Principles of Freedom of Expression, and their application in the digital era–; the OAS Declaration of Principles on Freedom of Expression and the positions established by the organization on access to information, transparency, official publicity, defamation, right to be forgotten, journalists' membership, safety in the exercise of the activity and the fight against impunity.

The table of contents of this manual is structured around these topics to serve as a guide for heads of State, local governors, government communication managers, officials at different levels, media executives, journalists, and journalism students.

Also, it is a contribution for legislators –from government or opposition parties– or magistrates who must judge cases where freedom of expression and freedom of the press are at stake.

The effect will probably have little or no impact on rulers and spokespersons who practice authoritarianism and are censors by conviction.

But those who come to public office to respect the rights of expression and information that are the cornerstone of republicanism will find in these pages a reservoir of general principles so that they do not end up imitating, through simple ignorance, practices that are contrary to international standards.

Since this is a model of interrelation between rulers and journalists or the media, we do not go into each item in depth but only deal with possible conflicts that may arise about them, referring in each case to the respective sources to inquire into other aspects.



- Resolution 59(I) of the General Assembly of the United Nations⁵,
- Resolution 104 adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (Unesco)⁶,
- the International Covenant on Civil and Political Rights⁷,
- other international instruments and national constitutions.

Indeed, the Universal Declaration of Human Rights (UDHR) states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

And this is the line developed by the DPLE. Several of the principles mentioned in the Inter-American Declaration are inspired by the Decalogue of the Declaration of Chapultepec (DCh), adopted by the Hemispheric Conference held in Mexico City in March 1994 at the invitation of the IAPA⁸.

Thus, the DCh states that “there are no free people and societies without freedom of expression and of the press” and stresses that “the exercise of this freedom is not a concession of the authorities” but “an inalienable right of the people”⁹ the DPLE states: Freedom of expression, in all its forms and manifestations, is a fundamental and inalienable right, inherent to all persons. It is an indispensable requirement for the

⁵In calling for an international conference on freedom of information, it states: Freedom of information is a fundamental human right and a touchstone of all the freedoms to which the United Nations is consecrated. Freedom of information implies the right to gather, transmit, and publish news anywhere and without restriction and, as such, is an essential factor in any serious effort to promote peace and progress in the world. Freedom of information is a fundamental human right and a touchstone of all the freedoms to which the United Nations is consecrated; Freedom of information is a fundamental human right and a touchstone of all the freedoms to which the United Nations is consecrated As an indispensable element, the information society requires the will and the ability to use and not abuse its privileges. It also requires, as an essential discipline, the moral obligation to investigate facts without bias and to disseminate information without malicious intent; understanding and cooperation among nations are impossible without a healthy and alert world opinion, which, in turn, depends absolutely on freedom of information. (<https://www.refworld.org/legal/resolution/unga/1946/en/7854>, accessed July 18, 2024).

⁶It is entitled “The Right to Freedom of Thought and Expression and the Importance of the Media.” In addition to reaffirming the right to freedom of expression, it calls upon Member States to respect and ensure respect for this right by the international human rights instruments to which they are party. (<https://www.acnur.org/fileadmin/Documentos/BDL/2007/5843.pdf>, consultation held on July 18, 2024).

⁷Art.19: Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or print, in the form of art, or through any other media of his choice. / 3. The exercise of the right provided for in paragraph 2 of this Article carries special duties and responsibilities. It may, therefore, be subject to certain restrictions, which must, however, be expressly provided by law and necessary for a) The respect of the rights or reputations of others, b) The protection of national security, public order, or public health or morals. (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>, consultation held on July 18, 2024)

⁸<https://www.oas.org/en/iachr/expression/showarticle.asp?artID=60&IID=1> (consultation held on July 18, 2024)

⁹Principle 1, DCh.

very existence of a democratic society.”¹⁰

Another IAPA document, the Salta Declaration on Principles of Freedom of Expression in the Digital Age (henceforth, DS)¹¹, approved in 2018 in the city of Salta, Argentina, and updated in 2024 in Córdoba, also Argentina, prescribes “Journalism and the media are vital actors of freedom of expression, beyond the platforms on which they operate.

They provide substantive information for the quality of life of communities, encourage public debate, and empower citizens to exercise their freedoms and enjoy the right to information, as highlighted in the Charter of Aspirations of the Inter American Press Association (IAPA).”¹²

It adds that “the Internet, artificial intelligence (AI), and other digital technologies can expand the freedoms of expression and information by offering immediate and global access to vast knowledge.” Still, it warns: “In the digital ecosystem, there are also threats to these freedoms and public debate: arbitrary state regulations, censorship, blocking of access and content, cyber-surveillance, harassment, smear campaigns, digital violence. Added to this is the opacity of algorithms that induce polarization, confirm prejudices, and propagate disinformation and hate speech.”¹³ Therefore, it states: “The rights related to freedom of expression and press freedom must be guaranteed equally in the analogical and digital environment.”¹⁴

Chapultepec adds: “Everyone has the right to seek and receive information, express opinions and disseminate them freely” and “no one may restrict or deny these rights.”

