[ES] Decisions concerning information neutrality during election campaigns

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On 27 March 2019, two separate decisions from the Junta Electoral Central (Central Electoral Commission - JEC) and from the Junta Electoral Provincial de Barcelona (Barcelona Electoral Commission - JEPB) ruled that the public service Corporació Catalana de Mitjans Audiovisuals (Catalan Audiovisual Media Corporation - CCMA) had infringed the legislation concerning media and elections.

According to the Ley Orgánica del régimen electoral general (Representation of the People Institutional Act - LOREG), which regulates the use of mass media for electoral campaigning, the Electoral Administration has a duty to preserve equality in the course of electoral processes and requires public service media to respect that principle, maintaining information neutrality and observing the principle of proportionality.

The case before the JEC concerned an action brought by the political party Ciutadans-Partido de la Ciudadanía against a decision of the JEPB of 21 March 2019, rejecting its complaint against the CCMA for coverage of a demonstration which took place in Madrid on 16 March 2019, that is, during the electoral period leading up to the national election of 28 April 2019. The JEC upheld the appeal and revoked the Agreement of the JEPB. The JEC noted the electoral incidence of the informative coverage carried out by the CCMA and considered that the retransmission violated the principles of political pluralism and informative neutrality guaranteed by Article 66.1 LOREG, not only for the live and full retransmission of this act for more than two hours, but also for the deployment of means, not only in the retransmission of the demonstration but in multiple interviews in relation to it, not only of demonstrators, but also of political leaders belonging to certain parties, and by the television format used, which concentrated in it all the political information provided that day. In this way, the CCMA coverage was made in favour of the partisan interests defended by the organisers of the demonstrations, in violation of the principles of political pluralism and information neutrality.

The case before the JEPB also concerns an action brought by the political party Ciutadans-Partido de la Ciudadanía concerning the use by media belonging to the Corporació Catalana de Mitjans Audiovisuals of expressions such as "exile", “political prisoner" or "trial of repression". The JEPB decided that the use of such expressions by public service media managed by the Corporació Catalana de

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Mitjans Audiovisuals was contrary to Article 66 of the LOREG and Instruction 4/2011 of 24 March of the JEC, and especially to the principle of political and social pluralism, as well as to the principles of equality, proportionality and information neutrality that must govern the actions of the public media in electoral periods. It also urged the media owned by the CCMA to refrain from referring to the trial, which is currently ongoing before the Second Chamber of the Supreme Court, as a "repressive trial", as it is a trial conducted according to the Rule of Law. However, the JEPB did not see any reason to urge the aforementioned media of the CCMA to retract themselves as requested by the party that brought the action (for a similar case see IRIS 2018-1/16).

Acuerdo de la Junta Electoral Central número 101/2019, 27 de marzo de 2019

http://www.juntaelectoralcentral.es/cs/jec/doctrina/acuerdos?packedargs=anyosesion=2019&idacuerdoinstruccion=66987&idsesion=929&template=Doctrina%252FJEC_Detalle

Agreement of the Central Election Board No. 101/2019, 27 March 2019

Acuerdo de la Junta Electoral Provincial de Barcelona, 27 de marzo de 2019

https://www.ara.cat/2019/03/28/2019-27-03_recursononeutralidad_-2.pdf?hash=fe85be3e6e7d6c15a9729ee8744ae1101cff2a37

Agreement of the Provincial Electoral Board of Barcelona, 27 March 2019

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