[ES] Decision concerning information neutrality during election campaigns

IRIS 2019-6:1/10

Francisco Javier Cabrera Blázquez
European Audiovisual Observatory

On 25 April 2019, a decision from the Junta Electoral Central (Central Electoral Commission - JEC) upheld an action brought by Ciutadans-Partido de la Ciudadanía against a decision of the Junta Electoral Provincial de Barcelona (Barcelona Electoral Commission - JEPB) of 15 April 2019, rejecting its complaint lodged against the Corporació Catalana de Mitjans Audiovisuals (Catalan Audiovisual Media Corporation - CCMA), for the broadcast of the programme 'Sense Ficció: Un procés dins el procés' on TV3 on 9 April 2019.

According to Article 66.1 of the Ley Orgánica del régimen electoral general (Representation of the People Institutional Act - LOREG), which regulates the use of mass media for electoral campaigning, "respect for political and social pluralism, as well as equality, proportionality and informational neutrality in the programming of publicly-owned media during the electoral period, shall be guaranteed by the organisation of said media and their control as provided for in legislation."

The documentary "Un procès dins el Procès" aimed to show the psychological and emotional process experienced by the families of politicians in pre-trial detention who are currently being tried by the Supreme Court. However, according to the JEC, it offered an image of victimization of a sector of Catalan society that is openly favourable to political positions that coincide with those defended by a part of the formations standing in the general elections of 28 April 2019. The documentary as a whole conveyed a message legitimising the separatist cause, which is described in the film as a just cause whose defenders are thus victims of abusive and unfounded oppression. Accordingly, the image of politicians in pre-trial detention (candidates in the current general elections) was presented in a favourable light, and the theses that these candidates held were portrayed as good and certain.

Although the documentary and its broadcasting were in principle covered by Article 20 of the Spanish Constitution (which protects freedom of expression and communication), from the moment in which the electoral process had begun, public-service media must have respected the principles of equality, proportionality, pluralism and political neutrality when elaborating their programming. The broadcasting of the documentary created an imbalance that violated those principles due to the absence of any kind of compensatory

© European Audiovisual Observatory (Council of Europe) 2026

measure, either through information, interviews, or a documentary of similar characteristics that highlighted the ideological positions of other political formations. The JEC also explained that the fact that it is not always the candidates directly, but their families who expressed opinions in favour of a certain political position, did not deprive the documentary of its advertising effectiveness and, consequently, of its capacity to violate the principles of proportionality and neutrality that the CCMA should respect throughout the electoral process.

Acuerdo de la Junta Electoral Central número 249/2019, 25 abril 2019

http://www.juntaelectoralcentral.es/cs/jec/doctrina/acuerdos?packedargs=anyosesion=2019&idacuerdoinstruccion=67567&idsesion=934&template=Doctrina%252FJEC_Detalle

Agreement of the Central Election Board No. 249/2019, 25 April 2019

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026