[ES] RTVE interview violated the principles of informative neutrality and equality

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On 13 May 2021, the *Junta Electoral Central* (Central Electoral Board - JEC) partially upheld the appeal filed by the political party Vox against Decision no. 92 of the Provincial Electoral Board of Madrid of 1 May 2021, in relation to its complaint against the Corporación Radio y Televisión Española for the interview with the Vox candidate, in the programme "La Hora de la 1", broadcast on 26 April 2021. The decision rules that, in the terms in which the interview was carried out, there was a violation by RTVE of the principles of informative neutrality and equality set forth in Article 66.1 of the Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General (Organic Law on the General Electoral System - LOREG).

Article 66.1 of the LOREG states that "respect for political and social pluralism, as well as equality, proportionality and news neutrality in the programming of publicly-owned media during election periods, shall be guaranteed by the organisation of these media and their control provided for by law". The appealed decision had rejected the complaint based on the fact that "although the television interview may be somewhat incisive, and its forms debatable, [...] the freedom of information and opinion of the television medium must prevail, and the interview, as a whole, does not constitute an infringement of the principle of informative neutrality". In its decision, the JEC ruled that the two main topics chosen by the interviewer were of informative interest. However, taking into account the time devoted to them and the fact that, in her treatment of them, the interviewer maintained a tone of reproach and reprobation, taking a position, at times, against the interviewee, the JEC considered that the interview was not carried out in accordance with the principles of equanimity and neutrality required of the public medium in which it took place. According to the JEC, this critical tone was accompanied by a position, apparently at least, contrary to the candidate being interviewed, giving rise to a series of replies and counter-replies by the journalist, repeatedly questioning the candidate's reply and entering into a debate with her on the two controversial issues in terms that lacked the neutrality and balance with which public media professionals should act in this type of interview. In fact, it was a change of format, as what should have been an interview focused on the party's electoral programme became a debate between the journalist and the candidate, thus consuming the time allotted for this interview. While not disputing the presenter’s right to cross-examine the interviewee's answers, the

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JEC found reprehensible the way in which the media professional placed herself in a position of direct confrontation with the candidate. An examination by the JEC of the other election interviews conducted on the same programme, and by the same interviewer, showed that the journalist did not maintain this recriminatory tone with other candidates, nor did the interview focus on particularly polemical aspects, as in this case.

The JEC considered that it was not appropriate to open a sanctioning procedure, given that neither in this electoral process nor in recent previous processes had the JEC declared non-compliance by RTVE with the provisions of Article 66.1 of the LOREG. Therefore, the appeal was upheld in as much as it required RTVE to ensure that actions such as this one are not repeated in the future, and the professionals of said media outlet should respect the principles of news neutrality and equality with respect to all candidates competing in the elections.

A dissenting minority vote was subscribed by 5 members of the JEC, in which they considered that the decision of the JEC should have dismissed the appeal.

Acuerdo 300/2021 de la Junta Electoral Central, Núm. Expediente: 293/1235, 13 de mayo de 2021

http://www.juntaelectoralcentral.es/cs/jec/doctrina/buscadorresult?esinstruccion=false&idacuerdoinstruccion=76693&materias=0&objeto=Vox&operadoracuerdo=-1&operadorobjeto=-1&sPag=1&template=Doctrina/JEC_Detalle&tiposautor=0&total=67

Resolution 300/2021 of the Central Electoral Board, File No.: 293/1235, 13 May 2021.

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