

**Journalistic Deontology and Freedom of Expression**

Code: 103106  
ECTS Credits: 6

Degree	Type	Year	Semester
2501933 Journalism	OB	2	2

### Contact

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### Use of Languages

Principal working language: catalan (cat)  
Some groups entirely in English: No  
Some groups entirely in Catalan: Yes  
Some groups entirely in Spanish: Yes

### Other comments on languages

The class is distributed in 3 groups in seminars. These groups can be in Catalan, Spanish and English

### Prerequisites

Journalistic Ethics and Freedom of expression as subject does not require a previous knowledge or requisites, it is framed in the second year course in the Degree of Journalism, but it is advisable to review your knowledge acquired in the Baccalaureate or in the Degree courses related to the historical, political, legal or current events and subjects developed in the field of Social Sciences.

### Objectives and Contextualisation

Autonomous University of Barcelona was a pioneer in the inclusion of subjects and courses with legal content into the university curriculum of Communication Sciences.

The goal of this course is to do an analysis considering about information and / or audiovisual media being regulated by a legal framework not only limited to regulations, but including also the judiciary case law and interpretation. This is why their study is needed because the scope of the legal status of journalism depends on them as responsible in many occasions. Besides, apart from the importance of having a minimum legal knowledge necessary for media professionals, the objective of this course is also to learn skills on Journalistic Ethics, fundamental rights and the Law of communication. interpretation by the courts, which in many respects are the bodies responsible for establishing the scope of

It is needed to focus on the knowledge of freedom of expression and information as fundamental rights for a democratic society. The student will achieve a knowledge of the International, European, statewide and autonomous legal framework as well as the legal research tools helpful for the development of journalistic contents.

The course aims to acquire knowledge, skills and competences in these three areas:

- an introduction to the normative order and structure that affect journalistic activity, that is, basic notions about the legal system and the legal regulation and framework of fundamental rights
- legal and ethical rules in the field of the rights to the freedom of expression and information in media, doing simultaneously analysis of practical content.

- regulation and self-regulation of the exercise of the journalistic profession at autonomous and statewide level.

## Competences

- Demonstrate a critical and self-critical capacity.
- Demonstrate a self-learning and self-demanding capacity to ensure an efficient job.
- Demonstrate adequate knowledge of the modern world and its recent historic development in terms of social, economic, political and cultural aspects.
- Demonstrate ethical awareness as well as empathy with the entourage.
- Develop autonomous learning strategies.
- Develop critical thinking and reasoning and be able to relay them effectively in Catalan, Spanish and a third language.
- Research, select and arrange in hierarchical order any kind of source and useful document to develop communication products.
- Respect the diversity and plurality of ideas, people and situations.

## Learning Outcomes

1. Apply ethical and regulatory principles to the production of journalistic texts.
2. Demonstrate a critical and self-critical capacity.
3. Demonstrate a self-learning and self-demanding capacity to ensure an efficient job.
4. Demonstrate ethical awareness and empathy with the entourage.
5. Develop autonomous learning strategies.
6. Develop critical thinking and reasoning and be able to relay them effectively in Catalan, Spanish and a third language.
7. Recognise and describe the codes of self-regulation and codes of ethics governing the profession, both in Spain and at EU level.
8. Research, select and arrange in hierarchical order any kind of source and useful document to develop communication products.
9. Respect the diversity and plurality of ideas, people and situations.

## Content

### PROGRAM

#### 1.- Informative freedoms in the United Nations system

- Human rights and information freedoms
- The International Covenant on Civil and Political Rights: Article 19 ICCPR
- The prohibition of hate-speech advocacy: article 20 ICCPR
- International guarantee mechanisms for information freedoms
- Gender, information freedoms and human rights

#### 2.- Freedom of expression in the European Convention of Human Rights

- The Council of Europe
- Article 10 of the European Convention on Human Rights
- Case-law of the European Court of Human Rights on freedom of expression and information
- Gender, freedom of expression and the European Convention of Human Rights

#### 3.- Information freedoms and the European Union

- The European Union: principles, institutions and functioning
  - The European legislation on information society and the digital environment: introduction
  - Media and the audiovisual sector in the new EU Directive and framework
  - The Charter of Fundamental Rights: pluralism, freedom of expression and information
  - Gender, information freedoms and the European Union Law
- 4.- Informative freedoms and content
- Constitutional configuration of the right to freedom of communication: article 20 of the Constitution
  - The distinction between the right to freedom of expression and the right to freedom of information
  - Freedom of expression: freedom of thought, the right to receive information and the freedom to express its own opinion
  - The right to freedom of information: truthfulness, facts and news, people of public relevance
- 5.- Informative freedoms and armed conflicts
- The relationship between Human Rights and International Humanitarian Law
  - The legal regime for the protection of journalists in armed conflicts
  - The repeal or suspension of the freedom of information and expression: international and constitutional framework
  - Gender, freedom of expression and armed conflict
- 6.- The exercise and material protection of professional journalists
- The right of access to public information and research in public records. Criticism of institutions.
  - Transparency on public information
  - The prohibition of prior censorship
  - The information about private individuals: incidence of the legal framework
- 7.- The rights of personality as limits of informative freedoms
- The right to honor: general characteristics, the honor of legal persons and groups without legal personality
  - The right to personal and family privacy: privacy and information technology
  - The right to own image
- 8.- Civil protection and informative freedoms
- The civil protection of the rights of the personality: illegal interferences
  - Civil liability of the journalist
- 9.- The limits of informative freedoms
- Protection of childhood and youth
  - Professional and official relations