The Inter-American Declaration is even more explicit: “Every person has the right to seek, receive and impart information and opinions freely under the terms stipulated in Article 13 of the American Convention on Human Rights. All persons shall have equal opportunity to receive, seek, and impart information by any means of communication without discrimination, including race, color, religion, sex, language, political or other opinion, national or social origin, property, birth, or other status. The ban on censorship is another coincidence between these critical precedents.

¹⁰ Principle 1, DPLE.

¹¹ <https://media.sipiapa.org/adjuntos/186/documentos/001/838/0001838168.pdf> (consultation held on July 18, 2024).

¹² Preamble SD, paragraph 2.

¹³ SD Preamble, paragraph 5.

¹⁴ SD, Principle 1.

The DCh states that “Prior censorship, restrictions on the circulation of the media or the dissemination of their messages, the arbitrary imposition of information, the creation of obstacles to the free flow of information and limitations on the free exercise and mobilization of journalists, are directly opposed to freedom of the press”¹⁵ and that “The media and journalists should not be subjected to discrimination or favor based on what they write or say.”¹⁶ It also states: “No media outlet or journalist should be punished for disseminating the truth or formulating criticisms or denunciations against the public power.”¹⁷

The DPLE states, in turn: “Prior censorship, interference or direct or indirect pressure on any expression, opinion or information disseminated through any oral, written, artistic, visual or electronic means of communication shall be prohibited by law. Restrictions on the free flow of ideas and opinions, as well as the arbitrary imposition of information and the creation of obstacles to the free flow of information, violate the right to freedom of expression.”¹⁸

It goes on to State: “Preconditions such as truthfulness, timeliness or impartiality on the part of States are incompatible with the right to freedom of expression recognized in international instruments.”¹⁹

The caveats are even more significant for the digital environment, given the context. “Legislation and public policies on the Internet, artificial intelligence (AI) and other digital technologies –states the SD– should ensure that the digital space is open, neutral, accessible to all and attached to human and intellectual property rights. In adopting regulations on these issues, the views of all stakeholders should be considered.”²⁰

It adds: “Governments should not inhibit with regulations the expressions of public interest in the digital space, nor impose aggravated sanctions for the fact that they are expressed in that space.”²¹ It warns: “Any further restrictions and sanctions that affect the right to disseminate, share or disclose information and ideas on the Internet must be established by law, validated by the Judiciary, and consistent with international human rights standards.”²² Even more clearly, it states, “The blocking

¹⁵ SCh, Principle 5.

¹⁶ SCh, Principle 6.

¹⁷ DCh, Principle 7.

¹⁸ DPLE, Principle 5.

¹⁹ DPLE, Principle 7.

²⁰ SD, Principle 2.

²¹ SD, Principle 3.

²² SD, Principle 4.

and filtering of access and content by state control in the digital space constitutes prior censorship by the provisions of the American Convention on Human Rights.”²³

The scaffolding that should govern the relationship between governments, on the one hand, and journalists and media, on the other, is then erected on these bases: the full force of the freedoms of expression and press, in all their forms, manifestations, and whatever the communication platform used, without conditioning, pressure, or discrimination.

To this foundation, we must add what is underlined in the Letter of Aspirations (LA) approved on October 7, 2008, at the IAPA General Assembly held that year in Madrid.

It is stated that “to comply with its objective fully, the press must have all the guarantees to gather and disseminate news freely.” And for this task to be practical, journalism must win the trust and support of readers. “Winning this credibility –says the document– is a commitment for the press and obliges it to the highest level of transparency, independence, and honesty.”²⁴

Compliance with these general principles generates a favorable environment for a mature relationship between those who govern and journalists and the media. However, there is a diversity of factors to be considered so that the natural tensions to which we referred in the introduction to this paper do not affect the human right to express and inform without hindrance or reprisals.



²³ SD, Principle 5.

²⁴ <https://en.sipiapa.org/notas/1207025-letter-of-aspirations> (consultation carried out on July 18, 2024) paragraphs 2 and 3.

Transparency and access to public information

2.1. DEFINITION AND SCOPE

The first step that demonstrates a government's respect for freedom of the press and the citizen's right to be informed is the definition of a program of transparency and access to public information.

Access to public information is defined as the right of every person to access public information that they consider to be of interest, with the only limits established by law.

More precisely, it is usually said to include the possibility of freely searching, accessing, requesting, receiving, copying, analyzing, reprocessing, reusing, and redistributing the information in the custody of the obligated entities, with the only limitations and exceptions established by the regulatory framework.

The Declaration of Chapultepec²⁵ includes this concept in Principle 3: "The authorities must be legally obliged to make available to citizens, in a timely and equitable manner, the information generated by the public sector."

In 2007, the Office of the Special Rapporteur for Freedom of Expression (RELE) of the Inter-American Commission on Human Rights (IACHR) published a Special Study on the Right of Access to Information²⁶.

The presentation of the document states: "Access to information is an essential tool for combating corruption, making the principle of transparency in public administration a reality and improving the quality of our democracies, which are marked by a culture of secrecy and by public agencies whose policies and practices for the physical handling of information are not geared towards facilitating people's access to it."