-Official secrets

-Information about the judicial process, revelation of the summary and oral judgment

10.- Criminal Law with incidence on informative freedoms

- The criminal and civil responsibility derived from the crimes of journalist

-Study of the different criminal figures in relation to the rights of personality: calumnies, defamation and insults, disclosure of private secrets, telephone listening and the illicit recording of images.

- Crimes related to information and freedom of expression, especially: crimes against Fundamental Rights, exaltation of terrorism, disclosure of official secrets, crimes against intellectual property, professional imprudence

- Hate speech and hate crimes

11.- Constitutional and judicial protection of informative freedoms

- The right of rectification. Precautionary and remedial measures

- The right to the clause of conscience

- The judicial and constitutional protection of fundamental rights

- Amparo recourse and constitutional protection

- The Ombudsman

12.- Self-regulation and codes of ethics

- The sense of self-regulation in the journalistic profession: notion and effectiveness

- Codes of ethics: content and function

- Professional bodies and associations of journalists

- Self-regulatory instruments in the media

13. The professional status of journalism and the Press Councils

- Education and qualification

- Newsroom Statute

- Public participation: Ombudsmen of the media and users associations

- The Press Councils: European and International dimension

- The Press Councils: scope, composition and functions

14.- Freedom of expression and artistic creation

- Right to freedom of production and artistic freedom

- Intellectual Property: Copyright and the right of quotation

- Cultural rights

- Regulation of the audiovisual sector
- Internet, digital environment and interactive media

#### Practical seminar

1. Sources of Law: structure and description. Search for legal information. Documentation, normative, Internet and Law. BOE, DOGC, DOUE and international Databases
2. Spanish and European judicial system. Search for judicial information. Judicial activity and journalism
3. Research, commentary and analysis of case-law of the European Court of Humans on freedom of expression
4. Research, comment and critical analysis of the European Union Law on informative freedoms, Fundamental Rights and audiovisual: simulation of a debate in the European Parliament
5. System of Fundamental Rights. Judicial protection. Research of normative and case-law. Seminar of constitutional Seminar on research and discussion about Constitutional Court Judgments
- 6.- Documentation and legal bibliography. Bibliographic documentation and bibliographic databases. Catalogues of libraries: Rebiun, Social Sciences, CBUC, Dialnet.
7. Legal news. Documentation of legal information. Analysis, commentaries and mistakes in Legal Journalism. Drafting of legal news
8. Seminars with case studies for discussion on the protection and limits of informative freedoms in the civil and criminal field
9. Seminar on data protection and independent authorities.
10. Seminar on journalistic ethics, debate and comment on journalistic self-regulation and the latest tendencies on journalistic ethics
11. Exercise on the right of rectification: regulations, scope and limits
12. Seminar on human rights and globalization, legal analysis of current issues on journalism in the contemporary international society.
13. Work on film excerpts, comments on art, discussion readings from the perspective of freedom of expression, the right to information and the freedom of artistic creation.

Gender perspective is transversal to the different contents of this subject, as reflected in the Program.

## **Methodology**

### METHODOLOGY

The learning process focuses on the work of the student, who learns working on study, being the mission of lecturers to guide in this learning task by providing information, promoting independent thinking and discussion and showing the sources for learning.

Teaching lessons and training of the student is based on the following activities:

#### - DIRECTED ACTIVITIES:

- a) Theoretical classes 10% Master classes
- b) Seminars 25% Individual or group work on a specific topic or learning activity.

- SUPERVISED ACTIVITIES:

c) Tutorials 5% Individual

- AUTONOMOUS ACTIVITIES:

d) Reading, analysis and synthesis of texts, preparation and completion of works 55% Comprehensive reading of texts and studies, recensions, bibliographical essays and drafting of diagrams, conceptual maps and summaries.

- EVALUATION ACTIVITIES

e) Assessment activities 5% Expression of oral or written knowledge.