And he adds: "It is essential that public officials, individuals, non-governmental organizations, journalists, the media, university students and other social actors need to know in depth the scope of this right and the national and international im-

²⁵ <https://www.sipiapa.org/contenidos/declaracion-de-chapultepec.html> (consultation carried out on July 18, 2024)

²⁶ <https://media.sipiapa.org/adjuntos/185/documentos/001/843/0001843873.pdf> (consultation carried out on July 18, 2024)

plications of its recognition as a human right. Disseminating progress on the subject is an essential step towards constructing societies where access to information is a recognized human right and an effective right in daily democratic practice”.

The same RELE published a 2010 study on the right of access to information in the Inter-American Legal Framework²⁷, which clarifies that the right of access is the rule and secrecy, the exception.

2.2. DEVELOPMENTS IN THE AMERICAS

The IAPA has been raising the issue for decades, and in 2001, it organized a meeting in Mexico as part of its Chapultepec project. Until then, only four countries had passed access laws: the United States, Canada, Belize, and Trinidad & Tobago.

The meeting in Mexico created the Oaxaca Group, comprised of media executives, journalists, and academics. The first concrete result was the approval of the Access to Public Information Law in that country in 2002—similar regulations followed in Jamaica, Panama, and Peru.

In subsequent years, progress was made in other countries so that most Latin American nations now have laws on the subject, as shown in the following table, in reverse chronological order:

1	Puerto Rico	2019	14	Honduras	2006
2	Saint Kitts & Nevis	2018	15	Antigua and Barbuda	2004
3	Bahamas	2017	16	Ecuador	2004
4	Argentina	2016	17	Dominican Republic	2004
5	Colombia	2014	18	St. Vincent	2003
6	Paraguay	2014	19	Jamaica	2002
7	Brazil	2011	20	Peru	2002
8	El Salvador	2011	21	Panama	2002
9	Guyana	2011	22	Mexico	2002
10	Chile	2008	23	Trinidad & Tobago	1999
11	Guatemala	2008	24	Belize	1998
12	Uruguay	2008	25	Canada	1983
13	Nicaragua	2007	26	United States	1966

²⁷ <http://www.oas.org/en/iachr/expression/docs/publications/access%20to%20information%20in%20the%20americas%202012%2005%2015.pdf> (consultation held on July 18, 2024)

2.3. STANDARDS

However, these laws, and in some cases constitutional precepts, are not always complied with. There may also be regulatory setbacks due to authoritarian processes or the simple approval of other projects that restrict access to specific data without clear reasons.

For this reason, after several conferences of its Chapultepec Project and consultation with constitutional lawyers from several countries, the IAPA proposed standards and requirements²⁸ that access laws should contain. Among other issues:

- Duty of publication and maximum transparency on the part of governments;
- expeditious process for the release of information;
- a pre-established regime of exceptions;
- necessary infrastructure to place information that is generated;
- and, among others, a sanctions regime to punish public officials and entities that denied the requested information.

The book Declaration of Chapultepec and its Contributions²⁹ includes the following in Article 3 of that document:

“Every person has the right to know the information that will enable him to make judgments on public matters that concern his welfare and that of his community. It inescapably obliges the authorities to allow free access to public sector information in their possession. Moreover, This must be done promptly and equitably and contain complete information, including the necessary annexes, truthful data concerning its sources, and even expanding it with explanations that may help the applicant fully understand the information.

“If the information is denied –or presented inadequately– it should be available using the Petition Court, Habeas Data, Amparo Action, or other pertinent legal recourse. The bureaucrat responsible should be sanctioned.

“However, the journalists especially require the exercise of this right. Therefore, the officials in charge of ordering, preserving, and managing public information must be clear that they are not the owners of it. It belongs to the citizens who, as owners, have the right to know it. Special vigilance should be exercised to detect cases in which the bureaucrat unjustifiably appeals to exceptions such as national se-

²⁸ <https://en.sipiapa.org/notas/1214286-access-to-information> (consultation held on July 18, 2024)

²⁹ <https://www.sipiapa.org/notas/1207550-declaration-of-chapultepec-and-its-contributors> (consultation held on July 18, 2024)

curity, public order, etc., to limit transparent public administration information.

"This third principle also encompasses guarantees for free press coverage of trials and other judicial proceedings, publicity that constitutes a guarantee of a complete and transparent application of justice.

"This principle also calls on the authorities to adopt the necessary measures, including legislative measures, to ensure free access to public information in their respective countries and to disseminate the information.

"Finally, the third principle concludes with a call to public authorities, especially judges, not to require journalists to reveal their sources of information. It is an essential guarantee for the free exercise of the journalistic profession since it allows the information source to open up to the journalist, confident that it will not be persecuted by the accused or the justice system."

The SD also³⁰ places particular emphasis on access to information.

Article 3 states, "Governments shall not inhibit by regulation or action access to the Internet and expressions of public interest in the digital space. Nor shall they impose aggravated penalties for expressing themselves in that space..."

Article 4 adds, "All subsequent restrictions and sanctions that affect the right to disseminate, share or disclose information and ideas on the Internet must be established by law, validated by the Judiciary and consistent with international human rights standards."

Article 9 states, "The suppression or de-indexing of information on events of public interest violates the citizen's right to be informed and to preserve the collective memory. The protection of personal data and the privacy of individuals are fundamental rights, but they should not restrict or limit the circulation of information of public interest".

³⁰ Adopted in 2018 by the IAPA at its General Assembly held that year in the Argentine city of the same name (<https://media.sipia-pa.org/adjuntos/186/documentos/001/838/0001838168.pdf>, accessed July 18, 2024).

Don't reward, don't punish

3.1. THE PRINCIPLE AND THE INTENTION

As pointed out in Chapter 1, the DCh states, "The media and journalists should not be discriminated against or favored because of what they write or say."³¹ However, this intention often underlies the decisions that mark the relationship between those in power and the press. It has been accentuated recently due to the conditions that the new digital environment poses for the sustainability and consolidation of the media, even those that emerged and multiplied, taking advantage of new technology possibilities to reach audiences.

In the introduction to this paper, we stated that relations between those who govern and journalism are never free of tensions and that frictions are natural when the press conscientiously exercises its role of contributing to citizen control of those who exercise power; when it fulfills its mission of investigating events that may be illegal, irregular or contrary to public ethics.

But so far this century, the economic or financial weakness faced by many media due to changes in the business model of journalism has prompted rulers of one or the other ideological extreme to intensify their attempts to condition the work of those who do not accept alignment with the official discourse.

Encouraged by the facilities that social networks provide for supposedly direct access to the citizenry (in reality, to a relative and undetermined portion of it), presidents, ministers, legislators, governors, mayors, and other officials from shun dialogue with the press, prevent reporters from accessing government offices or events and cancel the allocation of official advertising or establish discriminatory distribution criteria, precisely to punish those who investigate and control, and reward those who decline the critical view of journalistic work.

These conducts usually precede or are accompanied by instigations or the artificial coordination of attacks on journalists or media³² in the networks, as well as the use of trolls or disinformation mills to denigrate those who investigate or question those in power. But even without going to such extremes, the attitude of conditioning journalism, which can be observed even in countries with a long democratic tradition,

³¹ DCh, Principle 6.

contradicts the principle of publicity of government acts and free access to State information, an aspect that we addressed in the previous chapter.

For each of these conducts that is contrary to republican practices, there are also standards worth reviewing.

3.2. COMMUNICATION OF GOVERNMENT ACTS

The so-called official advertising, or official advertising, is usually wielded by governments as a form of pressure on the media. It is also a way of rewarding those who agree to privilege the official message.

In a document approved in September 2023³³, the Association of Argentine Journalistic Entities (Adepa) warned that “Publicity of government acts is a constitutional obligation³⁴, not a discretionary decision of those in power.” It also clarifies that “Official advertising contributes to the transparency of public administration, allows society to audit state expenditures and investments, informs citizens about issues of interest to them, such as tax obligations, health policies, emergency prevention, educational services, etc.” It notes that “Official advertising is different from a subsidy for certain media” and that, as Unesco has said, “it is a genuine source of income for the media, derived from an obligation of the State.”

Points 5 and 6 are the central ones we are addressing. The first one establishes that “Official advertising should not condition the journalistic line of the media.” At the same time, the next one states that “Official advertising should have clear rules and be based on objective and auditable contracting standards.”

Point 7 states, “Official advertising exists worldwide and has been ratified as a necessary mechanism for citizens’ access to public information.”

And the dissemination of valuable and necessary information for the community”.

Adepa cites, in this regard, a document of the Office of the Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights on principles of re-

³² A report by the UN Special Rapporteur on the promotion and protection of the right to freedom of expression, Irene Kahn (A/78/288, August 7, 2023) warns that “while individual publications may not seem too problematic in isolation when coordinated and amplified, a ‘virtual mob’ launches an operation that, over time, can lead to severe threats” to human rights.

³³ 10 principles of Adepa about the communication of government acts at national, provincial, and municipal levels (<https://adepa.org.ar/wp-content/uploads/2024/02/Publicidad-oficial-Principios-de-ADEPA-febrero-2024.pdf>, accessed on July 18, 2024)

³⁴ Article 1 of the Argentine National Constitution imposes principles encompassing the entire governmental structure. Among them, the publicity of government acts is essential so that citizens can know what is being done on their behalf and judge the aptitude and suitability of those who hold office.

gulation of government advertising³⁵, which states that government advertising is a necessary mechanism for citizen access to public information and to generate a transparent and proactive process of dissemination of fundamental details in democratic and republican systems of government.

3.3. PRESS CONFERENCES OF GOVERNMENT OFFICIALS

As mentioned above, presidents, ministers, legislators, governors, mayors, and other leaders and officials choose to communicate directly with society –or at least with their followers– through social networks.

On occasions, this practice is combined with speeches made by the president to the citizens through audiovisual media.