## Activities

Title	Hours	ECTS	Learning Outcomes
Type: Directed			
Master Lessons	15	0.6	1, 3, 4, 2, 7, 9
Seminars and practical lessons	36	1.44	4, 2, 9
Type: Supervised			
Drafting of sheets, case studies, schemas and writings	5	0.2	1, 3, 4, 2, 7, 9
Tutorials	5	0.2	1, 3, 4, 2, 7, 9
Type: Autonomous			
Drafting of works	45	1.8	1, 8, 3, 4, 2, 7, 9
Research of documentation and bibliography	5	0.2	1, 8, 3, 4, 2, 7, 9
Study and lecture readings	15	0.6	1, 8, 3, 4, 2, 7, 9

## Assessment

### Evaluation

System of evaluation of the competencies achieved and system of qualifications.

The competences of this matter will be evaluated through the following systems:

- Oral and written exams (multiple-choice, open questions or development)
- Works (works of recension, commentary, discussion or criticism of readings, films or portfolio of the activities of the seminar)
- Evaluation of the activities undertaken and the quality of the interventions of the students in the seminars

The general structure of evaluation of this subject will be:

a) Exams:

Exam 1 (30%): 26th March o 2nd April

Exam 2 (30%): 4th June

b) Reading and written work assessable: 15%: Session realized in connection with Topic 2 of the Program

c) Assessable audio reading and work: 15% Session realized in connection with Topic 11 of the Program

d) Activities and interventions in seminars 10%

Re-evaluation for those students who have a minimum mark (2) at the end of the course after adding the results of the exams and practices of the continuous evaluation, following the regulations of the UAB:

All theory and seminar evaluation activities are reevaluable, as long as the students have been evaluated in a minimum of 2/3 parts of the total of evaluable activities.

Continuous evaluation involves doing the activities of continuous assessment and having passed, as minimum, one partial exam.

The re-evaluation will consist in an examination on the contents of the subject, in a format similar to the exams done during the academic course, as well as a summary of the essential aspects dealt within practical seminars.

The review of the different tests will be carried out in accordance with the provisions of the UAB regulations:

1. The revision will be done at least 24 hours after the final results, or the same day if it has been previously agreed.

2. The request for revision will be made to the professor responsible for the subject or activity that can be evaluated.

3. In case of change in the result, a documentary record will be made.

The student has the right to an extraordinary review of the final qualifications, within a period of 15 calendar days, following the criteria established in the UAB regulations.

## Assessment Activities

Title	Weighting	Hours	ECTS	Learning Outcomes
Practical lessons: correction and evaluation in the classroom, continuous evaluation	40%	10	0.4	1, 8, 3, 4, 5, 2, 7, 9
Review or work on monographic readings and control of these readings	40%	10	0.4	1, 8, 3, 4, 5, 2, 7, 9
Written Final Exam	60%	2	0.08	1, 8, 3, 4, 2, 6, 7, 9
Written Final Exam- (Final Part I)	60%	2	0.08	1, 8, 3, 4, 2, 6, 7, 9

## Bibliography

- Hannah ARENDT, *The origins of totalitarianism*, Penguin Modern Classics, 2017. (First edition 1951).

- Ignacio BEL, Loreto CORREDOIRA, *Derecho de la información. El ejercicio del derecho a la información y su jurisprudencia*, Centro de Estudios Políticos y Constitucionales, 2015
- Carolina BLASCO, *El derecho a la cláusula de conciencia de los profesionales de la información*, Editorial Bomarzo 2009.
- Lluís DE CARRERAS. *Las normas jurídicas de los periodistas. Derecho español de la información*. Universitat Oberta de Catalunya, Barcelona.
- Juan Carlos GAVARA, Josu DE MIGUEL; Sabrina RAGONE, S. (eds.) *El control de los cibermedios*, Barcelona, J.M.Bosch, 2014.
- Juan Carlos GAVARA; Josu DE MIGUEL.; Daniel CAPODIFERRO, D. (eds.) *El control judicial de los medios de comunicación*, Barcelona, J.M. Bosch, 2015
- María Jesús GARCÍA MORALES, "La prohibición de la censura en la era digital", *Teoría y realidad constitucional*, nº31, 2013.
- Chandra LEKHA SRIRAM, Olga MARTÍN ORTEGA, Johanna HERMAN, *War, Conflict and Human rights*, 3rd, ed, Routledge, (First edition 2014)
- George ORWELL, *Nineteen Eighty-Four*, Penguin Classics, 2019, (First edition 1949)
- George ORWELL, *Essays*, Penguin Modern Classics, London, 2000.
- Anne PETERS. *Beyond human rights. The Legal Status of the Individual in International Law*, Cambridge University Press, 2016
- Susan SONTAG, *Regarding the pain of others*, London, Penguin Books, 2013. (First edition 2003)
- Nuria SAURA, *Libertad de expresión y derecho a promover y proteger los derechos humanos*, Barcelona, J.M. Bosch, 2015
- Antonio TORRES DEL MORAL, A.(dir.) *Libertades informativas*, Colex.

#### COMPLEMENTARY BIBLIOGRAPHY

Complementary Bibliography will be provided during the course.