Variations of this attitude include designing a government spokesperson and delegating all exchanges with journalists to them. Or, as imposed during the six-year term of Mexican President Andrés Manuel López Obrador, to offer a press conference at the beginning of each working day (the “mornings”) but to favor long expositions of the head of State in which he used to denigrate journalists who had questioned any decision of his government. On Wednesdays, an official would intervene to “refute false news” in the space “Who is who in the lies of the week.”

The cycle began in 2021, during the pandemic, in theory, to combat disinformation, but it became a practice to discredit those who questioned the government. Thus, rather than as an opening to dialogue with the press, the calls ended up being an attempt to “discipline” journalism.

Both strategies are generally accompanied by the decision to avoid dialogue with the press or to limit contacts only to journalists who do not question official policies through agreed interviews that usually do not put the ruler on the spot.

In the following chapter, we will discuss the institution of government spokespersons and analyze their positive aspects and the risks they may entail. One of them is that they may be a strategy to avoid exposing the ruler to the healthy exercise of submitting himself to periodic journalistic requests. This way, society will not be able to know from the ruler how he responds to the concerns or questions that the press gathers from the citizens.

³⁵ <http://www.oas.org/en/iachr/expression/docs/publications/advertising%20principles%202012%2005%2007%20reduce.pdf> (accessed July 18, 2024).

Offering press conferences indicates an official commitment to freedom of the press and the right of access to public information, as accepting an electoral debate demonstrates openness to democratic dialogue. In many cases, those who refuse to engage in this exchange during the pre-election campaign are often the same people who later refuse to submit to journalistic scrutiny.

3.4. ACCREDITATION OF JOURNALISTS

Another way of hindering the work of the press is to limit or condition the accreditation of journalists, a requirement that allows reporters access to government offices or events.

In this matter, it is often argued that the multiplication of information platforms and, primarily, the informality of some new digital media generate an avalanche of requests for accreditation, and this imposes limits on access so that press conferences do not become crowded and develop a more “professional” dialogue.

However, behind this explanation –which in principle may sound reasonable– usually hides the intention of digitizing permissions to refuse the entry of critical journalists or those not to the ruler’s liking.

How do we resolve the apparent dilemma? Again, the principle should avoid any discrimination so that this point does not become a mechanism of rewards and punishments. It is worth reviewing the criteria adopted by some governments and international organizations. By way of example, we will mention two.

On the one hand, the United Nations Media Accreditation and Liaison Unit establishes³⁶ as a general requirement to submit a letter requesting accreditation of the journalist on the official letterhead of the media outlet, signed by the organization’s Editor-in-Chief, Publisher, or Bureau Chief (along with their contact information). The note must be recent and include a) the length of the assignment and b) information on verifiable on the dissemination of the media, whether print, graphic, radio, television, film, news agencies, or online media (website or social media).

Media outlets include news agencies, blogs, vlogs, and others, which must comply with the following requirements, in addition to following the indications mentioned above:

- The site must belong to recognized media outlets with a verifiable physical mailing address and phone number.

³⁶ <https://www.un.org/es/media/accreditation/request.shtml> (accessed July 18, 2024).

- The online publication seeking accreditation for its correspondent must have a substantial amount (60%) of original news, commentary, or analysis on international issues or UN-related matters.
- Media representatives should submit six (6) articles of their authorship published within the last 12 months.
- The website should be updated at least three times a week.

Finally, it is mentioned that freelance journalists may obtain accreditation, but only for a specific event or period. These reporters, including photographers, must provide documents proving that they perform the work in a particular publication or news agency, and a valid letter of assignment from such agency or publication is required.

Similar requirements are required by the World Trade Organization (WTO)³⁷, which adds that if the website is new, the applicant for accreditation must submit the most up-to-date data available on visits to the site or other relevant material about its users and must have a proven track record indicating that they have authored many works on international issues, as well as submit copies of three recent articles published under their byline.

Not the least of these is to ensure, at a national level, media representation from different regions.



³⁷ https://www.wto.org/english/forums_e/media_e/criteria_accreditation_e.htm (consultation held on July 18, 2024)



Government spokespersons

4.1. WHAT IS A SPOKESPERSON

Although the spokesperson function has existed for some time, many countries have not implemented it as a standard practice. Those who exercise this function do not do so with the objective that should be essential: to facilitate dialogue and mutual understanding between government and society through the media. However, to advance in this concept, the first thing to do is to try to define the meaning and function of a government spokesperson.

In Anglo-Saxon countries, it is traditional for presidents, prime ministers, governors, and other high-ranking officials to have a spokesman, a spokeswoman, or, more simply, a spokesperson to communicate government decisions and respond to requests from the press. In Latin America, the terms used are spokesperson or spokesperson. The meaning assigned to them is that of a woman or man who makes statements on behalf of an individual or group.

The Merriam-Webster dictionary refers to "spokesperson" or "spokeswoman" as a person who speaks as a representative of another person or persons, often in a professional capacity. The Cambridge Dictionary refers to someone a group or organization chooses to talk officially to the public on its behalf. The Real Academia de la Lengua Española includes the term "vocero" as "a person who speaks on behalf of another" and defines spokesperson (with masculine and feminine genders) as "a person in charge of speaking on behalf of a group." In short, it is the person who assumes to be the official voice of an institution and, as such, is the source of official information.

Up to this point, we are broadly speaking of spokespersons without linking them to a government function. In other words, the definitions apply to a spokesperson in a company, a non-governmental organization, a foundation, a cooperative, or a ministry.

4.2. WHAT IS THE FUNCTION OF A SPOKESPERSON?

The tasks are similar, whether in the private or official sphere. But there is a fundamental distinction: while the spokesperson of a company may have as their essential mission the achievement of a positive image of the company, the evacuation of concerns and questions about the company while promoting their activities in the public

service, the main objective should be to facilitate access to information and ensure transparency and non-discrimination.

2013, the Graduate School of Public Administration (EGAP) and Public Policy and the Monterrey Institute of Technology presented a Spokesperson's Manual³⁸. The work, written by Ana Paula Ugalde Haro, addresses the task of the spokesperson in organizations in general, without specific references to governments. However, it is worth reviewing some of the conclusions.

Thus, it is stated: "The spokesperson is the person who represents an institution's thoughts and feelings consciously and legitimately. They are responsible for addressing the media and, through them, society in general. Among other functions, they generally inform the community of the organization's position on certain topics".

4.3. WHAT QUALITIES SHOULD THEY POSSESS?

"The spokesperson –they add– must possess and, as far as possible, nurture three main attributes: credibility, reputation, and in-depth knowledge of the culture of the institution they represent. At the same time, they should develop three essential skills over time and according to their characteristics: adequate handling of non-verbal language, self-control of emotions, and understanding and responding to the needs of journalists and the media.

"People who play the role of spokesperson should consider the relevance of combining two important qualities in their interventions: authority (mind) and empathy (heart). Credibility and trust in a spokesperson are generated when there is congruence between words, body language, and tone when speaking".³⁹

The text does not explicitly refer to a government spokesperson, but several required characteristics and principles apply to those who exercise this function.

4.4. INFORM, NOT PROTECT

Further⁴⁰, the same Manual states: "A clear understanding of how journalists operate will help us communicate with them more effectively. To guide our role as spokespersons, it is worthwhile to clarify some of the misconceptions about the role of Journalists: a) the essential job of a reporter is to tell a story, not to protect their sources from public scrutiny; b) the journalist is not a publicist; and c) the journalist is not your audience.

³⁸ <https://repositorio.tec.mx/bitstream/handle/11285/628915/33068001113041.pdf?sequence=1&isAllowed=y>

³⁹ Op.cit., pp. 35 and 36.

⁴⁰ Op.cit., pp. 54 and 55.

How clear and applicable to the governmental function is that “the essential job of a reporter is to tell a story, not to protect his sources of information from public scrutiny.”

4.5. HOW IT IS CONCEIVED IN THE REGION

Some definitions can be found in governmental areas in the Americas, with definitions and functions worth analyzing.

Chile’s Ministry General Secretariat of Government (Minsegegob or Segegob, also called Government Spokesperson) states that its institutional mission, among other things, that of “facilitating communication between the government and Chilean society, disseminating the decisions, initiatives, central messages, activities, benefits and opportunities emanating from the Executive.” The strategic objectives mention the development of “communication spaces between the government and the citizens” and “to encourage the government, in its different departments, to promote direct contact with Chilean society through digital platforms and social networks.”

The direct relationship with citizens, in many cases as a replacement for journalistic intermediation, is a growing trend facilitated by digital technology. But, at the same time, it is often the way some rulers find to avoid facing journalistic inquiries, as we saw in the previous chapter. Or, even worse, to advance with a confrontational discourse that, ultimately, tries to weaken the press and install it as the “enemy of the people” to disqualify any questioning of the government’s actions.

It is worth reiterating here what was pointed out in the previous chapter: the spokespersons should not replace the healthy practice that governors and high-ranking officials, such as presidents, ministers, governors, and mayors, offer periodic press conferences or press conferences.

A text by John Jaime Osorio Osorio⁴¹ recalls that the spokesperson function dates back to 1377 when officials already had this role in the House of Commons. The author adds that in the Colombian case, the office of spokesman gained renown in the failed peace process with the Revolutionary Armed Forces of Colombia (FARC), “where characters such as Raul Reyes, for the subversive group, and the High Commissioner for Peace in the Pastrana government, Camilo Gomez, were appointed to that role.”

⁴¹ Anagramas, volume 2, number 4, pp. 87-98

4.6. SAFETY IN THE EXERCISE OF THE ACTIVITY

It may seem strange that we are dealing here with a subject that does not seem to be related to the proper function of a spokesperson. However, it is related to the deviations from good practices that we will see in the following point.

If a ruler or his spokesman resorts to the permanent stigmatization of the work of journalism, to ad hominem criticism against those who inform, analyze, or denounce, he opens the way for verbal violence from his followers, but at the same time, he encourages physical attacks against the press, from that same militancy or organized crime, which takes advantage of this official endorsement to silence reporters who investigate and denounce.

As the well-remembered American journalist Walter Williams used to say, and later echoed by the then director and editor of the Buenos Aires newspaper *La Prensa*, Ezequiel P. Paz, in a speech that in 1950 the IAPA adopted as its philosophy, no one should write as a journalist what he cannot say as a gentleman.

Journalists must ask, inform, and give their opinions without offending but appealing to the strength of the data and the forcefulness of information that is presumed to be truthful. But the above statement does not prevent criticism, intelligent and incisive opinion, or journalistic denunciation, as some spokespersons and other public officials or rulers claim, in an evident ignorance of the press's control function, auditing power, and contributing to the citizen debate.

Point 11 of the DPLE clearly states⁴²: "Public officials are subject to greater scrutiny by society." And in times where the dynamics of social networks impose confrontation, where passions are exacerbated, and personal disqualification becomes the resource for not debating ideas, good journalism continues to base its criticism on arguments, on data, and on pointing out actions that deviate from institutionality.

The same rulers who complain about journalistic criticisms, or often about simple questions, are generally those who resort to stigmatization, to disqualify the work of the press, to accuse it of being the "enemy of the people," as we have already pointed out. Williams' phrase also applies to them, which we could paraphrase as "no one should say as an official what he cannot say as a gentleman."

On the premise that whoever assumes a public function must be accountable to the citizens, respond without irony, and not discriminate or deny press conference

⁴² <https://www.oas.org/en/iachr/mandate/Basics/declaration-principles-freedom-expression.pdf> (consultation held on July 18, 2024)

access to journalists and media that are not to their liking or that bother the ruler in office. The principles of access to public information we saw in the previous chapter fully apply here.

4.7. GUIDE TO GOOD PRACTICES

Consultants who offer examples of good practices in corporate spokespersons point out that those who act as spokespersons for a company or institution should master the scope of action of the organization they represent, be especially prepared to respond with confidence in crises, cordially treat journalists and seek empathy (which implies knowing how to listen to others); speak in plain language, verify that there are no doubts and avoid entering into polemics, for which it is vital to have emotional control.

It is also usually recommended to take care of the so-called non-verbal language and, when faced with difficult questions, not to resort to lies or false information, but in any case, when there is a lack of sufficient information or the circumstances make it advisable to keep an official decision confidential, to excuse oneself for not being able to answer at the moment (the classic “no comment” of Anglo-Saxon spokespersons).

In the case of official spokespersons, the following should be added in addition to these recommendations common to those who speak for an organization. However, Alejandra Gallo and Martín Dinatale⁴³ point out: “In tune with the technological boom, the messianic message and the personal profile of many Latin American presidents, press spokespersons ceased to have the role of simple government information tools and became true propaganda factories and permanent electoral campaigns for the different heads of state.” They add: “The presidents themselves became spokespersons for their governments, and the structures of the state press apparatus were placed at their disposal. The historical activity of press spokespersons was overshadowed, in many cases, by the long monologues of the presidents on radio or TV programs. In the best of cases, the spokesperson structures serve to adapt to the new technological era: they adapted to shape blogs, websites or create Facebook profiles for presidents.”

For this reason, the authors explain: “There is no longer a flow of information bet-

⁴³ Lights, camera... rule! New paradigms of presidential communication in Latin America; Martín Dinatale, Alejandra Gallo; edited by Konrad Adenauer Stiftung, chapter IV, pp. 104 ff.

ween the spokespersons and the journalists because the presidents prefer to be their spokespersons and address the people without intermediaries. Spokespeople rarely act as intermediaries or handle information from the kitchen of power. Rather, they are decorative figures who do nothing more than transmit elementary and minor news.”

Along these lines, they note that the absence of open press conferences is “the clearest sign of the deterioration in the operating scheme of the spokespersons.”

In addition, complaints are increasingly frequent for denying participation in press conferences to journalists who express dissenting voices. Or by ensuring that, in draws that are carried out without any transparency, the names of these reporters do not appear among those who can ask questions and that those who show docility towards power are privileged.

It is also common for official communication areas to unjustifiably delay or deny the granting of accreditations to critical journalists and media.

It confirms what Gallo and Dinatale suggest in the text above when they quote Álex Contreras, who states: “The spokespersons no longer speak, no longer communicate to the media, but rather they confront, confront their political opponents and, to avoid even direct contact with journalists, they often resort to information technology with a press release sent via the Internet or fax. And that’s it.”⁴⁴

From this, in our opinion, we derive central aspects of what a healthy practice of government spokesperson should be, in addition to those suggested for spokespersons in general, already cited at the beginning of this item:

1. facilitate by all means access to public information that should not be reserved according to a law adjusted to international standards and criteria of reasonableness;
2. be attentive to the needs and requirements of journalism;
3. respond with certainty and based on precise data or, in case of ignorance or imprecision regarding the query being made, offer to manage a prompt response;
4. not to encourage or echo disinformation maneuvers;
5. not to confront, not to disqualify, not to speak in an ironic or derogatory manner;
6. to remain calm in conflictual moments and, above all, not to take criticism personally, since the person acting as a spokesperson represents a government, an

⁴⁴ Interview conducted by the DIGA team in Quito at the seminar organized by KAS Medios in April 2009.

organization, or a public department, so their reactions will always be taken as official responses (this conduct must be maintained in each action, and this includes, of course, participation in social networks);

7. in the event of incidents of violence against those who inform society, immediately express official condemnation of all forms of violence against the press and commit to a thorough and timely investigation to clarify the causes and identify the author or authors, even when there are doubts about whether the incident is linked to journalistic work, to prevent a dismissive attitude towards these events from encouraging similar attacks against other reporters or media. To remain silent or delay sentencing because the victim was critical of the government is unbecoming of someone who must ensure the safety of all citizens. It also violates the general principles we began in this guide, particularly points 1, 2, 5, 9, and 13 of the DPLE.





Chapter 5

Principles

Based on what has been analyzed in the preceding pages, the following principles or standards for the relationship between government officials, journalists, and the media can be proposed:

1. It is natural that relations between those who govern and the press are marked by tension since it is the function of the media to contribute to citizen control of government actions. However, both parties must seek a relationship of mutual respect that avoids personal grievances.

2. Those who govern or represent the State must guarantee free access to public information by internationally accepted standards and respect freedom of expression and the press without prior conditions or discrimination. Journalism requires complete freedom to investigate, ask questions, and express opinions without pressure or reprisals.

3. Governments or officials must not instigate, and even less coordinate, attacks on journalists or the media on the networks or promote the use of trolls or disinformation factories.

4. The journalist interacting with power will strengthen his credibility based on transparency, independence, and honesty. But he will also need boldness, which motivates him to ask questions even if the question makes the ruler uncomfortable or annoyed, insist when he does not receive an adequate response, and not remain silent in the face of injustice, intolerance, and censorship. Incurring in unnecessarily aggressive treatment, or on the contrary, friendly relations with sources, is more typical of the dynamics of social networks than of journalistic work.

5. Active citizenship, a free press, and government openness and tolerance of criticism are essential to improve public institutions and, therefore, the management of the State. This concept is repudiated by those who restrict access to information that, in principle, must be available to society; those who exert pressure or censor journalists or citizens who express themselves freely; those who from the Executive or Legislative Branch choose to maintain or intend to restore the penalization of the crimes of libel and slander for expressions that are related to matters of public interest. It does not imply that there is no responsibility for errors committed in journalistic work. Still, if it involves issues of public interest, any sanctions should be

settled in civil court so as not to restrict the right to research and criticism with the threat of imprisonment.

6. Legislators and judges should establish reasonable limits on civil lawsuits against journalists, media outlets, and social activists, especially in matters of social interest, so that the alleged victims do not incur in the so-called SLAPPs (strategic lawsuits against public participation) that are initiated with the intention of intimidating and silencing not only the person being sued but also other media outlets, journalists or activists.

7. Those who stigmatize those who think differently or those who dare to question the government; those who do not guarantee the free work of the press; those who seek to impose obstacles with prior conditions such as veracity, timeliness, or impartiality; those who encourage violence against journalism violate inter-American standards.

8. Given that "The media and journalists should not be discriminated against or given favors based on what they write or say," clear rules must be established for allocating official advertising based on objective and auditable contracting standards.

9. Those who govern must be open to dialogue with the press in open press conferences with transparent and equitable rules. They must not arbitrarily limit or condition the accreditation of journalists as a requirement to access government offices or events.

10. The establishment of a government spokesperson – at the highest level of a State, at the executive, legislative, or judicial level, in departments, ministries, military or police areas, or public companies – is a decision that can contribute to building bridges that facilitate communication between society and the authorities, in one sense or another. In this way, journalism continues to be a critical factor in a free and democratic society.

11. It is not the role of the spokesperson to promote the official on duty, stigmatize those who exercise their right to opinion and criticism or promote misinformation, but rather to ensure that citizens in general, and journalism in particular, have timely access to public information and can compare data or clear up doubts about decisions that have or may have an impact on society. If they believe criticism is wrong, they should not respond by disqualifying but by providing precise data that responds to the questioning they believe to be wrong.

Relations between those who govern and the press are never free of tension. Naturally, this should happen since it is the function of the press to contribute to citizen control of the actions of those who exercise the power of a State. But in recent years, this interaction has led some countries to open confrontation, with official speeches that stigmatize journalistic work and that go so far as to describe the press as an enemy of the people. It is usually only the preamble to direct censorship, persecution, deportation, and imprisonment of communicators and media managers.

The objective of these **Standards for the relationship between governors, journalists, and the media**, prepared by the Inter-American Press Association, is to provide normative and behavioral guidelines to be applied to foster a better bond in this interaction and to strengthen the institutional environment in the region at the same time.

Most likely, the effect will be null or scarce on governors and spokespeople who practice authoritarianism and are censors by conviction.

But those who come to public office to respect the rights of expression and information that are the axes of republicanism will be able to access in these pages a reservoir of general principles so that they do not end up imitating, through simple ignorance, practices that are contrary to international standards in this area. The distinction is clear: those who silence, censor, persecute journalism, and punish the free expression of citizens do not inhabit the democratic field but are on the way to an autocracy.

Active citizenship, a free press, and open governments that tolerate criticism are essential to improve regional institutionalality.

